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THE LIBRARY OF CONGRESS

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 1 NEW YORK, MONDAY, JULY 1, 1935 TEN CENTS

Paramount Is Finally Free Of Court Rule

Officers of New Setup Now in Control

Paramount Pictures, Inc., the reorganized Paramount Publix Corp., begins its normal operations, free of Federal court supervision which prevailed during the 29 months of the company's bankruptcy, this morning. Formal transfer of the assets of the company from the trustees in bankruptcy to the board and officers of the new company has been accomplished, bringing about the new independent administration.

While the trustees have not been

(*Continued on page 6*)

More Picket Trouble; New Arrests Total 26

After a few days of comparative peace and quiet along the picketing front, 26 Local 306 sandwich men were arrested over the weekend in Brooklyn and New York. Resumption of arrests leads union officials to believe that Mayor LaGuardia is cracking down on them and that efforts to settle the picketing situation by arbitration will fail. Twenty-three of the arrests were made in Brooklyn.

Frank Tichenor, publisher of *Outlook,* has a meeting slated with representatives of the various unions tomorrow. In operators' headquarters there is little doubt that Tichenor will accomplish anything.

Reinhardt's Second May Be "12th Night"

Max Reinhardt will direct a second for Warners of the "spectacle" type, with the choice of vehicle either Shakespeare's "Twelfth Night" or "The Miracle," which would be produced along the same general lines as the stage spectacle. "A Midsummer Night's Dream," Reinhardt's first, is now being edited and cut and will be road-shown prior to release in the fall.

Reinhardt, who sailed for Europe Saturday on the *Ile de France,* will return in two months, at which time his next will be definitely determined.

Loew Plans to Take More Chicago Sites

Chicago, June 30.—With the purchase of property in the Maywood section Loew's is moving ahead with

(*Continued on page 7*)

14 Long Island Theatres in Pool Set for Fall Signing

Contracts for the pooling of Century and Skouras theatres in Nassau and Suffolk counties in Long Island will not be signed until Sept. 1. Skouras has asked for the delay, although the two circuits are now working on a cooperative arrangement.

Each of the circuits will have seven houses in the pool. Final determination of the various towns to be turned over to George Skouras and A. H. Schwartz will be made shortly. The contract, when signed, will provide for a 10-year deal retroactive to Jan. 1, 1935.

Century's units involved are the Bliss, Sunnyside; Merrick, Jamaica; Franklin, Franklin Square; Fantasy, Rockville Center; Freeport and Grove, Freeport; Huntington, Huntington. Skouras' houses are the Sunnyside, Sunnyside; Valley Stream, Valley Stream; Lynbrook, Lynbrook; Rivoli and Hempstead, Hempstead; Jamaica, Jamaica; Cove, Glen Cove.

Last week Century increased its home office space 1,200 feet.

Indianans for Some Form of New Code Rule

Indianapolis, June 30.—Some substitute for the code is needed, it is agreed here among both independents and circuit men, but there is no agreement on the idea of a voluntary code. The chances for enforcement on that basis are not considered good.

Charles R. Metzger, attorney for Associated Theatre Owners of Indiana, comes forward with the suggestion that all elements of the industry get together to seek a solution. In the meantime most individual exhibitors say they are living up to code wage

(*Continued on page 6*)

"U" Orders Dialogue Cut to Its Minimum

Hollywood, June 30.—Carl Laemmle, Sr., has ordered dialogue cut to a minimum in all Universal product. This is to avoid difficulty in "dubbing" sound or in superimposing titles for the foreign market.

Studios Maintaining Activity; 41 in Work

Hollywood, June 30.—Production continued to hold a high water level here last week showing only a slight

(*Continued on page 6*)

W. B. Start Additions To Studio in 10 Days

Hollywood, June 30.—Bids for Warners' six-month construction program have been reviewed and ap-

(*Continued on page 7*)

Giveaways in Philadelphia Running Riot

Philadelphia, June 30.—In spite of efforts of premium dealers to curb the practice and thus conserve the value of premium-giving, the Philadelphia territory is beginning to run riot with giveaways, many houses having as many as four premium nights a week.

In addition to premiums, it is reported that bank nights, bingo and screeno nights will soon be introduced to the section. It is possibly for this reason that the premium men are seeking to restrict the giveaways to two nights a week, fearing that the trade may forsake dishes for lotteries.

Screeno May Be Out In Detroit Theatres

Detroit, June 30.—Judge Clyde I. Webster, of Circuit Court, refused to make permanent an injunction obtained last week by Jacob Schreiber, owner of the Colonial and Majestic,

(*Continued on page 6*)

Consolidated Plans Three in West Bronx

Consolidated Amusements will build three new theatres in the West Bronx, two of which will be of the

(*Continued on page 6*)

RFC Studies Roxy's $750,000 Loan Plea

Washington, June 30.—Following an application by bondholders of the Roxy Theatres Corp. in New York,

(*Continued on page 2*)

Aug. 15 Date For St. Louis Trial Looms

May Run Weeks, Maybe Into Months

St. Louis, June 30.—Industry observers keeping a close and steady watch on progress of the anti-trust actions against Warners, RKO, Paramount, their subsidiaries and some of their officers are of the opinion that the Federal Court will set Aug. 15 as the date for the trial.

While it is not customary to hold lengthy and drawn-out trials during summer months, it is expected Federal Judge George Moore, recently appointed by the President and approved by the Senate to hear the actions, will decide on the middle of August for the hearings to get under way.

Russell Hardy, special assistant to Attorney General Homer S. Cummings, recently pleaded with the court

(*Continued on page 2*)

Michalson to Head RKO Shorts Selling

Harry J. Michalson, formerly eastern central district manager for RKO, has been named short subject sales manager by Jules Levy, vice-president and general sales manager of RKO Distributing Corp. Michalson succeeds Al Mertz, who has returned to the Detroit office as manager at his own request.

Nat Levy, Detroit branch manager, has been named eastern and central division manager with supervision over Cleveland, Pittsburgh, Detroit, Cincinnati, Indianapolis, Washington, Philadelphia, Albany and Buffalo. His headquarters will be in Detroit.

Subpoena Effort in Fox Met Move Fails

The Sabath Congressional committee for the investigation of real estate reorganization was unsuccessful up to late Saturday in its attempts to subpoena Joseph M. Schenck and A. C.

(*Continued on page 2*)

A Letdown

Columbia enthusiasm was dimmed yesterday when its $19,000 opening day expectancy on "Love Me Forever" at the Music Hall shrunk to approximately $14,000.

PN19
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MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

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RFC Studies Roxy's $750,000 Loan Plea

(*Continued from page* 1)

the RFC here is studying the request for a loan of $750,000 to reorganize the theatre.

Observers here see little hope of the bondholders getting the money. On the three counts to be taken into consideration by the RFC, the Roxy is understood to fail to come within the necessary requirements.

Count one is that the corporation must be in distress. The Roxy Corp., under the trusteeship of Howard S. Cullman, is reported to have more than $250,000 in the bank.

Count two is that if the money is granted additional employment must follow. In the event the Roxy is reorganized it is not planned to take on any extra help, it is learned.

Count three is that the RFC will only grant a loan provided the bondholders cannot get other financial interests to reorganize the bankrupt corporation. In this respect, it is said there are three to four parties willing to rehabilitate the financial structure of the Roxy, but cannot agree on terms with the bondholders' protective committee.

U. A. to Elect Directors

HOLLYWOOD, June 30. — United Artists' stockholders will meet here Monday to elect directors. The election will be followed one week later by a meeting of the new board at which Al Lichtman's election to the U. A. presidency is scheduled to take place and his contract to be ratified.

Insiders' Outlook

By RED KANN

IT may be the Federal Housing Administration funds; it may be because roofs are beginning to leak and must be repaired, or it may be better business and a return of optimism, but theatre improvement reports are pouring into MOTION PICTURE DAILY in impressive numbers from all parts of the country. Coupled with the fact that openings are outrunning seasonal closings in New England, Missouri, Kansas, points in the South and in Wisconsin, these indications seem to point to an upturn in business. Nobody is talking about prosperity—that is, not in tones loud enough to be heard—but there seems to be an increasing number of exhibitors who are convinced business isn't going to the dogs. . . .

▼

Business in this business is better. How much better is naturally a matter of individual opinion and the approach surrounding any contemplation of the matter. It may be that this industry, like others, will have to reach a determination to permanently forget 1929 and the theatre killings which prevailed in those now hazy days. Perhaps the level of grosses which were standard then might better be forever more written out of the trade's consciousness for its own ultimate good. Perhaps it is the 1934 and 1935 level attained by the average attraction to which the industry is entitled and nothing more. The gold rush days were pleasant, agreeable, and easy to take, of course. We had them and we should be grateful. Let's not go into the fool's paradise sort of thing and wallow in the delusion that they must continue. . . .

▼

The indifference of too many exhibitors to the possibilities at hand is capturing more and more interest from the distributor who has expensive negatives to clear. The inclination appears to be growing, without evidencing any wholesale or broadside strokes, for the distributor to take a more active part in the exploitation of his bigger attractions and to insist, maybe, that some of the handling, at least, follow precepts set down in New York. The attitude might be described as entirely selfish and with both optics glued to percentage splits, yet if it should reflect additional dollars at the till the premise behind it obviously becomes commendable.

▼

As a current manifestation of the point under discussion, there is that which George J. Schaefer recently told the Paramount sales convention. For what it is worth and for what it implies, the text is worth reprinting. Here goes, then:

> "You have got to assume the responsibility of getting the most out of the product, not merely by selling it, but by proper booking and by insisting upon, and assisting in, proper exploitation. No longer can the matter of exploitation be left entirely in the hands of the exhibitor. We can't merely let our product go over the counter, like so many pounds of potatoes. We've got to run an unquestionable first in the whole industry if we are going to protect our own prestige as well as our production situation on the coast."

▼

Universal's decision to cut dialogue to a minimum by way of preserving and augmenting the appeal of its product in foreign-language countries was one of Saturday's sparse, but few interesting developments. Aimed at overseas distribution, the plan is of significant value in the domestic field as well. Motion pictures are supposed to move, not to stand still and talk their customers out the door. Continued and strict observance to the first tenets of the business persists in proving a sound path to pursue. . . .

▼

So Hollywood will move from Hollywood for various and sundry eastern points, to fight California taxes, will it? That, somehow or other, fails to jibe with additional construction activity on the coast. Those nine new studios for Warners, for instance.

▼

How it goes in some cases: Business on the Popeye cartoons, which Max Fleischer makes for Paramount, increased 39½ per cent in the first thirty-nine weeks of this year. . . .

▼

Futures: Bill Fields in "Rip Van Winkle," also "Mr. Pickwick." A yarn based on the life of Florence Nightingale. All from Paramount. . . .

Roach in Harness

HOLLYWOOD, June 30.—Hal Roach, who was taken to the hospital after suffering a fractured jaw in a polo game, has returned to the studio wearing bandages.

"Dad" Roach, the producer's father, is now at home.

New Paper Out Soon

Picture Business, new weekly trade paper to be published by R. F. Woodhull and to be edited by Martin Starr, is slated to make its initial appearance July 4.

Aug. 15 Date For St. Louis Trial Looms

(*Continued from page* 1)

for an early trial on the grounds that an extended delay would virtually destroy the business of the complainants and add considerably to the losses of approximately 6,000 bondholders of the Ambassador, Grand Central and Missouri. Hardy, during recent hearings on motions filed by RKO Distributing Corp. and Ned E. Depinet, president, for sustaining a demurrer, stated that the court should be able to dispose of the motions by July 15.

Attorneys for distributors requested that the trial date be set early in October. Senator Reed and Sam B. Jeffries, local Warner counsel, indicated to the court that the defense would counter with a "vicious" attack on the business methods of Fanchon & Marco and Harry Koplar, who had been affiliated with F. & M. until recently.

Several prominent attorneys from New York are expected to participate in the trial. Louis Phillips of counsel for Paramount, has made a number of trips here on behalf of his company. RKO and Warners have sent special counsel from the home office to aid local counsel.

Meanwhile, F. & M. plans to reopen the Ambassador around Sept. 15. Universal and Fox product in all probability will be shown.

Harry C. Arthur, vice-president of F. & M., is expecting to make this town his headquarters after the summer. It is understood he will personally supervise operations of his circuit and make periodic trips to New York and the coast for conferences with Mike Marco and Jack Partington.

The trial, once it gets under way, is expected to take several weeks. In fact, it may take months.

Subpoena Effort in Fox Met Move Fails

(*Continued from page* 1)

Blumenthal for questioning today in connection with the Fox Metropolitan Playhouses' reorganization plan. I. Alfred Levy, counsel for the committee, said that efforts to subpoena the two would be continued.

Levy petitioned Federal Judge Julian W. Mack last week to defer giving final court approval to the Fox Met plan until the committee had completed its investigation of the reorganization and obtained the testimony of Schenck and Blumenthal. Judge Mack, however, approved the plan with the stipulation that in the event evidence of improprieties in the Fox Met reorganization was uncovered by the Sabath committee he would exercise his right to veto candidates proposed for the board of new Fox Met.

The trustee of Fox Met on Saturday reported a net loss after depreciation, amortization, interest, expenses and other deductions, of $410,855 for the period from Aug. 17, 1934, to Jan. 31, 1935.

First Division Meet Off

First Division will not hold its regular board of directors meeting today. Several of the directors are away.

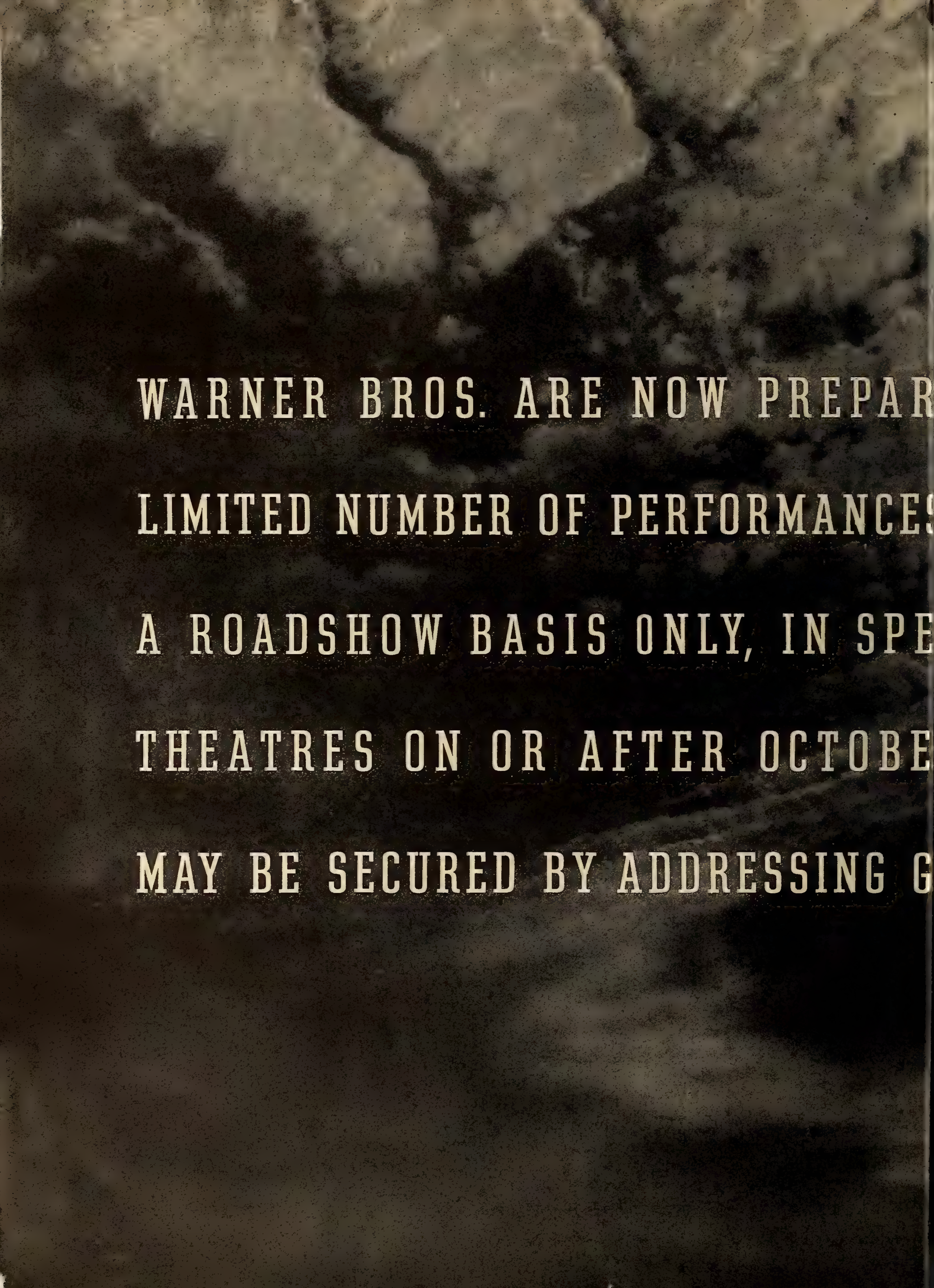
"SHE" WAS YOUNG AND BEAUTIFUL FOR 500 YEARS!...AND WICKED EVERY ONE OF THEM!

SHE

MERIAN C. COOPER'S

Astounding and Spectacular Re-Creation of H. RIDER HAGGARD'S Weird and Wonderful Novel . . . . Fabulously Produced With a Cast of Thousands.

RKO-RADIO PICTURE



WARNER BROS. ARE NOW PREPAR

LIMITED NUMBER OF PERFORMANCES

A ROADSHOW BASIS ONLY, IN SPE

THEATRES ON OR AFTER OCTOBE

MAY BE SECURED BY ADDRESSING G

TO CONSIDER CONTRACTS FOR A

"A MIDSUMMER NIGHT'S DREAM," ON

LLY SELECTED MOTION PICTURE

5, 1935. FURTHER INFORMATION

WELL L. SEARS OR A. W. SMITH, JR.

Indianans for Some Form of New Code Rule

(*Continued from page 1*)

and hour provisions and hoping something will happen.

"The industry needs a definite setup to settle its problems speedily," says Metzger. "A voluntary code will not meet the need. Men who want to maintain fair practices will be handicapped by those who will refuse to go in on such a code, or live up to their agreements if they do go in.

"This would seem to be an excellent time to gather all elements of the industry together with the idea of working out something fair as a long time method of self-regulation."

Charles Olson, only independent first run operator here, is sitting tight waiting for something to happen. In the meantime he is maintaining code hours and wages, he says. Kenneth Collins, manager of the Apollo, a Fourth Ave. Amusement Co. house, is doing the same.

On the other hand, Carl Niesse, local manager for Central City Amusement Co., says he's glad the code is ended. He is opposed to minimum salary regulations or any other form of code control, he says.

Shannon Katzenbaugh, general manager for Fourth Ave. Amusement Co. at Terre Haute, says "something should be done to prevent price slashing and the demoralization of the business in competitive areas."

Ross Garver, operator of the Orpheum, little Virginia and Swan at Terre Haute, leans to the idea of a voluntary code. The NRA regulations were "sane and sensible," he says, and he indicates he has a few suggestions for a new setup.

Consolidated Plans Three in West Bronx

(*Continued from page 1*)

"arty" type and seating about 600, and the third to seat from 1,500 to 1,800.

The first to get under way will be at River Ave., near the Yankee Stadium. This is the largest of the trio and will be ready around Christmas. Plans will be completed and approved within the next few days.

The other two will be on the Concourse. One will be situated at Mt. Eden Ave. and the second at 183rd St. near Fordham Rd. It is expected both will be ready by Labor Day.

Consolidated now operates 18 theatres in the Bronx and on 8th Ave. The new additions will increase the total to 21.

Studios Maintaining Activity; 41 in Work

(*Continued from page 1*)

drop-off from the mark set the preceding week. The seven-day checkup revealed 41 features and two short subjects working on the sound stages as compared to 44 and two the week before.

M-G-M continued to hold the lead in feature activity with 10 shooting, none scheduled to go before cameras within the next two weeks and 15 in final editing. Paramount retained second place with nine shooting, two preparing and three editing. Fox had four, five and seven; Columbia four, two and four; Warners four, one and 10; RKO four, five and five; Goldwyn two, zero and zero; Universal two, one and two; Roach zero, zero and one with the independent group checking up with two, one and one.

Short subject production held even. RKO registered one short in work, one in preparation and six in the cutting room. M-G-M zero, two and six; Roach zero, one and four; Universal zero, one and zero; Columbia zero, two and two, with the independent studios showing one, zero and one.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Anna Karenina"

(*M-G-M-Selznick*)

HOLLYWOOD, June 30.—Tolstoy's classic is here resurrected by the magic of glamorous Garbo, filmed with meticulous taste by Producer David Selznick and guided by the facile hand of Clarence Brown, its director.

In its appeal to the eye with effects of lavish splendor, in its approach to the ear with Russian symphonic accompaniment, in casting and direction the production is well nigh perfection.

In its appeal to the heart and sympathies, however, and its ability to impress rock-ribbed adherents of family life in America, who may not appreciate the nuances of the love tragedy of this gracious patrician and the czar's captain, its impact may be questioned. On foreign soil the film should be sensational.

Countess Greta, married to Basil Rathbone and the mother of the boy, Freddie Bartholomew, is caught in the vortex of romance with bachelor Fredric March for "unimaginable despair and unimaginable bliss." Tightlaced Russian court society is her nemesis, as is March. Such is a short blue-print of the plot.

Not too unselfish is their love, although sophisticates will sense the plight of storm-tossed Greta swirled in life's tides, and women may weep with her. But the average American mother is apt to say it served her right and it is this mother who is the ticket buyer for the family.

Lovely to behold, slim and spirituelle, Garbo is still preeminent in her field. March is satisfactory as the selfish lover. Freddie Bartholomew is a remarkable youngster in priceless scenes. Reginald Owen, Rathbone, Maureen O'Sullivan, May Robson, Joan Marsh and others support splendidly.

Clarence Brown's direction is fine, although handicapped by none too new situations and the screen's compromise with them.

Clemence Dane and Salka Viertel did the screenplay. S. N. Behrman's dialogue adaptation rates roses.

Garbo's drawing power linked to March and Bartholomew in the production, the importance of which is self-evident, will unmistakably pull big opening crowds, but on the verdict of succeeding word-of-mouth will depend follow-up patronage.

Production Code Seal, No. 1015. Running time, 85 minutes. "A."

SHAPIRO

"Welcome Home"

(*Fox*)

HOLLYWOOD, June 30.—This is a small town comedy ably done in what is fast becoming the best Fox tradition.

James Dunn, race track tout, leaves his shady companions, Raymond Walburn, William Frawley and Arline Judge, returning to his home town for a high school reunion. The local Chamber of Commerce is anxiously awaiting Charles Sellon, wealthy alumnus, to present him with a factory site. Dunn finds the chamber finances under the guidance of Frank Melton, who has invested the funds for the purchase of worthless Walburn securities.

Infatuated with Rosina Lawrence, local girl, Dunn sends for his old partners to get the money back. But they are broke on arrival and after complications, Walburn, with the shell game, beats Sellon out of more than enough to repay the committee while Dunn persuades Sellon to accept the town offer and open the factory. Rushing to claim Miss Lawrence and finding her engaged to Dave O'Brien, he takes Miss Judge, for whom audience sympathy has been built.

A large supporting cast in which Charles Ray does an excellent bit and the production values are good. The direction of James Tinling paces the action rapidly. The screen play by Marion Orth and Arthur Horman from the latter's original is workmanlike.

The picture is thoroughly adequate as average entertainment. Production Code Seal, No. 992. Running time, 74 minutes. "G."

(*Additional review on page 7*)

Paramount Is Finally Free Of Court Rule

(*Continued from page 1*)

discharged by the court their only remaining activity, preserved to them through the Paramount reorganization plan, will be to retain the causes of action in the suits pending against former officers and directors of the company and its banking associates which seek the recovery of large amounts allegedly representing excessive bonuses paid by the old company and damages believed to have been sustained through operations in connection with the issuance of old Paramount stock.

The contesting of claims remaining against the company, which aggregate more than $8,500,.000, or the settlement of them, will be assumed by the new company. These claims include those of Sam Katz, Sidney R. Kent and Jesse L. Lasky, aggregating approximately $600,000, but are exclusive of an additional $10,000,000 of claims filed by E. M. Loew of Boston and A. B. Momand of Oklahoma, for triple damages on anti-trust charges. These latter claims are understood to be in the process of settlement.

Screeno May Be Out In Detroit Theatres

(*Continued from page 1*)

restraining police and investigators of the prosecutor's office from interfering with the playing of screeno in the two theatres.

Judge Webster dismissed the case, by his action perhaps sounding the death knell of screeno here as Prosecutor Duncan C. McCrea has ordered the games stopped.

Bank night was not included in the case, but Schreiber also has been notified by police to stop his cash give-away nights. It is understood that the local bank night representative here plans a conference with the prosecutor. Should McCrea hold that to be illegal, too, the matter will be taken into court. Bank night men claim their game is not a lottery, inasmuch as it is not necessary to buy a ticket to the theatre to participate in its prizes.

Won't Enjoin "Gold Mine"

BOSTON, June 30.—Federal Court here has denied a second demand for an injunction against "Gold Mine," premium scheme handled by Jim Kennedy, who originally sold bank night over much of New England. This is the second unsuccessful litigation by bank night sponsors, who have been testing their legal strength against this particular competitor, which they claim infringes on their patents. What will be the next move, if any, against the horde of cash premium plans is as yet hazy. Bank night has been sending warnings to exhibitors utilizing these plans.

Renew with Boland

HOLLYWOOD, June 30.—Paramount has renewed contracts of Mary Boland, Sir Guy Standing, William Frawley, players; and Hans Dreier, head of the art department.

Purely Personal

JOHN McCORMICK, literary agent, and JOSEPH and MRS. GILPIN arrive from the coast tomorrow on the *Santa Paula.* GILPIN is assistant general manager of the Warner studio.

•

BILL FOX is at his Woodmere, L. I., estate for the summer after a jaunt to Santa Barbara and the San Diego Fair. His friends declare he never looked or felt better.

•

FRANK F. KOLBE, president of Pathe, is in Chicago and plans to make a number of other stops before returning to New York.

•

JOE PENNER, who leaves for the coast today, will stop off at the Grand Canyon for a day and take in the panoramic sweep of gorges.

•

JOSEPH I. BREEN returns to New York en route to Hollywood about July 10. He is now on a European vacation.

Quip of the Day

Historical note and accuracy:

It was Metro which first produced "The March of Time" and not "The March of Time."

Proof: That expensive musical made on the M-G-M lot several years ago which never saw the light of day as a feature but which was cut up into shorts.

Remember?

JAMES R. GRAINGER left for Massachusetts last night to attend the funeral of his nephew, who drowned over the week-end.

•

ELIZABETH LONERGAN is off to Hollywood, not London, as reported earlier. It's England next summer.

•

W. P. LIPSCOMB, English writer, is at the Lombardy on an American visit that will include Hollywood.

•

DARRYL ZANUCK and BILL GOETZ spent the week-end at the Atlantic Beach Club.

•

DR. HERBERT T. KALMUS, president of Technicolor, has returned from Europe.

•

P. D. COCHRANE is doing jury service in Westchester for the time being.

•

SID GRAUMAN planned to leave for Hollywood over the week-end.

•

. . . Wilmington

A. JOSEPH DIFIORE, Park Theatre manager and president of the Independent M. P. T. O. A. of Delaware and Eastern Maryland, is mentioned for the office of clerk of City Council. DIFIORE was the Republican candidate for council at the last election and was defeated.

LEON BENHAM, manager of the Stanley-Warner Queen, is vacationing at Memphis. He will be gone about two weeks.

DWIGHT VAN METER, former manager of the Warner Aldine here, now in charge of the Astor at Reading, Pa., and ROSE MARIE CAULK were married here recently.

Looking 'Em Over

"Redheads on Parade"

(Fox)

LONG BEACH, Calif., June 30.—If a picture starring a platinum blonde could make the United States a nation of platinum blonde women, why shouldn't a picture of all redheads put red hair back on the map?

This somewhat reasonable question is answered in the affirmative by "Redheads on Parade," calculated to make the world red hair conscious. The picture is a bit slow moving as shown here, but nevertheless scores as better than average entertainment. It portrays the behind the scenes of the action in a film studio where the extravaganza is being filmed with Dixie Lee and John Boles co-starred.

Raymond Walburn, angel of the show and manufacturer of "Titianola" red hair dye being boomed by the picture, is in love with Miss Lee and so is Boles. Herman Bing and William Austin supply the comedy as manufacturers of platinum blonde dye who try to wreck the show because if it goes over their business is doomed. Alan Dinehart is the show's producer and Jack Haley a crack press-agent. Patsy O'Connor, four years old, makes his debut, but is no Shirley Temple, although he sings cutely and dances well.

The songs, "I Found a Dream," novelty number, and "I've Got Your Future All Planned" and the finale, "Redheads on Parade," are all good. Norman McLeod directed.

Reviewed without production code seal. Running time, 90 minutes. "G."

Mexico City Strike May Reach Into Fall

By JAMES LOCKHART

MEXICO CITY, June 30.—The theatre employes' strike here, which has closed four large neighborhood houses, is believed likely to continue until September as a result of injunctions obtained yesterday by the strikers' union from the local district court restraining the application of a Federal conciliation and arbitration board decree holding the strike to be unjustified, and ordering the houses to open.

The strikers' union posted an $8,000 bond with the court to guarantee the complete carrying out of its obligations under the injunction. One house reopened, but patrons were intimidated by pickets and left. Owners of the affected theatres assert that business is insufficient to warrant granting the strikers' demands for salary increases.

Edison Name Revived

DOVER, Del., June 30.—Edison Film Corp. has been formed here with a capital of $1,100,000. The incorporators are C. S. Peabbles, L. H. Herman and Walter Lenz, of Wilmington.

Formation of Edison Film Corp. in Dover revives a famous producing name of the early days of the industry.

Bartholomew as Twist

HOLLYWOOD, June 30.—Freddie Bartholomew, the young David of "David Copperfield," will play Oliver Twist in a picturization of the Dickens' novel planned by M-G-M.

Seek to End Plaints

BUFFALO, June 30.—Tom Pettey of the Hays office has been consulting local editors and others for several days on Buffalo's film squawks.

W. B. Start Additions To Studio in 10 Days

(Continued from page 1)

proved by studio executives and actual building will start within 10 days.

The new studio construction will provide nine new sound stages, a large crafts building housing shops and mills to replace those lost by fire several months ago, a new property building and 12 standard film vaults. Several miles of concrete and asphalt paving, conduits to carry power, water, gas and compressed air and several underground transformer vaults will also be provided. Construction of a concrete retaining wall along a river bed adjoining the studio will also be constructed to prevent flood damage.

Loew Plans to Take More Chicago Sites

(Continued from page 1)

its plans to invade Chicago. Before returning to New York over the week-end, Harry Moskowitz of the Loew's construction department filed plans for the Oak Park, 1,600-seater, and the letting of contracts will begin immediately.

Four or five other sites are understood being considered by the circuit. The construction firm of Rapp & Rapp is at work on plans for the structures.

"We are going into business in Chicago," asserted E. A. Schiller, Loew executive.

Tyson Services Today

Funeral services will be held at St. Patrick's Cathedral this morning for Dr. Cornelius J. Tyson, who died at St. Vincent's Hospital, where he was president of its medical board, on Friday.

Dr. Tyson was physician for a number of film men and women, including Winfield Sheehan, J. J. McCarthy, Mrs. James R. and Mrs. E. C. Grainger.

Short Subjects

"Carnera-Louis Fight"

(Ronny Pictures)

Because of the interest now prevalent in Joe Louis, the latest sensation of the prize ring, exhibitors will probably profit by showing this film.

Entertainment values are sadly lacking when compared to other pictures of this sort. The photography suffers greatly in comparison and the sound is undoubtedly dubbed.

The action of the fight is caught, none too clearly, since the photographer was behind a post, but the knockdowns are there, and that is what the public will want to see.

Running time, 12 mins. "G."

"Informer," "Girl" Montreal's Leaders

MONTREAL, June 30. — "The Informer" and "Adventure Girl" on a dual bill at the Princess were the principal profit-makers of the week. They took $8,000, up by $2,000 with the help of the Baer-Braddock fight pictures.

The only other house to pass normal was the Imperial which garnered $3,500 on "Society Doctor" and "The Forbidden Territory."

Grosses were helped somewhat by almost continuous rain which put a crimp in outdoor sports.

Total first run business was $32,500. Average is $30,000.

Estimated takings for the week ending June 22:

"BLACK FURY" (F. N.)
"THE CASE OF THE CURIOUS BRIDE" (F. N.)

CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $9,000. (Average, $9,500)

"SOCIETY DOCTOR" (M-G-M)
"THE FORBIDDEN TERRITORY" (British)

IMPERIAL—(1,914), 20c-25c-34c, 7 days. **Gross:** $5,500. (Average, $3,500)

LOEW'S—Temporarily closed.

"OUR LITTLE GIRL" (Fox)
"THE DARING YOUNG MAN" (Fox)

PALACE—(2,600), 25c-35c-40c-50c-65c, 7 days. **Gross:** $10,000. (Average, $11,000)

"THE INFORMER" (Radio)
"ADVENTURE GIRL" (Radio)

PRINCESS — (2,272), 30c-35c-50c-65c, 7 days. Added: Baer-Braddock fight. **Gross:** $8,000. (Average, $6,000)

Wall Street

Loew's Up on Big Board

	High	Low	Close	Net Change
Columbia vtc.....	68	67¼	68	+ ⅛
Consolidated Film.	4¼	4⅛	4¼	+ ¼
Cons. Film., pfd..	16⅜	16⅛	16⅛	.....
Eastman Kodak..	146¾	146¾	146¾	+1
Fox "A"..........	14¾	14½	14¾	+ ⅜
Loew's Inc........	41⅜	41⅜	41⅜	+ ⅛
Loew's Inc., pfd..	108	108	108	+1
Paramount Publix	4⅜	4⅛	4⅜	.....
Pathe	⅝	⅝	⅝	.....
RKO	2	2	2	.....
Warner	3⅞	3⅞	3⅞	.....

Trans-Lux Gains ¼ on Curb

	High	Low	Close	Net Change
Trans-Lux	2⅜	2⅜	2⅜	+ ¼

Bond Market Slumps

	High	Low	Close	Net Change
Paramount Broadway 5½s '51.....	60	60	60	— ⅜
Paramount F. L. 6s '47...........	94⅜	94⅜	94⅜	— ⅛
Paramount Publix 5½s, '50.........	96	95	96	— ⅞

(Quotations as at close of June 29)

Summer Show FIREWORKS!

ERNEST TRUEX
in
"FRIENDLY SPIRITS"
and
"THE LIGHT FANTASTIC"
Produced by Al Christie

TOM HOWARD
and GEORGE SHELTON
in
"TIME OUT"
and
"THE MAGIC WORD"

"WINGS OVER MT. EVEREST"
The heroic and historic story of the Houston Mount Everest Flight
Narrated by Lowell Thomas
An Educational Pictures 2-reel Special

Paul TERRY-TOONS
By Frank Moser and Paul Terry
"KING LOONEY XIV"
"MOANS AND GROANS"
"AMATEUR NIGHT"

"SKI-SCRAPERS"
A Beautiful and Thrilling Norseland Saga of the Ski
A TREASURE CHEST PRODUCTION

SYLVIA FROOS
and WARREN HULL
in
"ALL FOR ONE"
A Young Romance Comedy
Produced by Al Christie

S-s-s-s! BOOM! BANG! And the program is off to a happy start with one of these sizzling short subject skyrockets of entertainment.

Presented by
E.W. HAMMONS

Distributed in U.S.A. by Educational Pictures "THE SPICE OF THE PROGRAM" FOX Film Corporation

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE
DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 2 NEW YORK, TUESDAY, JULY 2, 1935 TEN CENTS

Para. Trustees See Company's Future Bright

Issue Statement Lauding Zukor and Associates

A preduction of a successful future for the new Paramount company and a tribute to Adolph Zukor and other company officers on both coasts are contained in a statement issued yesterday for the former trustees of the company by Arthur A. Ballantine, of counsel for the trustees. The statement was made in connection with the official launching yesterday of reorganized Paramount.

Stating that at the beginning of Paramount's receivership in January, 1933, the outlook for the company was "dark," and that "disintegration and loss to investors and to the public seemed more likely than reconstruction and recovery," Ballantine

(*Continued on page 2*)

New Jersey Allied Will Meet Monthly

Starting July 16, Allied of New Jersey will hold regular meetings once a month instead of four, as at present. Sidney Samuelson, president, also plans to call all the sessions in New Jersey and do away with meetings at the Lincoln here.

Behind the once-a-month meeting is the idea of holding all-day sessions. About five hours will be given over to business of the month while the balance of the day will be devoted to social activities. The next conclave will be held in Asbury Park. Another meeting will be held in August, probably the 13th, before the annual convention gets under way Aug. 21 for three days at Atlantic City. The eastern regional meeting of Allied units will also be held Aug. 21 in conjunction with the New Jersey convention.

Allied Will Consider Banding on Booking

CHICAGO, July 1.—Massing of the nation's independent exhibitor strength to bring about enactment of the Pettengill anti-block booking bill

(*Continued on page 2*)

In Lights

At RKO's 81st St. theatre:
Mae West
in
Goin' to Town
Cooling System in Operation

New Pool Talked

Rodney Pantages is in New York from Hollywood reputedly in connection with a pool at RKO involving the latter's Hillstreet, Los Angeles, and the Pantages, Hollywood. Cliff Work, city manager for RKO in San Francisco, is also in town.

Paramount Talking Pool in Middletown

Paramount is negotiating a pooling deal in Middletown, N. Y., with M. Hathaway whereby the latter's State and Stratton would be jointly operated with the former's Paramount.

A deal was on some months ago, but didn't get far. However, this time the discussions are expected to materialize in a definite arrangement. If, and when, the deal goes through, George Walsh, Paramount district manager upstate, will supervise.

Clevelanders Seek New Dual Ban Pact

CLEVELAND, July 1.—The Cleveland M. P. Exhibitors' Ass'n. meets Tuesday to determine, if possible, a uniform policy in the Greater Cleveland area as to double features.

It is understood an effort will be made to secure signatures to a new agreement, supplanting the old agreement which expires July 8th, providing for one dual change a week with features not playing a downtown first run.

British Approve 20% More Films for May

WASHINGTON, July 1.—The number of films passed during May, 1935, by the British Board of Censors was 20 per cent over the number in May, 1934, accordiing to a report to the U. S. Department of Commerce from Assistant Trade Commissioner Henry E. Stebbins in London.

In films longer than 3,000 feet, this was an increase of 37.5 per cent over May, 1934, while under 3,000 feet the increase was 11.3 per cent.

Baltimore Pleased By Results of Code

BALTIMORE, July 1. — NRA code regulations apparently have pleased exhibitors here if the opinions of those interviewed are to be taken as an example of what the rest think.

Morris A. Mechanic, president of the New, said: "A voluntary code, if properly worked out, should function

(*Continued on page 2*)

CHICAGO'S M-G-M BATTLE SUBSIDING

Independents Are Buying New Product for Many Spots, It Is Said

CHICAGO, July 1.—Independent theatre opposition to M-G-M, predicated on that company's sales policy of percentage pictures and designated playing time, is beginning to crumble.

Working quietly, but apparently with results satisfactory, M-G-M has sold its product to a number of accounts which to date have held out as part of the local campaign to keep Leo out of as many neighborhood houses as possible until selling terms undergo a change.

The Lou Remheimer and Jack Rose circuits are reported among those who have gone M-G-M. Gumbiner's Commodore, as well as the Admiral, Drake, Portage Park and Revue, all operated by Kourshon and Solomon, are others. The understanding is other deals have been closed with individual houses, although who and what they are could not be learned today.

In the meantime, M-G-M is proceeding with plans to build a 1,600-seat theatre in Oak Park and E. A. Schiller continues to stay on in connection with other theatres previously announced.

Theatre Gains Are Heavy in Midwest Area

KANSAS CITY, July 1. — Theatre business is decidedly on the upgrade in Western Kansas and Missouri, asserts Walter Denney, manager of National Theatre Supply Co.

This applies to new construction, renovation and collections, he says. Prospects for the rest of the year are 100 per cent better than a year ago, he declares.

For years exhibitors have ridden along without making any improvements or replacements.

"We have fewer theatres today—and will have in spite of contemplated openings—than we did during silent days," he asserts. He says there is no overseating in this territory.

Denney's views are corroborated by Larry Larsen, theatre architect and builder. Building is on a broader scale

(*Continued on page 11*)

Circuits Checking Skolsky's Material

Large theatre circuits are conducting a national checkup of the amount of unfavorable production information carried in the syndicated Hollywood column of Sidney Skolsky with a view to obtaining either the elimination of the column from newspapers using it or elimination of its objectionable material, it was learned yesterday.

The national move now under way by the local offices of affiliated theatres in all cities in which the Skolsky column is published follows upon the successful move of George Trendle and

(*Continued on page 2*)

Newsreel Theatres Abroad Set in Deal

By BRUCE ALLAN

LONDON, July 1.—Percy N. Furber, chairman of the board of Trans-Lux Movies Corp., has closed a deal here with Will Evans and Lord Beaverbrook.

It is understood they plan a circuit of newsreel theatres in England and on the continent, using Trans-Lux equipment. Two will be constructed immediately, it is understood.

U. A. Men to Stay On Coast Six Days

United Artists' sales force will be on the coast six days, with three days devoted to business sessions and three to pleasure, the latter to include a varied program.

Business sessions will start July 8 at the Ambassador, Los Angeles, with about 175 members of the home office

(*Continued on page 8*)

Greater Cincinnati Forming a New Unit

CINCINNATI, July 1.—Independent suburban exhibitors have made tentative plans for formation of a new exhibitor unit to include the Greater

(*Continued on page 2*)

No Paper Thursday

Motion Picture Daily **will not publish on Thursday, July 4, which is Independence Day and a legal holiday.**

MOTION PICTURE
DAILY
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MAURICE KANN
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Move Jersey Personnel

With the resignation of Clarence Gomprecht as manager of the Plaza, Bayonne, N. J., the Rosenblatt-Welt circuit has effected a number of changes. Anthony DiAgostino, formerly at the Lyceum, Bayonne, succeeds Gomprecht, and Gus Nestle of the Orpheum, Jersey City, switches to the Lyceum. Art Stevens, general manager of the Maurice Goodman circuit, will become manager of the Orpheum July 15.

Exhibit G. B. Paintings

Twelve original paintings of G.B. stars painted by A. Ginsberg for A. P. Waxman's year book have been placed on exhibition in the British Empire Building, Rockefeller Center. The exhibit will be continued for several weeks in the Garden Tea Room on the roof.

Baily to M-G-M

HOLLYWOOD, July 1.—Tom Baily is reported set to join the M-G-M publicity department under Howard Strickling. His resignation as publicity manager for the Paramount studio went into effect today.

MICHAEL BARTLETT
in
"LOVE ME FOREVER"
WILLIAM MORRIS OFFICE

Allied Will Consider Banding on Booking

(*Continued from page* 1)

and the Duffy copyright measure will be the chief matter for consideration at an administrative session of Allied called for July 10 and 11 at the headquarters of the Indiana unit at Indianapolis. Regional vice-presidents will attend with other officers. The meeting will also discuss and review product and sales clauses for the new season and carry out the mandates of the recent national Allied convention at Atlanta.

A joint meeting of the directorates of the Indiana and Kentucky units is scheduled for the Claypool Hotel, Indianapolis, on July 11, to be followed by a general mass meeting.

Abram F. Myers, Sidney E. Samuelson, H. M. Richey, Aaron Saperstein and Al Steffes are listed among the speakers.

Circuits Checking Skolsky's Material

(*Continued from page* 1)

Willard Patterson of United Detroit Theatres in having the column dropped from the *Detroit Free Press.* After unsatisfactory attempts by the paper to edit out objectionable material the Detroit theatres canceled their advertising in the *Free Press.* The paper then eliminated the Skolsky column entirely. Trendle and Patterson contended that the columnist's material more than offset whatever good was derived from their theatres' advertising in the paper. The same view is shared by numerous circuit executives here and in other large cities, it was stated yesterday.

Find Only 491 Film Workers on Relief

LOS ANGELES, July 1.—Film workers on county relief total only 491, according to figures submitted to the Casting Bureau by the Los Angeles County Relief Ass'n. This figure is regarded as low in view of the fact that there are approximately 20,000 persons connected with the industry. The total does not include persons receiving help from other sources.

Delay Cleveland Case

CLEVELAND, July 1.—Hearing of the local bank night testimony by Saul Danaceau, appointed referee by the Court of Appeals, which was set for today, has been postponed to July 8.

It is understood the case will go ahead without interruption when Danaceau starts taking testimony and that the Court of Appeals, now adjourned, will return to argue the case.

Pick Jam Handy Service

Jam Handy Picture Service has been named Eastern sales representative for General Screen Advertising, Inc., distributors of film advertisements. Howard P. Ruggles, formerly president of Ruggles & Brainard, Inc., will be in charge in the New York area.

Otterson Leaves Chicago

CHICAGO, July 1.—John E. Otterson, new Paramount head, met 30 members of the company's theatre department here today at a dinner at the Drake. He left for the coast later in the evening.

Baltimore Pleased By Results of Code

(*Continued from page* 1)

for the best interests of the industry as a whole."

J. Lawrence Schanberger, manager of Keith's, said: "We have no intention of making any changes at Keith's where wages and working hours for employes are concerned. As far as a voluntary code is concerned, we are heartily in accord with it provided the independent exhibitor is properly protected."

Code regulations will be continued at theatres controlled by the Philip J. Scheck Enterprises, according to Robert Scheck, president, and Meyer Leventhal, managing director.

"As far as my personal experience with the code is concerned," said Scheck, "I see no reason why it should not be continued."

J. Harry Gruver, proprietor of the Glen, Glen Burnie, Md., a few miles from Baltimore, says: "We ought to continue on the code basis where wages, working conditions and child labor are concerned, but some of the other restrictions could be eliminated."

Greater Cincinnati Forming a New Unit

(*Continued from page* 1)

Cincinnati area, which takes in northern Kentucky cities directly across the Ohio river, and border towns of other adjoining states. It is intended to replace the Ohio Valley Independent Exhibitors' League which was dissolved several months ago.

The organization, when formed, aims to work in harmony with the local exchanges and Film Board of Trade. Equitable adjustments of the present unsatisfactory clearance schedules, and relief which was expected to accrue under the code will be among the objectives sought.

An organization meeting probably will be called in the next few weeks when a temporary chairman will be named.

Stumar, Cameraman, Wiley Die in Plane

LOS ANGELES, July 1.—Charles Stumar, well known cameraman, and Harrison Wiley, art director, both of whom were employed by Universal, were killed Sunday while trying to land a plane. They struck a tree, forcing the engine back into the fuselage.

The plane belonged to Stumar and he is said to have been at the controls.

Eugene Lauste Cremated

LINDEN, N. J., July 1.—Eugene Lauste, sound film pioneer who died of a stomach ailment at the Montclair Community Hospital, Montclair, on Thursday, was cremated today at the Rosehill Crematory. The body was borne here from the Gorny Funeral Home, Bloomfield.

Nathan Liggett Passes

Nathan Liggett, father of Sam Liggett, head of the non-theatrical department of Columbia, and of Jules Liggett of Universal, died Sunday. A widow and one daughter, Selma, also survive. Burial was at Mt. Lebanon Cemetery, Long Island.

Para. Trustees See Company's Future Bright

(*Continued from page* 1)

declares that "from weakness the Paramount enterprise has been brought back to unquestioned strength."

"Rebuilding of the properties for the good of all has been accomplished by the wise and unremitting efforts, with the constant cooperation of Adolph Zukor, dean of the picture industry, and other able executives of the regulars in Hollywood and New York. The new structure is sound and seaworthy," Ballantine continues. "This day opens the way for new achievement by the regenerated Paramount, carrying legitimate benefits to security holders and satisfying large needs of the public. Alike for new figures in the ceaseless Paramount campaign—John E. Otterson, H. A. Fortington and Edwin L. Weisl and their associates—and for Zukor and his band of veterans who did not know how to be beaten, I predict the fullest measure of success."

Lawyers engaged in the reorganization work during the past year, representing protective committees and creditors, and Ballantine's firm, will file their applications for fees with Special Master John E. Joyce today. The applications will come from about 20 law firms and are expected to aggregate well over $2,000,000 despite Federal Judge Coxe's caution to the attorneys to keep the applications within reason. The fees will be paid out of Paramount funds provided for in the company's reorganization plan. A hearing on the applications will be held before Judge Coxe July 18.

Judge Coxe yesterday reversed a ruling by Special Master John E. Joyce under which Paramount was denied leave to settle a claim of $503,127 filed against the company in its bankruptcy proceedings by Commercial Investment Trust Co. Under Judge Coxe's order the company is authorized to proceed with the settlement of the claim by allowing it in the amount of $371,389, plus interest.

The settlement of a claim for $26,766 filed by the landlord of the Madison-Toledo, at Toledo, O., for $2,421, was authorized yesterday by Joyce.

Disney Awarded a Medal

Walt Disney has been awarded the League of Nations gold medal for his Mickey Mouse films and Silly Symphonies. The award was made by the Comite International pour la Diffusion Artistique et Litteraire par le Cinematographe.

Warners in Atlanta Move

ATLANTA, July 1.—Warners have closed a deal for a new building on Spring St., next door to the new M-G-M building. The lease is for 10 years. The new building will be ready about Oct. 1.

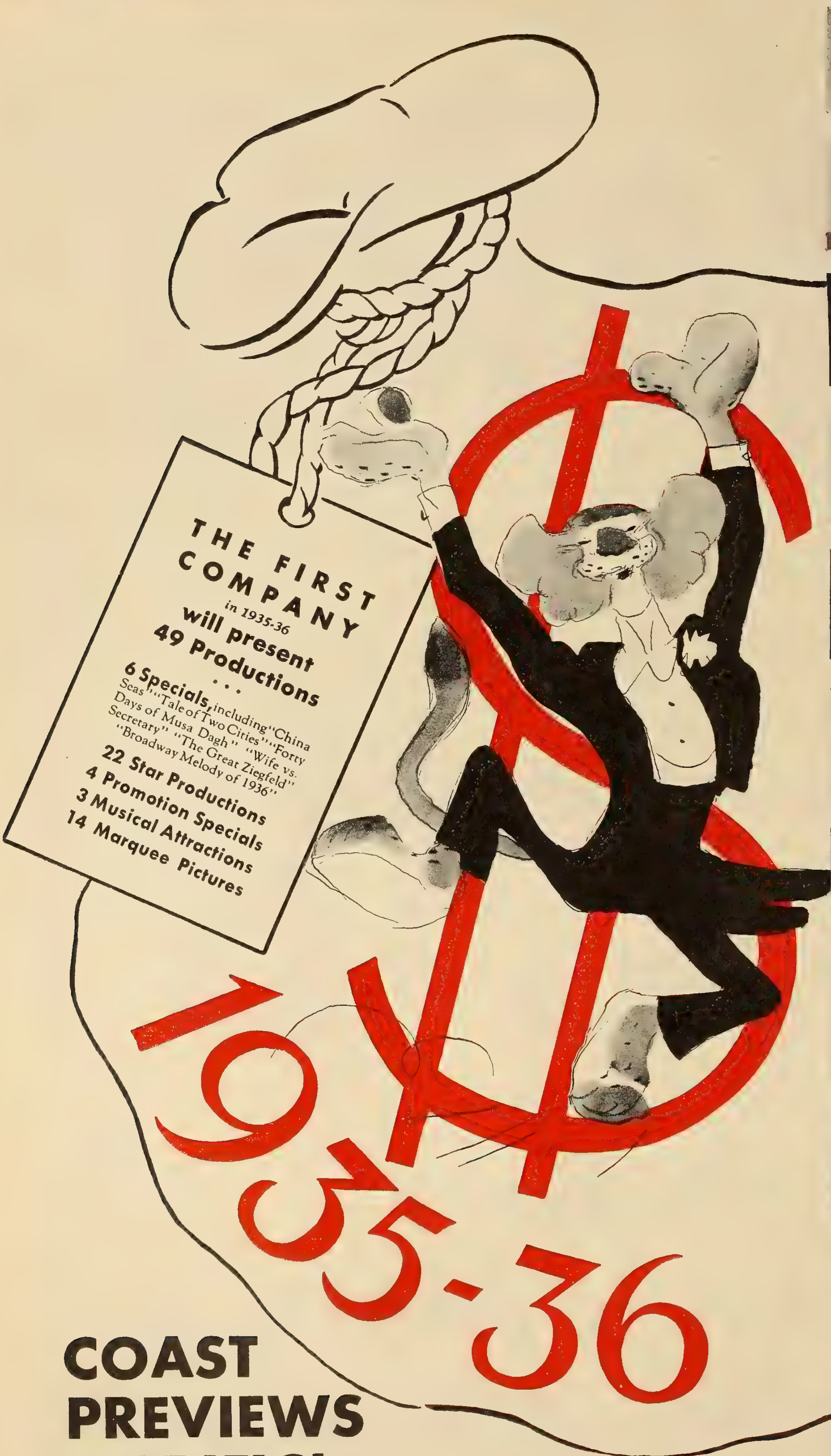
"Virginian" to Globe

The re-scored and re-edited version of "The Virginian" is slated to open at the Globe on Friday.

SHARE THE WEALTH!

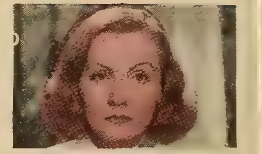
It affects every exhibitor in America-

What are you doing about it?



THE FIRST COMPANY
in 1935-36
will present
49 Productions
...
6 Specials, including "China Seas" "Tale of Two Cities" "Forty Days of Musa Dagh" "Wife vs. Secretary" "The Great Ziegfeld" "Broadway Melody of 1936"
22 Star Productions
4 Promotion Specials
3 Musical Attractions
14 Marquee Pictures

NORMA SHEARER


GRETA GARBO

CLARK GABLE

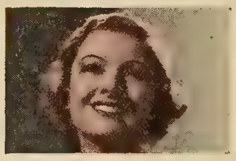
WALLACE BEERY

JOAN CRAWFORD

ROBERT MONTGOMERY

JEAN HARLOW

WILLIAM POWELL


MYRNA LOY

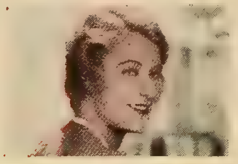
NELSON EDDY

JEANETTE MacDONALD

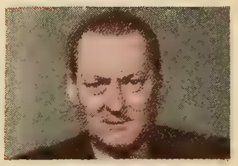
CONSTANCE BENNETT

FREDDIE BARTHOLOMEW

CHARLES LAUGHTON


GRACE MOORE

MARX BROTHERS


LIONEL BARRYMORE

SPENCER TRACY

LAUREL & HARDY

JACKIE COOPER

JACK BENNY

CLIFTON WEBB

COAST PREVIEWS TERRIFIC!

"CHINA SEAS"—(GABLE, HARLOW, BEERY)
"ANNA KARENINA"—(GARBO, Fredric MARCH, Freddie BARTHOLOMEW)

They are the talk of the West Coast, August and September Releases. Start the new season with M-G-M's "SHARE THE WEALTH" line-up!

Funds Being Sought For U. S. War Films

Washington, July 1.—Rehabilitation of films made by the U. S. Signal Corps during the world war will be undertaken immediately if the Quartermaster General is given an allocation of $37,000 from the Work Relief Fund asked of the Division of Applications and Information today.

Need for protection of these films was disclosed last year when inspection showed that they were rapidly deteriorating. Efforts to secure funds from Congress failed and it was planned to do the work this summer and fall with funds diverted from other purposes.

The work will consist of classifying the pictures now in the vaults of the Signal Corps, including some German and English film, the elimination of duplication and the printing of new copies of those which are designed for permanent retention.

The War Department also plans to construct theatres at a number of army posts and has asked the Division of Applications and Information for $30,000 for one at Chilkoot Barracks, Haines, Alaska; a similar sum for one at Fort Baker, San Rafael, Cal., and $60,000 for one at the Presidio, Monterey, Cal.

Seek Confirmation For $45,000 Award

An order asking the state court to confirm the arbitration award granted the Apollo and Hollywood against RKO recently was filed yesterday by the owners of the two theatres which are under lease to RKO. Counsel for the latter will enter a motion tomorrow to have the award vacated in its entirety. Both applications are scheduled for hearing next Monday in state court.

The arbitration award directed RKO to pay $45,000 damages to the Apollo and Hollywood owners and to make numerous changes in operating policies at both houses. RKO will contend that parts of the award are too indefinite and that other parts are impossible to fulfill.

Church Groups Plan Sunday Shows Fight

Harrisburg, July 1.—Seven religious and temperance organizations intend to fight moves for municipal votes on Sunday films wherever they are conducted under the terms of the law passed at the last session of the Legisture.

The organizations, according to Dr. O. B. Poulson, Huntington, are: Anti-Saloon League, W. C. T. U., Pennsylvania State Dry Committee, National Reform Ass'n., Lord's Day Alliance, Western Pennsylvania Sabbath Ass'n., Pennsylvania State Grange, State Council of Christian Education, Council of Churches and Christian Endeavor.

Charter Penn. Republic

Harrisburg, July 1.—Republic Pictures Corp. of Pennsylvania has been chartered here by M. J. Kanin, H. J. Gelfand and S. J. Kanin.

Frisco Fox Tries Night

San Francisco, July 1.—Bank night has reached a Market Street first run, the Fox, with 4,600 seats.

Purely Personal

Dave and Mrs. Loew, Joe and Mrs. Vogel, Oscar and Mrs. Doob, Mrs. Mort Spring, Jules and Mrs. Levy, Joe Moskowitz, Max Baer and his bride, Elmer Pearson, Nick Kenny, Ivan Annenberg, Regina Crewe, Hannah and Jack Dempsey, Herb Cruikshank among those at a gala Sunday evening at the Pavilion Royal. The place was studded with stage and radio celebrities dancing to Abe Lyman's music.

●

"Deac" Aylesworth, Leslie E. Thompson, Sol A. Rosenblatt, Willard McKay, Herb Yates, Felix Feist, Lynn Farnol, Don Mersereau, Tom Connors, Eddie Saunders and Eddie Golden on West 52nd St. for lunch yesterday. Which is the same as saying: "21." Feist will spend the 4th at Placid; Farnol on a 'plane bound for Hollywood and the U.A. convention.

Quip of the Day

Mox Shobbus, hot and bothered by life as it goes on the fringe of Hollywood, inquires if Aliquippa, which is in Pennsylvania, is the birthplace of Ali Gaga.

Arthur Willi, newly appointed talent scout for Radio, yesterday moved from the 11th floor in the RKO Building to his new offices on the 14th floor. Bill Howard, who formerly handled the vaudeville bookings in the west, is now general manager of the RKO Vaudeville Booking Corp.

●

Hugh Davis of Republic's accounting department is vacationing. Eileen Ogden, the "hello girl," ditto. Judy Marron, formerly of First Division, is pinch hitting at the switchboard. Flo Davis leaves on her respite Saturday and Sam Kestenbaum of the publicity department has just returned from two weeks at Rye.

●

Cliff Work, western division manager for RKO, has arrived from the coast for a week's home office conferences. With him on the same plane were Herman Kirsken, manager of F.W.C.'s Warfield, San Francisco, and William Heineman, western division manager for Universal.

●

Roland Asher, business manager for Paramount's "The Big Broadcast of 1935," is in town making arrangement to film Amos 'n' Andy, Ray Noble's band and others for use in the film.

●

Carroll Rheinstrom, advertising manager of *Photoplay,* has been named to a similar post at *True Story.* Curtis J. Harrison, formerly eastern manager of the film magazine, now becomes advertising head.

●

Jack Oakie and Norman Taurog are enroute from the coast to make scenes for "The Big Broadcast." Oakie will combine business with pleasure and hang around town for a vacation until recalled by the studio.

●

Evelyn O'Connell, Y. Frank Freeman's secretary, has won three baseball pools at Paramount. If her luck keeps up her vacation will be at her associates' expense.

Monroe Greenthal had an experience on his plane trip west. In his own words:

> "Talk about a conglomerate gathering of personalities! Here's a list of the people who were with me on the plane to Los Angeles:
>
> "An Indian by the name of Strongwater, Bill Wilkerson, Mike Levee, Jack Kirkland, author of 'Tobacco Road'; Hester Deane, the model for the Lucky Strike and Cadillac ads, and Nicotina, a Russian dancer.
>
> "Needless to say nobody got any sleep on the way out to the coast, and to make matters worse, the plane was grounded at a place called Saugus, 25 miles away from Los Angeles, where we waited for the fog to clear for three hours. We broke up the monotony by riding bicycles all over the airport and finally ended up by having a game of One-A-Cat with a half-inflated rubber ball; so, as you can readily see, I am living up to the high standard required of United Artists' semi-final executive."

●

Arthur Mayer, pen in hand from Guatemala:

> "Here at last is the ideal location for our country home. We're nerts over Guatemala and leave reluctantly for Mexico."

●

Ben Knoble's daughter, Charlotte, was engaged over the week-end to Irving Michael Seigel, an attorney. Knoble operates the Embassy and Plaza, Mt. Vernon, and the Liberty, Poughkeepsie.

●

Charles A. Morla, who recently returned from Cuba, will make his headquarters at the Republic foreign home office for a short while, after which he will sail for South America.

●

Dave Blum returned from Lake Champlain yesterday by train. Arthur Loew and Mort Spring are due back today in Loew's yacht, *Funnyface.*

●

Jack Sullivan, FWC film buyer, is prepared for his usual summer stay here. Has lots of summer clothes with him.

●

Helen O'Toole, eastern secretary for M. P. T. O. A., is back on the job following an operation for appendicitis.

●

Edmund Goulding may direct "Guns" for Paramount if current negotiations by the company are successful.

●

Myron Sattler, New York exchange manager for Paramount, accompanied Bernie Brooks, salesman, upstate last week.

●

Al Selig, U. A. exploiteer, left last night for Hartford to handle the opening of "Sanders of the River."

●

Bill Powers, Fox West Coast attorney, is due to leave for the coast shortly.

●

Dave Barrist of Philadelphia is going on a 30-day ocean cruise. He expects to return about Aug. 1.

●

Don Jacocks and George Skouras deny a pooling deal is on between Warners and Skouras in New Jersey.

●

Myles Connolly's "Lady Smith" has been acquired by Paramount.

●

The Jules Levys, the George and Sam Dembows, Herman Robbins,

Boycott Bumps Film Houses in Monterey

By JAMES LOCKHART

Mexico City, July 1.—Monterey, which has been fast developing into an industrial center near the Texas border, promises to be without pictures as a result of a boycott against all exhibitors started as a protest against the dismissal of 22 employes because of their alleged demands for a new collective labor contract.

The boycott has been ordered by the National Federation of Cinematographic Industry Workers and federation workers here are preventing discs from leaving for Monterey. This step virtually assures the closing of the houses, since it is impossible to import directly from the U. S. All pictures must be first viewed here by the Federal government.

The local strike of union men is expected to extend to eight more neighborhood houses this week, owing to a disagreement between the circuit running the theatres and the union.

Kaffenberg Married

Cincinnati, July 1.—Edward Kaffenberg, manager of the Palace, at Aurora, Ind., near here, was married Saturday to Inez Baker, office secretary of the Aurora High School.

Bill Massce, Joe Rifkin and others spent part or all of their week-end at the Nautilus Beach Club.

●

Al Zimbalist is on his way back to St. Louis. Which means another workout for that new Ford V-8.

●

Harry M. Goetz and William Philips head toward Hollywood today. They go like the birds.

●

Joe Breen postcards from the "capital city of the ancient Magyars." In other words, Budapest.

●

Arnold Van Leer left for New Haven yesterday for a short trip.

●

Al Lichtman and Hal Horne are on their way to the coast by train.

●

Larry Kent is vacationing at Brown's Health Farm upstate.

●

Lillian Silver has rejoined Charles L. O'Reilly as secretary.

●

Arthur W. Kelly hops west today.

●

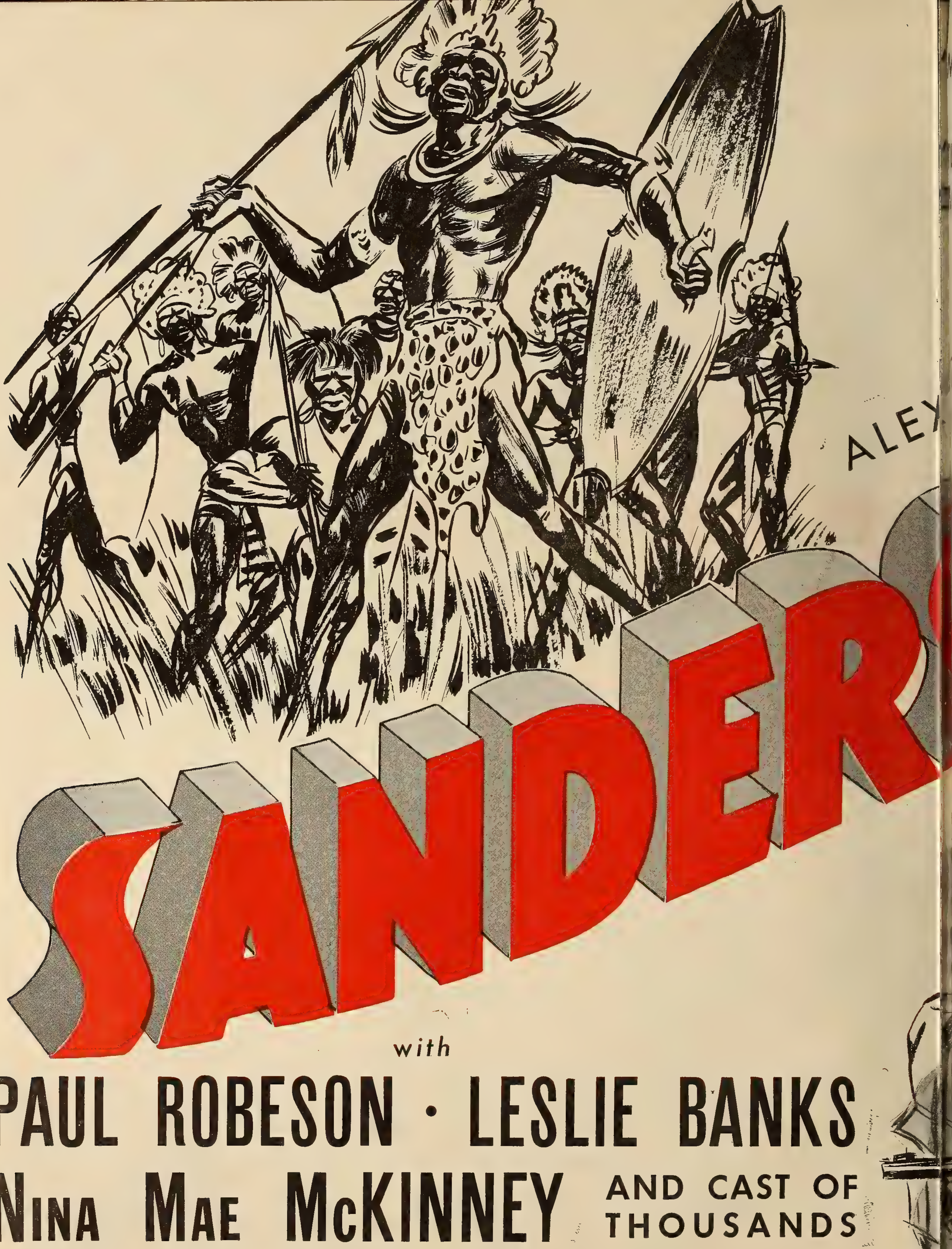
. . . Canada

Mayor H. E. Wilton of Hamilton, Ont., who runs the Strand, has been elected as president of the Mayors Ass'n. of Ontario for the next 12 months.

H. B. Wells of Toronto, for some years treasurer of Allied Exhibitors of Ontario and Associated Theatres, has been married.

Dick Main of the Grand, Sudbury, formerly of Ottawa, has decided to go into double harness. The young lady is Berna McCullough, society editress of *The Sudbury Star.*

James E. Delaney, proprietor of Delaney's, Gananoque, Ont., is the high flyer of Canadian exhibitors . . . flies his own plane to Toronto to book pictures and back to open the house. Also tosses out throwaways from the sky on occasions.



ALEX

SANDER

with

PAUL ROBESON · LESLIE BANKS

NINA MAE McKINNEY AND CAST OF THOUSANDS

Directed by ZOLTAN KORDA

Released thru **UNITED ARTISTS**

MOST ENTRANCING JUNGLE STORY SINCE 'TRADER HORN'!"

— *Philadelphia Public Ledger*

LY EXCITING. ONE OF THE SEASON'S MOST IMPRESSIVE AS. ONE YOU SHOULDN'T MISS!"

— *New York American*

DER KORDA
resents

OF THE RIVER

"Colorful, exciting and unusual!" *N. Y. Daily Mirror*

"Honest, red-blooded excitement. A grand job!"

— *N. Y. Sun*

"Has everything that goes into the making of a diverting screen display!" *Philadelphia Daily News*

"Paul Robeson's magnificent voice has never been heard to better advantage!"

— *Philadelphia Inquirer*

Variety Club

Detroit

Detroit, July 1.—William Flemion, Excellent Pictures sales manager, is chairman of the committee in charge of the Variety Club's first annual cruise, which will be held aboard the yacht *Anona*, on July 11.

Morris Dudelson, United Artists branch manager, and Eddie Murphy, RKO salesman, are the other members of the committee.

The club members will set sail at 9 A. M., going across Lake St. Clair to the flats where they will land for a roadhouse dinner and entertainment, making the return trip in the evening.

Kansas City

Kansas City, July 1.—Finton Jones, pinch-hitting for Chief Barker George Baker, who was attending the Excelsior Springs regional convention of Paramount, did a very nice job as "king" last week.

Chevrolet sound pictures were shown to a group which included George Topper, associated with the Fox office at Los Angeles, and L. J. Lenhart, operator of the Lee at Clinton, Mo., who were guests.

Jack Cameron, E. C. Leeves and W. E. Gregory, have been elected kings for several weeks running now, but have not been able to don the crown. They are elected again for July 7. Joe Maguire, Joe Manfre and Harold Lux were kings for today.

Benny Benjamin, in charge of the golf tournament, has postponed the meet until July 7.

Washington

Washington, July 1.—Visiting exhibitors held forth in a big way when United Artists' Sid Lehman and Universal's Joe Gins tossed the first official club function in about a month.

Besides many exhibitors from Baltimore and other cities, were, National Screen's Murray Starr, Chicago Exhibitor Robert Edlavitch, Fox Division Manager Edgar Moss, and WOL's exploitation chief, Hal Sheffers.

Entertainment furnished by the Lehman-Gins combine, kings for a day, was made available through the courtesy of the Earle's Harry E. Lohmeyer and Loew's Fox's Gene Ford. Comic Larry Rich mastered the ceremonies, presenting Joe Bell singing a la Nick Lucas, Comedienne Jane Shirley, Herb Cook and his Three Little Words, and Bert Granoff.

Today's luncheon had Harry Hunter and Joseph P. Morgan as kings for a day.

After July 15 the bi-weekly luncheons will be discontinued. The smokers on the alternate Monday nights, however, will continue through the summer.

Tickets for the first show boat cruise to "somewhere down the river" are selling rapidly. Cruise Skipper Carter T. Barron says that there will be music for dancing and refreshments, and adds with his genial Georgia twinkle that all the plans have not been released.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"In Old Kentucky"

(*Fox*)

Hollywood, July 1.—Will Rogers' latest is loaded with laughter as melodramatic romance and other showmanship elements head it for certain box-office championship. The Sam Hellman-Gladys Lehman screen play from Charles Dazey's stage attraction is nearly completely refashioned, sparkling and building from an exciting opening to a novelty surprise ending.

George Marshall's direction times thrills and big laughs for bang-up entertainment. Charles Sellon, shotgun grandpa; Etienne Giradot, goofy rainmaker, Bill Robinson's tap dancing, a romance between Dorothy Wilson and Russell Hardie and a whoop-'em-up horse race highlight the show, which Rogers, in his inimitable style magnified, dominates throughout.

The supporting cast, including Alan Dinehart, Esther Dale, Louise Henry and John Ince, gives creditable performances. Production, by Edward Butcher, and photography, by L. W. O'Connell, are topnotch.

One of Rogers' best, this picture should roll 'em in the aisles and do Kentucky Derby business.

Production Code Seal No. 1017. Running time, 85 minutes. "G."

Looking 'Em Over

"Don't Bet on Blondes"

(*Warners*)

It may be bad policy to bet on blondes, but exhibitors can bet on this picture, which, with proper handling, should prove a winner.

Director Robert Florey concentrated on comedy and laughs and may be proud of the results. The film, as a whole, is colorful and exciting in action and dialogue, using the sport world as a background and with excellent portrayals on the part of Warren William, Claire Dodd, Vince Barnett, William Gargan and Guy Kibbee to help it along.

The yarn, an original by Isabel Dawn and Boyce DeGaw, has William as a big-time bookie who tires of sports and turns to insurance, such as Lloyds of London, for new thrills. He'll insure anything against anything else, and when he insures Miss Dodd, beautiful Broadway star, against marriage the fun starts. After many complications, however, things end well and it is William who winds up at the altar with her.

The supporting cast is excellent, particularly Kibbee as a julep-guzzling Kentucky colonel of the old school intent on proving the South didn't lose the "war between the states." Gargan and Barnett are their usual capable selfs. Others are Hobart Cavanagh, Errol Flynn and Clay Clement. The photography of William Reesc is excellent.

Exhibitors who exploit this film properly should cash in handsomely, and should have no trouble finding angles to play up.

It may be light and frothy, but it's entertainment. Production Code Seal No. 959. Running time, 60 minutes. "G."

"The Vanishing Riders"

(*Spectrum*)

The fact that some of the incidents in this western starring Bill Cody are a little asinine will probably not injure its chances with western fans. For the picture, a Ray Kirkwood production, has enough tingling action to atone for whatever faults it may possess. It provides its star with a two-fisted role which he plays in the most approved western fashion. The presence of his son, Bill, Jr., in the cast, lends added attraction.

The story concerns Cody'e efforts to foil a gang of brigands who get themselves hired as cowhands on Ethel Jackson's ranch with the intention of making off with her cattle. The plot gives Cody and the gang alternately the upper hand until just before the end, when the villains get their just desserts. The younger Cody plays a big part in bringing about the downfall of the outlaws.

A romance between the star and Miss Jackson is hinted at, although there are no actual scenes of love-making between the two.

There are many humorous moments that ought to be of considerable help in putting the film over.

Roger Williams, Donald Reed, Wally Wales and Bud Buster are some of the others in the cast. The direction is by Bob Hill.

No production code seal. Running time, 58 minutes. "G."

(*Additional review on page* 11)

U. A. Men to Stay On Coast Six Days

(*Continued from page* 1)

and field staffs on hand. Al Lichtman will make the product announcement and appearances will be made by Mary Pickford, Douglas Fairbanks, Charlie Chaplin, Samuel Goldwyn, David O. Selznick, Gunther Lessing, A. H. Giannini and Eddie Cantor.

Selznick will entertain the delegates at a cocktail party Wednesday afternoon. A banquet at the Trocadero is scheduled for Wednesday night.

On Thursday the group will visit the U. A. studios and watch work on Samuel Goldwyn's "Dark Angel" and "Barbary Coast," and Reliance's "Red Salute." This will be followed by a luncheon with Miss Pickford as hostess. In the afternoon the group will visit the Walt Disney studios, with a buffet supper at Goldwyn's house closing the day's activities.

Busses will take the crowd to Agua Caliente Friday morning, returning to Los Angeles the following morning.

Pell to Make Picture

San Francisco, July 1.—Rodman Pell, proprietor of the Pellman Paper Co. here, departs July 3 for the South Seas for the purpose of making a 10-reel colored travelogue which he expects to exhibit here, charging admission.

Pell has made several trips to the South Seas and has shown his pictures gratis before luncheon clubs and various organizations. This will be his first colored picture.

"Thin Air" Is Retitled

Hollywood, July 1.—Warners have changed the title of "Thin Air," radio story by Mildred Cram, to "Radio Jamboree of 1935." Franchot Tone and James Melton are the only players set for the production so far. Production is scheduled to start next week.

Wall Street

Warner Pfd Up 1⅜ on Big Board

	High	Low	Close	Net Change
Columbia vtc (c1)	69¾	68⅛	68¾	+ ¾
Consolidated	4⅜	4¼	4¼	.....
Cons., pfd (1¼v)	15⅞	15⅞	15⅞	— ¼
Eastman	147½	146	147½	+ ¾
Fox "A"	14½	14⅜	14⅜	— ⅜
Loew's, Inc.	41⅜	41¼	41¼	— ⅛
Paramount	4½	4¼	4⅜	.....
Pathe	¾	⅝	¾	+ ⅛
Pathe "A"	9¼	9¼	9¼	— ⅜
RKO	2⅛	2⅛	2⅛	+ ⅛
Warner	4	3⅞	3⅞	.....
Warner, pfd	25⅛	25	25⅛	+1⅜

Technicolor Off 1 on Curb

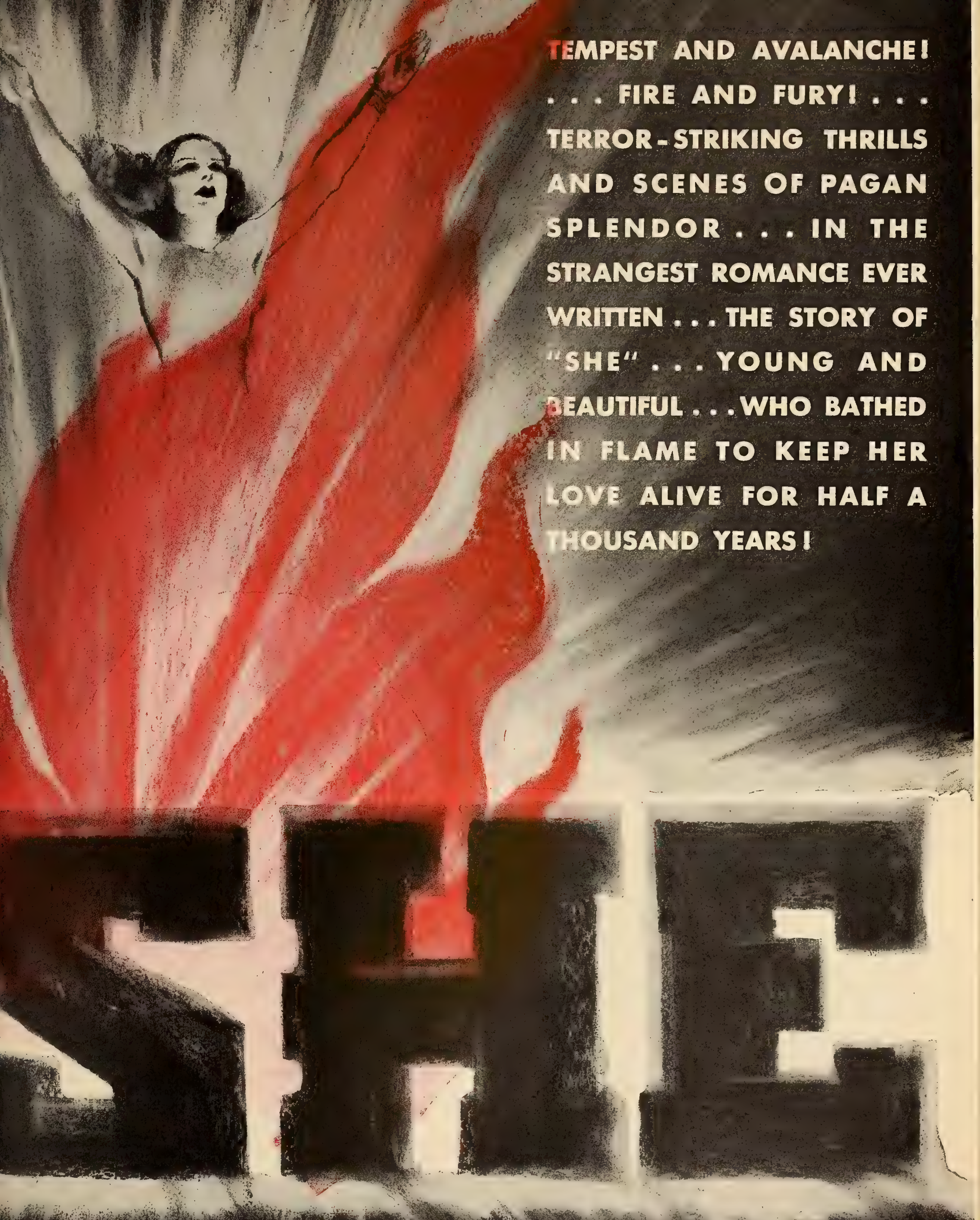
	High	Low	Close	Net Change
Technicolor	21	19⅜	19⅜	—1

Bond Market in Better Shape

	High	Low	Close	Net Change
General Theatre Equip. 6s '40	11½	11⅛	11½	+ ½
Keith B. F. 6s '46	80½	80¼	80½	+ ¼
Loew5s 6s '41 ww deb rights	104	103⅞	104	.....
Paramount F. L. 6s '47	94½	94½	94½	.....
Paramount Publix 5½s '50	96½	96¼	96¼	+ ¼
RKO 6s '41 pp	39½	39½	39½	.....
Warner 6s '39 wd	64⅝	64⅛	64⅝	+ ½

(c) *Plus stock extras.* (v) *Paid this year.*

(Quotations as at close of July 1)



TEMPEST AND AVALANCHE! . . . FIRE AND FURY! . . . TERROR-STRIKING THRILLS AND SCENES OF PAGAN SPLENDOR . . . IN THE STRANGEST ROMANCE EVER WRITTEN . . . THE STORY OF "SHE" . . . YOUNG AND BEAUTIFUL . . . WHO BATHED IN FLAME TO KEEP HER LOVE ALIVE FOR HALF A THOUSAND YEARS!

MERIAN C. COOPER re-creates in mighty spectacle **H. RIDER HAGGARD'S** weird and wondrous novel. A miracle of stagecraft, abulously produced with a cast of 5,000 . . . RKO RADIO PICTURE.

"Sharp" Gets High $7,000, Minneapolis

MINNEAPOLIS, July 1.—"Becky Sharp" got off to a fine start here by pulling $7,000 at the Orpheum. This is above average by $1,500.

"No More Ladies" was in the money on both sides of the river. It grossed $6,000 at the State here, up by $1,500, and reached $6,000, up by $500, at the St. Paul Paramount. "The Virginian" was over the line on a $2,000 take at the Lyric, but no other house passed par.

Total first run business in Minneapolis was $23,500. Average is $21,000. Total St. Paul business was $17,000. Average is $16,000.

Estimated takings:

Minneapolis:

Week Ending June 27:

"STRANDED" (Warners)
CENTURY—(1,650), 25c-40c, 7 days. **Gross:** $4,000. (Average, $4,000)

"THE VIRGINIAN" (Para.)
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $2,000. (Average, $1,500)

Week Ending June 28:

"BECKY SHARP" (Radio)
ORPHEUM—(2,900), 25c-40c, 7 days. Stage show. **Gross:** $7,000. (Average, $5,500)

"NO MORE LADIES" (M-G-M)
STATE—(2,300), 25c-40c, 7 days. Stage show. **Gross:** $6,000. (Average, $5,500)

"WEREWOLF OF LONDON" (Univ.)
TIME—(300), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

"WALTZ TIME IN VIENNA"
WORLD—(400), 25c-55c, 7 days. **Gross:** $3,000. (Average, $3,000)

St. Paul:

Week Ending June 28:

"NO MORE LADIES" (M-G-M)
PARAMOUNT—(2,300), 25c-40c, 7 days. Stage show. **Gross:** $6,000. (Average, $5,500)

"AGE OF INDISCRETION" (M-G-M)
RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $4,000. (Average, $3,500)

"IN CALIENTE" (F. N.)
ORPHEUM—(2,000), 25c-40c, 7 days. **Gross:** $4,000. (Average, $4,000)

"MR. DYNAMITE" (Univ.)
TOWER—(1,000), 15c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

"MY HEART IS CALLING" (G. B.)
WORLD—(400), 25c-35c, 7 days. **Gross:** $1,500. (Average, $1,500)

"Sharp" a $16,400 Leader in Buffalo

BUFFALO, July 1.—The much ballyhooed color in "Becky Sharp," plus Joan Marsh in person on the stage brought the customers out and the Buffalo topped normal by $2,100 to take $16,400.

Total first run business was $40,600. Average is $42,800.

Estimated takings for the week ending June 28:

"BECKY SHARP" (Radio)
BUFFALO—(3,500), 30c-55c, 7 days. Stage: Joan Marsh, Al Norman, Six De Cardos, Youth Rhythms (Frankie Little, Iva Kitchell, Don & Betty, Martha Neuton). **Gross:** $16,400. (Average, $14,500)

"UNDER THE PAMPAS MOON" (Fox)
"MARY JANE'S PA" (F. N.)
CENTURY—(3,000), 25c, 7 days. **Gross:** $5,000. (Average, $6,000)

"PUBLIC HERO No. 1" (M-G-M)
GREAT LAKES—(3,000), 25c-40c, 7 days. **Gross:** $6,900. (Average, $8,000)

"OIL FOR THE LAMPS OF CHINA" (F. N.)
HIPPODROME—(2,100), 25c-40c, 7 days. **Gross:** $6,400. (Average, $8,000)

"MY HEART IS CALLING" (G. B.)
"EIGHT BELLS" (Col.)
LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $5,900. (Average, $6,500)

"Sharp" Gets Washington's Top, $18,500

WASHINGTON, July 1.—Whether it was the new Technicolor or Miriam Hopkins, "Becky Sharp," at RKO-Keith's had things its own way, drawing a near-record take of $18,500, over par by $7,900.

Loew's Palace zoomed upward with "No More Ladies" to the tune of $18,400, or $2,500 over the average.

Return engagement of "Public Hero No. 1" went over the top by $200 for a take of $3,800 against an average of $3,600.

Other first runs were off, with Loew's Fox slumping to $16,800 for "Charlie Chan in Egypt" with Eva LeGallienne on the stage. Average is $20,900.

Total first run business was $80,200. Average for these six houses is $73,700.

Estimated takings, exclusive of tax:

Week Ending June 26:

"BECKY SHARP" (Radio)
RKO-KEITH'S—(1,836), 25c-55c, 7-1/3 days. **Gross:** $18,500. (Average, seven days, $10,600)

Week Ending June 27:

"STRANDED" (Warners)
EARLE—(2,218), 25c-77c, 7 days. Stage: Hal Kemp & orchestra, with Skinnay Ennis, Bob Allen, Saxy Dowell, Maxine Grey; Jerry Mann; Dorothy Crooker & Co., with Ray Tracy, Florence & Yolanda. **Gross:** $18,500. (Average, $18,400)

"PUBLIC HERO No. 1" (M-G-M)
LOEW'S COLUMBIA—(1,264), 25c-40c, 7 days (return engagement). **Gross:** $3,800. (Average, first run, $3,600)

"CHARLIE CHAN IN EGYPT" (Fox)
LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage: Eva LeGallienne & Donald Cameron; Larry Rich, with Cheri, Jane Shirlee, Ruth Forstell, Larry Rich, Jr.; Johnny Lee & Three Lees; Rector & Doreen. **Gross:** $16,800. (Average, $20,900)

"NO MORE LADIES" (M-G-M)
LOEW'S PALACE—(2,370), 35c-77c, 7 days. **Gross:** $18,400. (Average, $15,900)

"PEOPLE WILL TALK" (Para.)
METROPOLITAN—(1,591), 25c-40c, 7 days. **Gross:** $4,200. (Average, $4,300)

"Scandal," Stage Show, Denver High

DENVER, July 1.—"College Scandal," with a stage show, "42nd St. Follies," went 50 per cent over normal for a total of $6,000 at the Denham and made the going rough for most of the first runs.

"Baby Face Harrington" was the only other attraction in town to get anywhere. The $5,500 take at the Orpheum was $500 above par.

Total first run business was $22,700. Average is $23,000.

Estimated takings for the week ending June 27:

"CHARLIE CHAN IN EGYPT" (Fox)
ALADDIN—(1,500), 25c-35c-50c-60c, 7 days. **Gross:** $2,000. (Average, $2,500)

"NO MORE LADIES" (M-G-M)
BROADWAY—(1,500), 25c-40c, 5 days. **Gross:** $1,200. (Average for week, $1,500.) House was used two days for conventions.

"COLLEGE SCANDAL" (Para.)
DENHAM—(1,500), 25c-35c-50c, 7 days. Stage show, "42nd St. Follies." **Gross:** $6,000. (Average, $4,000)

"PUBLIC HERO NO. 1" (M-G-M)
DENVER—(2,500), 25c-35c-50c, 7 days. **Gross:** $5,000. (Average, $6,000)

"BABY FACE HARRINGTON" (M-G-M)
ORPHEUM—(2,600), 25c-35c-40c, 7 days. **Gross:** $5,500. (Average, $5,000)

"BLACK SHEEP" (Fox)
PARAMOUNT—(2,000), 25c-35c-40c, 7 days. **Gross:** $3,000. (Average, $4,000)

It Rained

Detroit, July 1.—There is a scene in "Rose Marie" where the entire company prays for rain. The operetta was playing here last week at Navin Field, as the offering of "opera under the stars." Three times the scene was done and immediately it began to rain. The fourth night, J. J. Shubert cut the scene out.

"Hooray" and Show $17,000 In Pittsburgh

PITTSBURGH, July 1.—A siege of rain with cooler weather helped grosses and the Stanley with "Hooray for Love" went up to $17,000. A stage show helped. This is excellent for the season.

At the Alvin "$10 Raise," with a locally recruited stage show, "Pittsburgh on Parade," took a par $10,000. "Alibi Ike" was $500 up on a take of of $5,500 at the Warner. A dual at the Fulton, "My Heart Is Calling" and "Man of Aran," reached a par $4,500. "No More Ladies" garnered a good $8,500 in its second week.

Total first run business was $45,500. Average is $45,000.

Estimated takings for the week ending June 27:

"$10 RAISE" (Fox)
ALVIN—(2,000), 25c-55c, 6 days. Stage: "Pittsburgh On Parade." **Gross:** $10,000. (Average, $10,000)

"MY HEART IS CALLING" (G. B.)
"MAN OF ARAN" (G. B.)
FULTON—(1,750), 25c-40c, 6 days. **Gross:** $4,500. (Average, $4,500)

"NO MORE LADIES" (M-G-M)
PENN—(3,300), 25c-40c, 6 days, 2nd week. **Gross:** $8,500. (Average, $9,000)

"HOORAY FOR LOVE" (Radio)
STANLEY—(3,600), 25c-55c, 6 days. Stage: Benny Ross, Maxine Stone, Eleanor Whitney, Rufe Davis and his Radio Rubes, 32 Roxyettes. **Gross:** $17,000. (Average, $17,000)

"ALIBI IKE" (Warners)
WARNER—(2,000), 25c-40c, 6 days. **Gross:** $5,500. (Average, $5,000)

"No More Ladies" Indianapolis Hit

INDIANAPOLIS, July 1.—"No More Ladies" stirred up some summer excitement at Loew's and made the house attaches forget the depression for a while. The $6,000 take was $1,500 above normal.

"Alibi Ike" also was strong. It was $1,000 over the line on an $8,000 take at the Lyric.

Total first run business was $22,500. Average is $20,500.

Estimated takings for the week ending June 29:

"DOUBTING THOMAS" (Fox)
APOLLO—(1,100), 25c-40c, 2nd week, 7 days. **Gross:** $4,000. (Average, $4,000)

"HOORAY FOR LOVE" (Radio)
CIRCLE—(2,800), 25c-40c, 7 days. **Gross:** $4,500. (Average, $5,000)

"ALIBI IKE" (Warners)
LYRIC—(2,000), 25c-40c, 7 days. Vaudeville. **Gross:** $8,000. (Average, $7,000)

"NO MORE LADIES" (M-G-M)
LOEW'S—(3,000), 25c-40c, 7 days. **Gross:** $6,000. (Average, $4,500)

"Thomas" Hits San Francisco High, $18,500

SAN FRANCISCO, July 1.—"Doubting Thomas" made things lively at the Warfield with a take of $18,500, above par by $500. The take was outstanding because most of the downtown houses found the going rough.

"The Arizonian" with the Baer-Braddock fight pictures reached a normal $13,000 at the Golden Gate.

In its fourth week at the United Artists "Les Miserables" reached $4,000. "Age of Indiscretion" and "Rendezvous at Midnight" were strong at $7,800 at the Fox.

Total first run business was $66,100. Average is $70,800.

Estimated takings:

Week Ending June 25:

"THE ARIZONIAN (Radio)
BAER-BRADDOCK FIGHT
GOLDEN GATE—(2,800), 25c-35c-40c, 7 days. Stage, band. **Gross:** $13,000. (Average, $13,000)

Week Ending June 26:

"THE RAVEN" (Univ.)
"KEEPER OF THE BEES" (Republic)
ORPHEUM—(3,000), 15c-35c-40c, 7 days. **Gross:** $5,500. (Average, $7,000)

"STRANDED" (Warners)
"BEHIND THE GREEN LIGHTS" (Mascot)
PARAMOUNT—(2,670), 25c-35c-40c, 7 days. **Gross:** $9,500. (Average, $10,000)

"LES MISERABLES" (U. A.)
UNITED ARTISTS—(1,200), 15c-35c-40c, 4th week, 7 days. **Gross:** $4,000. (Average for fourth week, $4,500)

Week Ending June 27:

"AGE OF INDISCRETION" (M-G-M)
"RENDEZVOUS AT MIDNIGHT" (Univ.)
FOX—(4,600), 10c-25c-35c, 7 days. **Gross:** $7,800. (Average, $7,000)

"THE MAN WHO KNEW TOO MUCH" (G. B.)
EMBASSY—(1,200), 25c-35c, 2nd week, 7 days. **Gross:** $3,000. (Average, $4,500)

"NO MORE LADIES" (M-G-M)
ST. FRANCIS—(1,400), 15c-30c-40c, 7 days. **Gross:** $5,000. (Average, $6,000)

"DOUBTING THOMAS" (Fox)
WARFIELD—(2,700), 25c-35c-40c-55c. 7 days. Stage, band. **Gross:** $18,500. (Average, $18,000)

Week Ending June 28:

"THE MERRY MONARCH" (Roesner S. F.)
CLAY—(400), 25c-50c. **Gross:** $800. (Average, $800)

"Girl 10th Ave." Is Oklahoma's Leader

OKLAHOMA CITY, July 1.—In the usual summer letdown "The Girl from 10th Ave." was about the only attraction to make much of an impression. It reached $2,200, up by $200, at the Capitol.

Second best draw was "One New York Night" at the Liberty. It grossed $1,500 in four days. Par for a week is $2,500.

Total first run business was $11,400. Average is $13,500.

Estimated takings for the week ending June 29:

"NITWITS" (Radio)
CRITERION—(1,700), 10c-26c-36c-55c, 7 days. **Gross:** $3,700. (Average, $5,000)

"UNDER THE PAMPAS MOON" (Fox)
MIDWEST—(1,500), 10c-26c-36c-56c, 7 days. **Gross:** $3,400. (Average, $4,000)

"GIRL FROM 10th AVE" (F. N.)
CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $2,200. (Average, $2,000)

"ONE NEW YORK NIGHT" (M-G-M)
LIBERTY—(1,500), 10c-15c-26c-36c, 4 days. **Gross:** $1,500. (Average week, $2,500)

"AIR HAWKS" (Col.)
LIBERTY—(1,500), 10c-15c-26c-36c. 3 days. **Gross:** $600. (Average week, $2,500)

Theatre Gains Are Heavy in Midwest Area

(*Continued from page* 1)

han at any time in the past five years, e asserts.

Larsen has just completed the Augusta, at Augusta, Kan., a $70,000 ouse built for D. A. Bisagno. Another new one, a 700-seater, was inished not long ago for A. J. Simmons at Lamar, Mo. Oliver Williams as opened a 400-seater at Brookfield, Mo.

James Owen is building the "most nusual theatre in the world," the Hill Billy, at Branson, Mo. It will ost $12,000 and will be constructed of ogs with rustic interior. One modern ote will appear—600 upholstered eats.

Alvin Johnson and A. M. Johnson, ather and son, have opened the new Rialto at Lyndon, Kan.

Recent RCA sound installations inlude W. D. Fitten, Rialto, Searcy, Ark.; Will Henderson's Alvo, Medord, Okla.; Ralph Hurst's Melba, Ash Grove, Mo.; the Inca, Joe Cooper nd Pat McGee, Okmulgee, Okla., and). Oonnici's Palace, Kansas City, Mo.

Francis X. Long will open a new (building and equipment) 350-seat heatre at Oregon, Mo., in September, The theatre formerly operated there, silent house, was closed about four ears ago and the town has been dark ince.

Camdenton to Have Theatre

S. F. Wilson expects to open the Camden, at Camdenton, Mo., a new 50-seat house, in September.

E. S. Young has installed washed ir equipment in his Roanoke and Central, Kansas City, Mo.

Mrs. E. Nolan, who operates the Strand, at Pierce City, Mo., and the Ozark, at Cassville, has installed ventilating equipment in the former and s planning to build a new house in e latter location.

Elmer Bills, operator of the Lyric, t Salisbury, Mo., leased the Russell, Brunswick, Mo., several months ago, nd has been operating with Harry Till as manager. He will close the Russell when a new house, yet to be amed, is completed at Brunswick. t is a 400-seater, and will be ready bout Sept. 1.

T. H. Slothower and Mrs. Slohower, who operate the State, subequent run at Wichita, Kan., are uilding a new 700-seat house on the est side of town, which will be ready ate in September.

William Wagner, manager of the Fox Plaza, has leased the Beldorf, ndependence, Kan., and has set the pening Sept. 20. The house, dark ix years, formerly was operated by Wagner. Containing about 700 seats, is being reseated, and new projecon equipment, draperies and carpets, tc., installed for first-run policy.

The new Capitol, Dubinsky brothrs' new house at Jefferson City, and . A. Schultz's Uptown, Columbia, Mo., were only recently completed.

Homer Strowig has closed the eelye, at Abilene, Kan., and has tarted a complete transformation, hich will result in a thoroughly modern house. Its entire atmosphere will be changed with an expenditure of around $50,000. Larry Larsen was architect and is doing the building. Among other things it will have a structural green and black glass front. Seating capacity is being increased from 350 to 700 and it will be renamed the Plaza. The Lyric, which Strowig also operates there, has been first run. After the Seelye is reopened, about the middle of September, it will handle first-runs with the Lyric doing firsts and seconds.

Jess Binney, Pattonsburg, Mo., whose former theatre there burned last December, has almost completed his new 450-seat house, the Binney, which is scheduled for Sept. 1 opening. Everything will be new—building, equipment, sound, etc.

George Ellis and Louis Sutter are remodeling the Hollywood, Kansas City, Mo., colored house.

The new Roby, 900-seat colored house, has been practically remade from the Avalon. T. B. Watkins, N. W. Thatcher and R. L. Evans are partners in the venture, which is the only colored house in Kansas City operated by colored management.

Improve Northwest Spots

PORTLAND, July 1.—One new house is being built in this territory and several are being modernized. The new house is at Silverton, with National Theatre Supply rushing work for an August opening.

The Keylor Grand at Walla Walla has just been reopened by John Cameron after installation of new booth and stage equipment. The Lark, owned by M. Mattacheck & Son, is to be modernized soon.

Arthur Made Producer

HOLLYWOOD, July 1.—George M. Arthur, former head of the editing and projection departments at Paramount, has been appointed an associate producer on Ernst Lubitsch's staff. He produced several shorts last season.

Looking 'Em Over

"Princess Charming"

(*G. B.*)

Though of no great consequence, this musical farce is pleasant enough entertainment. The presence of Evelyn Laye in the cast adds immeasurably to the merits of the production. She makes the princess of the title indeed charming and sings several melodies beautifully.

Miss Laye is betrothed to the elderly king of a neighboring country for reasons of state. The two have never met. The match is not at all to the princess' taste. As Henry Wilcoxon, an officer of the king's navy, sent to escort Miss Laye to her husband-to-be, arrives in her country he finds a revolution has broken out. In order to obtain safe passage for the princess she is married to Wilcoxon. This makes her a citizen of his country. Although the fellow is not enthusiastic at first, he later falls very much in love with the princess, who seems to have loved him from the start.

When the time comes to annul the ceremony so that Miss Laye may become the king's bride, Wilcoxon refuses to give her up, landing in prison as a result. The rest is concerned with Miss Laye's efforts to get the king to change his mind about marrying her. This portion of the film is by far the most entertaining. Things end happily for Wilcoxon and the princess.

The film, which is quite funny at times, has fine sets, good photography and capable acting. Yvonne Arnaud, George Grossmith, Max Miller and Ivor Maclaren are other players. Maurice Elvey directed.

Production Code Seal No. 0255. Running time, 70 minutes. "G."

Patron Slashes Doorman

HAMILTON, O., July 1.—Charles Schwalm, doorman at the Rialto, local unit of the Southio Theatres, Inc., was painfully but not seriously cut by an 18-year old patron whom he had ordered to leave after refusing to stop annoying patrons by making unusual noises.

Upon reaching the exit, the youth drew a knife, slashing Schwalm across the abdomen, and escaped.

"Keeper of Bees" High in Portland

PORTLAND, July 1.—"Keeper of the Bees" at the Broadway was the heaviest draw of the week with $8,000, or $3,000 over average.

In a return for a second week at the Paramount, "Doubting Thomas" secured $6,000, or $1,000 over par.

"Public Hero No. 1" at United Artists went to $6,000, up by $1,000.

Total first run business was $29,400. Average is $24,700.

Estimated takings for the week ending June 22:

"KEEPER OF THE BEES" (Monogram)
BROADWAY—(1,912), 25c-35c-40c, 7 days. **Gross:** $8,000. (Average, $5,000)

"MY HEART IS CALLING" (G. B.)
(2nd Run)
BLUE MOUSE—(700), 15c-25c, 7 days. **Gross:** $1,400. (Average, $1,700)

"EIGHT BELLS" (Col.)
"THE MYSTERIOUS MR. WONG"
(Monogram)
MAYFAIR—(1,700), 25c-35c-40c, 7 days. Gross: $3,000. (Average, $3,000)

"WEREWOLF OF LONDON" (Univ.)
"DINKY" (Warners)
ORPHEUM—(1,700), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

"DOUBTING THOMAS" (Fox)
PARAMOUNT — (3,008), 25c-35c-40c, 7 days, 2nd week. **Gross:** $6,000. (Average, $5,000)

"PUBLIC HERO No. 1" (M-G-M)
UNITED ARTISTS—(945), 25c-40c-55c, 7 days. **Gross:** $6,000. (Average, $5,000)

Shea Buffalo Shows Out

BUFFALO, July 1.—For the first time since the house was opened nine years ago, Shea's Buffalo drops stage shows July 5. They may be resumed in the fall.

The orchestra will be retained, however. Under the straight picture policy, the house will shave its top price a nickel to 50 cents, including tax, with the minimum remaining at 30 cents.

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"Young Man" Chicago Top; Gets $22,000

CHICAGO, July 1.—Spotty weather hereabouts last week was a box-office stimulant. "The Daring Young Man," with a stage show headed by radio contest winners, hit a big $22,000, over par by $7,000, at the Oriental.

"Public Hero No. 1," helped by a stage show headed by Block and Sully, reached $34,000 at the Chicago, and "Headline Woman" took a good $13,000 at the State-Lake. "Under the Pampas Moon" was normal with $11,000 at the Roosevelt.

Total first run business was $127,000. Average is $125,600.

Estimated takings:

Week Ending June 27:

"PUBLIC HERO No. 1" (M-G-M)
CHICAGO—(4,000), 25c-50c-68c, 7 days. Stage: Block & Sully, Four Gobs, Jack Eddy & Co., Carolyn Marsh, Ruth Pryor, Bentley Stone, Evans Ballet. **Gross:** $34,000. (Average, $34,000)

"THE DARING YOUNG MAN" (Fox)
ORIENTAL — (3,940), 25c-40c, 7 days. Stage: Winners of Radio Opportunity Contest, Sammy White, Bob Hall, Donatella, Mark Fisher, Dorothy Hild Ballet. **Gross:** $22,000. (Average, $15,000)

"BECKY SHARP" (Radio)
PALACE—(2,509), 25c-35c-50c, 7 days, 2nd week. Stage: Bob Hope's Revue. **Gross:** $19,000. (Average, $22,000)

"UNDER THE PAMPAS MOON" (Fox)
ROOSEVELT — (1,591), 25c-35c-50c, 7 days. **Gross:** $11,000. (Average, $11,000)

"NO MORE LADIES" (M-G-M)
UNITED ARTISTS—(1,700), 30c-40c-50c, 7 days. **Gross:** $15,000. (Average, $17,000)

"IN CALIENTE" (F. N.)
GARRICK—(900), 25c-35c-40c, 5 days, 2nd Loop week. **Gross:** $4,000. (Average, $5,000)

Week Ending June 28:

"HEADLINE WOMAN" (Mascot)
STATE-LAKE — (2,776), 20c-25c-35c, 7 days. Stage: Demay, Moore and Martin; Burt & Hickey; Demarest & Sibley; George Dewey Washington; Verne Buck; Birnes & Kaye; Joe Peanuts & Co. **Gross:** $13,000. (Average, $13,000)

"THE SCOUNDREL" (Para.)
APOLLO — (1,400), 25c-35c-50c, 7 days. **Gross:** $9,000. (Average, $8,000)

"Public Hero" Tops Omaha at $8,000

OMAHA, July 1.—With the city back to normal following the end of the car strike and cool weather prevailing, theatres picked up. "Public Hero No. 1" and "Age of Indiscretion" garnered $8,000, up by $500, at the Orpheum.

"Alibi Ike" and "Times Square Lady" took a good $5,200 at the Omaha, and a dual, "Break of Hearts" and "Party Wire," was $500 over the line on a $4,000 take at the Brandeis.

Total first run business was $17,200. Average is $16,000.

Estimated takings:

Week Ending June 26:

"BREAK OF HEARTS" (Radio)
"PARTY WIRE" (Col.)
BRANDEIS—(1,200), 25c-35c-40c, 7 days. **Gross:** $4,000. (Average, $3,500)

Week Ending June 28:

"ALIBI IKE" (Warners)
"TIMES SQUARE LADY" (M-G-M)
OMAHA—(2,200), 25c-40c, 7 days. **Gross:** $5,200. (Average, $5,000)

Week Ending June 27:

"PUBLIC HERO NUMBER ONE" (M-G-M)
"AGE OF INDISCRETION" (M-G-M)
ORPHEUM — (3,000), 25c-40c, 7 days. **Gross:** $8,000. (Average, $7,500)

"Becky" Is Boston Lead with $20,000

BOSTON, July 1.—"Becky Sharp" went into the big money here by getting $20,000 at Keith's Memorial. This is $8,000 above normal. This is a summer record here. The picture took $4,000 preview night and was held over.

All other houses felt the strain. Heat, opening of pari-mutuel dog tracks and outdoor attractions are taking a toll. "No More Ladies," held over at Loew's State after a first week take of $19,000 fell off to $4,000 in six days at the RKO Boston.

Total first run business was $60,500. Average is $67,000.

Estimated takings for the week ending June 28:

"COLLEGE SCANDAL" (Para.)
"UNDER THE PAMPAS MOON" (Fox)
FENWAY—(1,382), 30c-50c, 7 days. **Gross:** $4,000. (Average, $4,500)

"BECKY SHARP" (Radio)
KEITH'S MEMORIAL—(2,907), 25c-65c, 7 days. **Gross:** $20,000. (Average, $12,000)

"NO MORE LADIES" (M-G-M)
LOEW'S STATE—(3,537), 25c-55c, 2nd week, 6 days. **Gross:** $8,000. (Average, $10,500)

"OIL FOR THE LAMPS OF CHINA" (F. N.)
METROPOLITAN—(4,332), 35c-65c, 7 days. Stage: Vaudeville Revue with cast of 60, Elida Ballet, Fabian Sevitzky. **Gross:** $18,000. (Average, $22,000)

"COLLEGE SCANDAL" (Para.)
"UNDER THE PAMPAS MOON" (Fox)
PARAMOUNT—(1,793), 25c-50c, 7 days. **Gross:** $6,500. ($7,000)

"LADIES LOVE DANGER" (Fox)
"NO RANSOM" (Liberty)
RKO BOSTON—(3,246), 25c-50c, 6 days. **Gross:** $4,000. (Average, $11,000)

"Ladies" at $13,000, Phila.; Held Over

PHILADELPHIA, July 1.—For its second week, "No More Ladies" got a nice $13,000 at the Boyd in spite of hot weather and was held another week.

The same figure was snared at the Fox by "Black Sheep" and a Paul Ash revue on the stage, to up the average $1,000.

Total first run business, $60,100. Average is $63,900.

Estimated takings for the week ending June 27:

"THE SCOUNDREL" (Para.)
(2nd Run)
ARCADIA — (600), 25c-40c-50c, 6 days. **Gross:** $2,900. (Average, $2,400)

"NO MORE LADIES" (M-G-M)
BOYD—(2,400), 40c-55c, 6 days, 2nd week. **Gross:** $13,000. (Average, $12,000)

"MURDER IN THE FLEET" (M-G-M)
EARLE — (2,000), 25c-40c-50c, 6 days. Stage: Ray Saxe, Powell and Nedra, Joe and Pete Michon, Twelve Aristocrats. **Gross:** $12,000. (Average, $12,000)

"BLACK SHEEP" (Fox)
FOX—(3,000), 40c-55c-65c, 6 days. Stage: Paul Ash, Dave and Hilda Murray, Eddie Wacker, Margaret Beeson, Dave Lawson. **Gross:** $13,000. (Average, $12,000)

"OIL FOR LAMPS OF CHINA" (F. N.)
(2nd Run)
KARLTON—(1,000), 25c-35c-40c, 6 days. **Gross:** $2,700. (Average, $3,500).

"IN CALIENTE" (F. N.)
(2nd Run)
KEITH'S — (2,000), 30c-40c-50c, 6 days. **Gross:** $2,800. (Average, $4,000)

"HOORAY FOR LOVE" (Radio)
STANLEY — (3,700), 40c-55c, 6 days. **Gross:** $8,500. (Average, $12,000)

"WEREWOLF OF LONDON" (Univ.)
STANTON—(1,700), 30c-40c-50c, 6 days. **Gross:** $5,200. (Average, $6,000)

"Public Hero" Gets $7,200; Seattle Lead

SEATTLE, July 1.—Warm weather bumped grosses heavily all during the week. "Public Hero No. 1" reached $7,200, up by $200, at the Fifth Avenue.

The only other attraction to pass par was a dual, "The Nitwits" and "Dog of Flanders," at the Orpheum where the take was $6,100.

Total first run business was $28,800. Average is $35,000.

Estimated takings for the week ending June 28:

"IN CALIENTE" (F. N.)
BLUE MOUSE—(950), 25c-40c-55c, 4 days, 2nd week. **Gross:** $2,100. (Average, $4,000)

"THUNDER IN THE EAST" (U. A.)
BLUE MOUSE — (950), 25c-40c-55c, 3 days. **Gross:** $1,650. (Average, $4,000)

"PUBLIC HERO No. 1" (M-G-M)
FIFTH AVENUE—(2,500), 25c-40c-55c, 7 days. **Gross:** $7,200. (Average, $7,000)

"THE HEALER" (Monogram)
"MYSTERIOUS MR. WONG" (Monogram)
LIBERTY — (1,800), 10c-15c-25c-35c, 7 days. **Gross:** $3,900. (Average, $4,000)

"OIL FOR THE LAMPS OF CHINA" (F. N.)
MUSIC BOX—(950), 25c-40c-55c, 7 days, 3rd week. **Gross:** $3,750. (Average, $4,000)

"AGE OF INDISCRETION" (M-G-M)
"FOUR HOURS TO KILL" (Para.)
PARAMOUNT — (3,050), 25c-40c-55c, 7 days. **Gross:** $4,100. (Average, $6,000)

"THE NITWITS" (Radio)
"DOG OF FLANDERS" (Radio)
ORPHEUM — (2,450), 25c-35c-40c-55c, 7 days. **Gross:** $6,100. (Average, $6,000)

"Chan" Leads In Cleveland; Pulls $5,500

CLEVELAND, July 1.—"Charlie Chan in Egypt" survived the deadening effects of a heat wave by staying nine days at the Allen and getting $5,500, over normal by $2,500.

"The Thin Man," at $5,400 in the Circle, and "No More Ladies" at Loew's Stillman with $6,500 in its second week were the only other money-makers in town.

Total first run business was $40,100. Average is $43,000.

Estimated takings for the week ending June 28:

"CHARLIE CHAN IN EGYPT" (Fox)
ALLEN — (3,300), 30c-35c-42c, 9 days. **Gross:** $5,500. (Average, $3,000)

"STRANDED" (Warners)
WARNERS' HIPPODROME — (3,800), 30c-35c-42c, 7 days. **Gross:** $7,000. (Average, $8,000).

"ESCAPE ME NEVER" (U. A.)
RKO PALACE—(3,100), 30c-35c-42c, 7 days. **Gross:** $6,800. (Average, $10,000)

"PRIVATE WORLDS" (Para.)
LOEW'S STATE—(3,400), 30c-35c-42c, 7 days. **Gross:** $8,900. (Average, $10,000)

"NO MORE LADIES" (M-G-M)
LOEW'S STILLMAN—(1,900), 25c-35c, 7 days, 2nd week. **Gross:** $6,500. (Average, $4,000)

"THE THIN MAN" (M-G-M)
CIRCLE — (1,925), 15c-25c-30c, 7 days. **Gross:** $5,400. (Average, $3,000)

Stanley Robbins Gaining

OGDEN, UTAH, July 1.—Stanley Robbins, manager of the Peery theatres, is recovering from an appendicitis operation.

"Ginger" Gets $3,700, Best K.C. Showing

KANSAS CITY, July 1.—It was a poor week for first run houses. A $3,700 gross for "Ginger" at the Fox Uptown was the best comparative showing.

"Under Pressure" at the Tower was $100 up on a take of $7,100.

"No More Ladies" at Loew's Midland dropped off sharply in its second week, and was pulled after six days by Manager John McManus. The take was $7,900.

Total first run business was $32,700. Average is $35,700.

Estimated takings:

Week Ending June 27:

"UNDER PRESSURE" (Fox)
TOWER—(2,200), 25c, 7 days. Stage: Fortunello and Cirillino, Waller and Lee, Bert Nagle & Co., Griffith and Weston, Tower Adorables, Tower Orchestra and Jack Carson's farewell week. **Gross:** $7,100. (Average, $7,000)

"GIRL FROM 10TH AVE." (F. N.)
NEWMAN — (1,800), 25c-40c, 7 days. **Gross:** $7,000. (Average, $7,000)

"OIL FOR THE LAMPS OF CHINA" (F. N.)
MAINSTREET—(3,100), 25c-40c, 7 days. **Gross:** $7,000. (Average, $8,000)

"NO MORE LADIES" (M-G-M)
MIDLAND—(4,000), 15c-25c-40c, 6 days. **Gross:** $7,900. (Average, 6 days, $10,200)

Week Ending June 28:

"GINGER" (Fox)
UPTOWN—(2,000), 25c-40c, 7 days. **Gross:** $3,700. (Average, $3,500)

"No More Ladies" Is Providence Hit

PROVIDENCE, July 1.—In spite of the Ringling Circus, horse racing and torrid weather, Loew's State caught $14,000 with "No More Ladies." The figure is $2,000 over par.

The RKO Albee was right in line with "Becky Sharp," which brought in $8,000, but other houses were under their average takes. The Strand, with dual bill, "College Scandal" and "The Healer," did about $6,200 and the Majestic garnered around the same amount with "Under the Pampas Moon" and "Charley Chan in Egypt."

Total first run business was $35,100. Average is $40,500.

Estimated takings for the week ending June 27:

"UNDER THE PAMPAS MOON" (Fox)
"CHARLEY CHAN IN EGYPT" (Fox)
MAJESTIC—(2,400), 15c-40c, 7 days. **Gross:** $6,000. (Average, $7,000)

"NO MORE LADIES" (M-G-M)
LOEW'S STATE—(3,800), 15c-40c, 7 days. **Gross:** $14,000. (Average, $12,000)

"BECKY SHARP" (Radio)
RKO ALBEE—(2,300), 15c-40c, 7 days. **Gross:** $8,000. (Average, $7,000)

"COLLEGE SCANDAL" (Para.)
"THE HEALER" (Monogram)
STRAND—(2,300), 15c-40c, 7 days. **Gross:** $6,200. (Average, $6,000)

"NOW OR NEVER"
"PARADISE CANYON" (Monogram)
RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $900. (Average, $1,000)

52 From Columbia

CHICAGO, July 1.—Columbia's sales force, in convention here, was told today that the company will release 52 features and 125 shorts next season. Twelve outdoor features are included while the shorts break down into 10 series of one-reelers and 26 two-reelers.

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Lawyers Seek Three Million In Para. Fees

ncomplete Tabulation Is More Than $2,500,000

The fees of lawyers and trustees who served in the bankruptcy and eorganization proceedings of Paramount will aggregate between $2,500,00 and $3,000,000, it was apparent esterday from a partial tabulation of he applications for allowances filed with Special Master John E. Joyce.

Although yesterday was the final ay for the filing of the applications, many of them arrived at the referee's ffice too late for tabulation yesteray. Those which had been tabuated up to the closing time exceeded $2,500,000 total.

Root, Clark, Buckner and Ballan-

(Continued on page 14)

Otterson Proffers New Post to Lynch

S. A. Lynch, former nationally nown theatre operator who has erved for the past two years as hairman of the advisory committee n reorganization of Paramount subdiaries, has been asked by John E. Otterson, Paramount president, to remain with the company in a permanent executive capacity, it was learned esterday.

What Lynch's title or duties will e in his permanent Paramount post

(Continued on page 14)

Chicago Trust Suit Filed Against Loew

Chicago, July 2.—The Greater Chiago Theatres Corp. has filed a comlaint in Federal court here charging M-G-M, the Reliance Realty Corp., Loew's, Inc., Nicholas M. Schenck nd E. A. Schiller with conspiracy

(Continued on page 5)

It's Even Cooled

Columbus, O., July 2.—The McCall Traveling Theatre, a completely equipped, air-conditioned theatre-on-wheels, is showing talkers here and in the suburbs, giving two shows each evening at 10 cents admission. Entire proceeds are being turned over to the Children's Hospital.

Probably Friday

Final documents—there are many of them—in the Fox-20th Century deal are in the hands of lawyers and are expected to reach the form in which they will be signed today or tomorrow. Friday is now computed as the day on which they will be signatured, sealed and delivered to the interests concerned.

Darryl F. Zanuck, therefore, has ordered space reservations on Friday's, Saturday's and Sunday's plane for Hollywood. S. R. Kent, Joseph M. Schenck and William Goetz will comprise the travelers.

Fox and Chase Bank Own 207 Corporations

Details of the Fox Film corporate setup made public by the Chase National Bank show that 207 companies—holding, producing, distributing, theatre operating, real estate and investment—are employed in this country.

Forty-seven of these are subsidiaries of Fox Film and the others are subsidiaries of National Theatres Corp., recently organized in New Jersey to take over operation of all the company's theatre properties. For the first

(Continued on page 14)

Unions Agree to End Mass Picketing Here

Representatives of Allied and Empire unions yesterday agreed to a truce on mass picketing at a meeting with Frank Tichenor, who was appointed recently by Mayor LaGuardia to end the local operator trouble.

Because Harland Holmden, in charge of the union under I.A.T.S.E. supervision, is in Chicago, no representative of Local 306 attended the session. Holmden is due back the end of the week. Four Local 306 pickets were arrested Monday night and released on bail. Tichenor spent a part of yesterday afternoon looking over the 42nd Street picketing situation.

President in Move to Start Code Adoption

By CLARENCE LINZ

Washington, July 2.—Moving to make effective provisions of the Recovery Act authorizing voluntary codes, President Roosevelt today instructed the Federal Trade Commission to enter into negotiations with industry on fair trade agreements, the NRA to assist in developing agreements for minimum wages, maximum hours and prohibition of child labor.

Fifty-two industries, including some of the largest in the country, have so far submitted inquiries regarding vountary codes, it was said.

No information was available, however, as to the reaction of these industries when informed that they would be required to comply with labor provisions while being permitted only to prohibit practices already

(Continued on page 10)

Code Legal Aspects Report Due Monday

Legal aspects in connection with retaining the satisfactory features of the code will be discussed by the voluntary industry committee at a meeting in the RKO board room on Monday. A legal committee, headed by Austin C. Keough, and comprising Nathan Yamins, Charles L. O'Reilly and Harold S. Bareford will make a report.

J. Robert Rubin will be chairman and John C. Flinn secretary. Tyree Dillard, Jr., Campi legal head, will not attend. He sails Friday on the *Conte Grande* for a five-week Mediterranean cruise.

Year Protection on 'Dream' Shows, Plan

Combining in a joint statement on plans for "A Midsummer Night's Dream" yesterday, Albert Warner, Gradwell Sears and A. W. Smith, Jr., declared roadshow engagements, wherever played, will be granted one year's protection over all other dates. The

(Continued on page 5)

One of 14 Businesses NRA Will Check With This in View

By BERTRAM F. LINZ

Washington, July 2.—A comprehensive investigation of 14 of the nation's major industries, including motion pictures, on the basis of which recommendations could be made to Congress next winter for legislation providing Government control of at least interstate operations is under consideration by officials of the National Recovery Administration, it was learned today.

Fearing that premature disclosure of their plans might lead to radical changes in methods in the industries to be studied, which would defeat the purpose of bringing out the evil features of the present competitive situation, officials of the NRA are reluctant to discuss the proposal, which they assert, is still only in a tentative stage.

The industries which would be studied are not necessarily the largest in the country, but rather those in which it is believed there can be shown evils

(Continued on page 10)

Theatre Pool Plan Before ITOA Today

Milton C. Weisman, attorney for the I.T.O.A., is scheduled to present to the membership today at the Astor a plan to pool from 175 to 200 theatres into a buying circuit with a claimed purchasing power of $5,000,000.

The plan is directed against what

(Continued on page 5)

New Decree Closes RCA Trust Action

Wilmington, Del., July 2.—The anti-trust action brought by the Government against the RCA and RCA Communications, Inc., was terminated today by a supplemental consent decree signed by Judge John P. Nields

(Continued on page 14)

No Paper Tomorrow

***Motion Picture Daily* will not publish July 4, which is Independence Day and a legal holiday.**

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

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Picture-Shy, Rivoli May Darken Shortly

Faced with a product shortage, the Rivoli will close unless U.A. Theatres Corp. makes a deal for outside product within the next week. "Sanders of the River" is scheduled to end a two-week run next Tuesday evening. "The Call of the Wild" is the next U.A. attraction slated for the Broadway house, but is not expected to open before September.

Henry Armetta is doing a wow business at the Roxy in person. The anticipated gross for the six days ending tonight is $23,000. "Hooray for Love," RKO Radio, opens July 12 and "Lady Tubbs" opens July 19.

"Stranded" at the Strand did $14,450, while "Nell Gwyn" at the Rivoli hit the bottom at $8,100. "Sanders of the River," which ended its first week last night, approximated $14,000.

Film Critics on Air

With the inauguration of the summer series of broadcasts by the Music Hall orchestra under Erno Rapee, arrangements have been completed for the film critics of all the local dailies to appear on the program as guest speakers.

William Boehnel of the *World-Telegram* goes on the air this coming Sunday. Others scheduled to speak during the series are Kate Cameron of the *Daily News.* Andre Sennwald of the *Times,* Bland Johaneson of the *Daily Mirror,* Thornton Delehanty of the *Post,* Regina Crewe of the *American* and Rose Pelswick of the *Journal.*

Insiders' Outlook

By RED KANN

ADDING further to the fury of what is anything but a quiet summer, disturbing news flashed over the Washington wire yesterday. Reflecting an Administration determination to keep the National Recovery Act an alive and going enterprise comes a decision, formulating but foregone, to probe this business along with thirteen others with a view to making permanent some form of government control. . . .

▼

Openly avowed is the recovery administration's reluctance to pry itself loose from the hooks it sank into this industry under the regime of enforced codes. An official government body thereby concedes it liked the idea of pulling the strings that made this business jump and proposes to swing its influence toward a continuation of such a procedure. . . .

▼

It is a cross which films have always borne that once outsiders succeed in sprinkling themselves with celluloid stardust they find practice pleasant and intriguing enough to want more of the same thing. There is also to consider in the latest move fulminating in Washington how much of politics and how much of public service lurk behind the new NRA scheme. . . .

▼

What is evident at once, however, is that the proposed investigation, if it does nothing else, will help substantially and well in harassing an already troubled industry which merely asks that it be left alone so that, alone, it can endeavor to work out its own business salvation. It seems like a simple enough request. . . .

▼

The prospect which a Federal probe suggests reminds of codifying days, health broken down by arduous work, neglect of normal duties and of immediately pressing business problems to what exact end except a further glorification of bureaucratic government is not remotely or otherwise apparent. . . .

Ennis Quits Para.; Will Be a Producer

Bert Ennis, writer and veteran press agent, has resigned from the writing staff of Paramount's eastern short subjects studio to enter production. Before joining Paramount he had been advertising manager for some of the large companies in New York and at one time was in charge of the Roxy Theatre publicity department.

During the past 18 months Ennis has been writing the gags and off-screen comment for Screen Souvenirs and various scripts for Paramount Varieties, including some novelties for fall release—"Laugh These Off" and "Movie Milestones." In "Milestones" the company will show some of the biggest scenes from outstanding silent successes such as "Covered Wagon," "Beau Geste," "Blood and Sand" and "The Miracle Man."

Essay Winners Chosen

Six high school students were announced winners yesterday of the essay contest conducted by the Hays office and M-G-M. "Sequoia" was the subject. The winners, who will receive a trip to the coast by way of New York and New Orleans, are: Sonja Harding, East Orange, N. J.; Sydney A. Cahusac, Brooklyn, N. Y.; Pearl A. Goerdeler, Brooklyn, N. Y.; Isabel Tuomey, LaCrosse, Wisconsin; Oline A. Dandurand, Kankakee, Ill., and Charles E. Woodhouse, Kent, O.

File Exceptions on Five of RKO Claims

Exceptions were formally filed yesterday to the allowance of five claims against RKO aggregating approximately $9,400,000 and a hearing of the exceptions was set for Aug. 2 before Federal Judge William Bondy.

The claims to which exceptions are taken are those of Rockefeller Center for $8,270,000; Karl Hoblitzelle Enterprises, $888,666; Broadway & 47th St. Corp. (Mayfair), $337,500; Criterion Advertising Co. and Fort Worth Properties. These claims, together with numerous others, were recommended for allowance two weeks ago by Special Master Thomas D. Thacher. The exceptions to Thacher's report were filed in Federal court here by Donovan, Leisure, Newton & Lumbard, counsel to Irving Trust Co., trustee of RKO.

Dawson in Equipment

Edmund T. Dawson, who resigned last year from Quigley Publications to engage in the theatre equipment business, is now in charge of the theatre division of the Cable Chair Corp., headed by the John L. Cable, steel furniture manufacturing interests.

Fox Completes Lineup

HOLLYWOOD, July 2.—With final shots completed yesterday on Shirley Temple's latest, "Curly Top," Fox winds up its entire 1934-35 program of 48 features.

Cleveland to Try New Pact Against Duals

CLEVELAND, July 2.—This city on the lake will try single features again.

At a meeting of the Cleveland M. P. Exhibitors' Ass'n today a new agreement carrying the signatures of 70 out of a possible 82 independent theatres voted for singles, but all agreed to allow one dual change weekly and determined that no feature playing a full seven days downtown first run can thereafter play on a double feature bill. The downtown clause covers the Palace, Stillman, State, Allen and Hippodrome.

The new pact became effective as of Monday and is to run to Aug. 31, 1936, thereby replacing the old agreement which expires July 8. The present clearance is to prevail under the new deal, all present agreeing not to book or show any duals pending final disposition of the agreement at a meeting to be held July 9.

It is further stipulated that the arrangement is to become binding only when signed by all members of the association and is designed to go through despite the current dual policy of non-association members. These are the Metropolitan, Alhambra, Circle, Family, Temple and Rex, five of which are in actual operation with the twin bill idea.

The association, at its next meeting, will discuss premiums, giveaways and bank nights and what to do about all three.

Shumaker Promoted; Now Is an Erpi V. P.

Edward E. Shumaker has been elected a vice-president and member of the board at Erpi with specific duties so far unassigned. He was onetime president of the Victor Talking Machine Co. and has been with the electric about a year.

He does not replace H. M. Wilcox, who has joined Paramount on what has been described as a loan and whose former duties at Erpi as vice-president in charge of operations with servicing under his wing have been divided within the Erpi ranks. Wilcox, to some extent, also maintained supervision over sales of which C. W. Bunn, as sales manager, has been in direct charge.

This is the second recent change in the organization. Resignation of R. E. Anderson, treasurer, to assume the financial vice-presidency of Paramount, elevated Fred B. Foster, Jr., to that post.

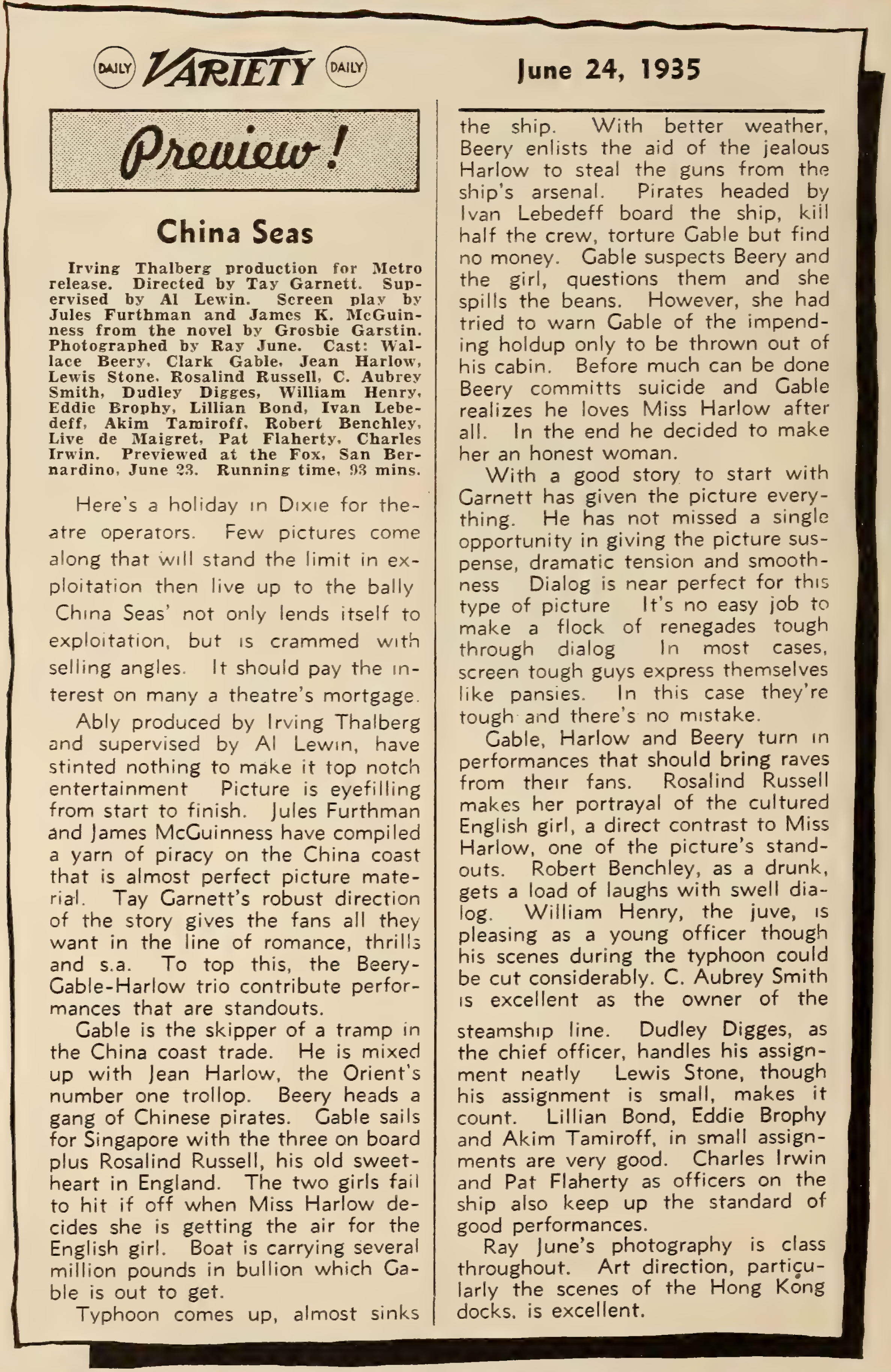
Pathe Cuts Deficit For First 13 Weeks

Pathe Exchange, Inc., and subsidiary companies reduced the accumulated deficit by $16,000 during the quarter ending March 30, leaving the total at $6,399,820.65.

Profit from all sources, including laboratory, non-operating income, interest, etc., was $16,120.51. In 1934 the profit for the same period was $31,725. The profit was carried to the deficit account. Excess provision for contingencies totalled $135,000.

ROAR

HELLO 1935-36!



DAILY VARIETY DAILY

June 24, 1935

Preview!

China Seas

Irving Thalberg production for Metro release. Directed by Tay Garnett. Supervised by Al Lewin. Screen play by Jules Furthman and James K. McGuinness from the novel by Grosbie Garstin. Photographed by Ray June. Cast: Wallace Beery, Clark Gable, Jean Harlow, Lewis Stone, Rosalind Russell, C. Aubrey Smith, Dudley Digges, William Henry, Eddie Brophy, Lillian Bond, Ivan Lebedeff, Akim Tamiroff, Robert Benchley, Live de Maigret, Pat Flaherty, Charles Irwin. Previewed at the Fox, San Bernardino, June 23. Running time, 93 mins.

Here's a holiday in Dixie for theatre operators. Few pictures come along that will stand the limit in exploitation then live up to the bally China Seas' not only lends itself to exploitation, but is crammed with selling angles. It should pay the interest on many a theatre's mortgage.

Ably produced by Irving Thalberg and supervised by Al Lewin, have stinted nothing to make it top notch entertainment Picture is eyefilling from start to finish. Jules Furthman and James McGuinness have compiled a yarn of piracy on the China coast that is almost perfect picture material. Tay Garnett's robust direction of the story gives the fans all they want in the line of romance, thrills and s.a. To top this, the Beery-Gable-Harlow trio contribute performances that are standouts.

Gable is the skipper of a tramp in the China coast trade. He is mixed up with Jean Harlow, the Orient's number one trollop. Beery heads a gang of Chinese pirates. Gable sails for Singapore with the three on board plus Rosalind Russell, his old sweetheart in England. The two girls fail to hit if off when Miss Harlow decides she is getting the air for the English girl. Boat is carrying several million pounds in bullion which Gable is out to get.

Typhoon comes up, almost sinks the ship. With better weather, Beery enlists the aid of the jealous Harlow to steal the guns from the ship's arsenal. Pirates headed by Ivan Lebedeff board the ship, kill half the crew, torture Gable but find no money. Gable suspects Beery and the girl, questions them and she spills the beans. However, she had tried to warn Gable of the impending holdup only to be thrown out of his cabin. Before much can be done Beery committs suicide and Gable realizes he loves Miss Harlow after all. In the end he decided to make her an honest woman.

With a good story to start with Garnett has given the picture everything. He has not missed a single opportunity in giving the picture suspense, dramatic tension and smoothness Dialog is near perfect for this type of picture It's no easy job to make a flock of renegades tough through dialog In most cases, screen tough guys express themselves like pansies. In this case they're tough and there's no mistake.

Gable, Harlow and Beery turn in performances that should bring raves from their fans. Rosalind Russell makes her portrayal of the cultured English girl, a direct contrast to Miss Harlow, one of the picture's standouts. Robert Benchley, as a drunk, gets a load of laughs with swell dialog. William Henry, the juve, is pleasing as a young officer though his scenes during the typhoon could be cut considerably. C. Aubrey Smith is excellent as the owner of the steamship line. Dudley Digges, as the chief officer, handles his assignment neatly Lewis Stone, though his assignment is small, makes it count. Lillian Bond, Eddie Brophy and Akim Tamiroff, in small assignments are very good. Charles Irwin and Pat Flaherty as officers on the ship also keep up the standard of good performances.

Ray June's photography is class throughout. Art direction, particularly the scenes of the Hong Kong docks, is excellent.

An
August
release!

M-G-M's READY FOR YOU!

(And now watch for "ANNA KARENINA" rave notices! Just previewed in California. Another completed '35-'36 sensation. For September release!)

Purely Personal

MAURICE RAPF, son of Harry, leaves Saturday for the coast by uto via the Canadian route. He plans make it in two weeks. When he re-urns in the fall, there is a prospect f joining the legit field.

•

Bela Lugosi, who is co-starred with oris Karloff in "The Raven," which pens at the Roxy tomorrow, will ap-ear in person at the theatre tomorrow ight for two shows. He sails for ngland Friday.

•

Charlie Baron, U. A. exploiteer, ft yesterday aboard the Century for hicago where he will arrange the pening of "Escape Me Never" at the . A. Theatre.

Quip of the Day

Mox Shabbus, exhibitor on the outskirts of Hollywood, says he hears that promoters of these different kinds of "BLANK NIGHTS" are now "buying up" any exhibitor who doesn't play the nights, provided he squawks loud and hard enough about unfair competition.

"In that case," says Shabbus, "I'll start opposing everything—including Rain and Snow Nights."

Jack Emenheiser, at one time ttached to the U. A. sales force in harlotte, has rejoined the company in tlanta as salesman, replacing Reville niffin, resigned.

•

Myrna Loy, Anderson Lawlor, ily Cahill, Dwight Wiman and ean Bertrand, French writer, ar-ive today from abroad on the *hamplain.*

•

Kay Linaker has been signed by arners and has flown to the coast. he'll return in the fall for the Broadway production, "Dame Deborah," owever.

•

Leslie and Mrs. Howard and their wo children, Peggy Conklin and rene Purcell pull out for Bermuda his afternoon on the *Monarch of ermuda.*

•

Col. Gregory Dickson is holding own the fort at U. A. while Hal orne and Monroe Greenthal are n the coast for the annual sales convention.

•

W. G. and Mrs. Bent, he's general manager of the Eastman Kodak Co., ail today for Europe on the *Washngton.*

•

H. W. Leasim and Carl Wallman of RKO foreign division leave or home on the *Normandie* on Friday.

•

George Schaefer, Y. Frank Freeman, Leon Netter and M. A. Gowthorpe return from Chicago today.

•

Jack W. Springer and Sam Cocalis both deny they have split as reports had it yesterday.

•

Irwin Zeltner leaves today for a 10-day vacation at the Jersey shore.

•

Joseph I. Breen is due back from Europe the latter part of next week.

•

. . . London

Jack Barnstyn on a flying trip to Holland.

Anna Sten with husband, Bob Montgomery with wife, and Walter Huston, latest arrivals from Hollywood.

C. M. Woolf promised the full details of his company plans soon.

H. S. ("Roxy") Cullman while here said G. B. films are among his best bets. Accent no handicap to British films in America if producers will "keep off costume and pageant and concentrate on modern stories with a good tempo," he stated.

Alexander Korda takes over the chairmanship of London Film Prod., Ltd., vacant by the death of George Grossmith, doubling the new office with his present one of managing director.

H. Huth, West End actor and husband of Lady Hindlip, who was production manager for Toeplitz Prod., is now casting director for G. B.

WYRLEY BIRCH
in
"LOVE ME FOREVER"
WILLIAM MORRIS OFFICE

Wall Street

Big Board Stocks Irregular

	High	Low	Close	Net Change
Columbia vtc (cl)	69¾	68¾	69	+ ¼
Consolidated	4⅛	4	4	— ¼
Cons., pfd (1¼v)..	15⅞	15⅞	15⅞	.....
Eastman	147½	146¾	146¾	— ¾
Eastman, pfd	158	158	158	+1
Fox "A"	14½	14⅜	14½	+ ⅛
Loew's, Inc.	41⅞	41¾	41½	+ ¼
Paramount	4⅜	4⅛	4¼	— ⅛
Pathe	⅝	⅝	⅝	+ ⅛
Pathe "A"	9	9	9	— ¼
RKO	2⅛	2	2	— ⅛
Universal, pfd	30	30	30	— ½
Warner	4	3⅞	4	+ ⅛
Warner, pfd	25½	24¾	24¾	— ⅜

Technicolor Off 1⅛ on Curb

	High	Low	Close	Net Change
Technicolor	19⅜	18¼	18¼	—1⅛

RKO Bonds Soar 8¾ Points

	High	Low	Close	Net Change
General Theatre 6s '40	11¼	11	11¼	— ¼
Keith B. F. 6s '46	80⅝	80⅝	80⅝	+ ⅛
Loew's 6s '41 ww deb rights..	103⅞	103⅞	103⅞	— ⅛
Paramount B'way 5½s '51	61	61	61	+1
Paramount F. L. 6s '47	95¼	94⅝	94⅞	+ ⅛
Paramount Publix 5½s '50	97	96¼	96¾	+ ½
RKO 6s '41 pp....	54	54	54	+8¾
Warner 6s '39 wd	65	64⅛	64½	— ⅛

(c) *Plus stock extras.* (v) *Paid this year.*

(Quotations as at close of July 2)

$440,000 Suit Over Product Filed in L. A.

Los Angeles, July 2.—S. Pouras and A. Simos, operating the Rex, Bakersfield, have filed suit in Federal court to restrain Fox West Coast and a number of producing and distributing companies from allegedly preventing their obtaining first runs. They are asking $425,000, plus $15,000 damages.

Chicago Trust Suit Filed Against Loew

(*Continued from page* 1)

to coerce and intimidate exhibitors into contracting for M-G-M product on a preferred playing time and percentage basis by actions and threats of actions violating the interstate commerce and anti-trust laws.

The complainant seeks an injunction to restrain work on the Oak Park house announced by Loew's and on any other theatres in competitive zones. The complaint also reviews the Sheridan Theatre case, alleging that a loan of $15,000 prompted John Jones to make his recent effort toward control of the house and that a subsequent attempt has been made to acquire control of the theatre through increased rental.

U. A. Men to Travel West in Own Special

Three Pullmans, a diner, a club and an observation car will shove off from Grand Central Terminal tomorrow for Hollywood carrying the eastern contingent of 40 United Artists representatives who will attend the company's sales convention in Hollywood beginning Monday at the Ambassador Hotel.

In Chicago the train will be enlarged to accommodate additional members of the sales staff from the south and middle west. The whole party, consisting of 175, is due to arrive on the coast Sunday afternoon.

Heading the home office delegation are Harry Gold, eastern sales manager; Paul Lazarus, western sales manager; Paul Burger, sales development manager; N. A. Thompson, sales controller; Charles Stern, assistant sales manager; Al Margolies and Len Daly of the publicity department.

They will be accompanied by Moe Streimer, local branch manager; John J. Dervin, Boston branch manager; Arthur Horn, New Haven branch manager; H. G. Bodkin, Philadelphia branch manager; Walter Gould, U. A. representative in Latin America, and Lester Sussman, representative in Mexico, and others.

Year Protection on 'Dream' Shows, Plan

(*Continued from page* 1)

picture will be released in mid-October and probably will play the Hollywood in New York.

Nine Releases Set

Release dates have been set on Warners' features through July and August. In July, Warners will release "Going Highbrow," "Don't Bet on Blondes," "Front Page Woman," and "Broadway Gondolier"; in August, "We're in the Money." First National has no pictures for July but two in August, "The Irish in Us" and "Broadway Joe."

Form Tom Mix Club

The Tom Mix Miracle Riders' Club is under way as an exploitation idea for "Miracle Riders," Mascot serial, by the Lieb-Gold Co., New York, sponsors of the Frankie Darro Club.

"Tootsie Pops" and "Uncle Sam Talkie-Movie Projectors" are tied in on the stunt, for which the sponsors will also use Tom Mix cowboy accessories.

Theatre Pool Plan Before ITOA Today

(*Continued from page* 1)

is described "excessive major circuit protection" in the local area. Exhibitors declare that because of the Loew and RKO buying power independent houses have to wait as much as six months for pictures after release on Broadway.

Most of the large independent circuits are being contacted on the plan by I.T.O.A. officers. Some are said to have agreed to the plan and others are being sounded out.

Weisman has been working on the setup for several weeks and says he is ready to present it to the I.T.O.A. members. If the plan is found feasible it also will be adopted by approximately 75 New Jersey exhibitors.

It is stated that all film buys by I.T.O.A. men have been called off until the Weisman plan is either accepted or rejected.

Fox Wins Five Cases By Default Rulings

Fox yesterday won decisions against five theatres on inquest by default at the New York Film Board arbitration proceedings when defendants failed to appear. The awards totalled about $1,000 on breach of contract and "N. G." check claims.

All defendants were notified of the hearing and since none of them appointed the two arbitrators permitted under the proceedings, the hearings went on with four arbitrators named by Fox. Moe Sanders, Fox office manager, cited his case in each instance.

Respondents were the Alben, New United, Paras-Court and Boro Hall, Brooklyn; and the Strand, Clifton. A motion will be made before the New York Supreme Court to affirm the awards.

For next Tuesday, four cases are set for voluntary arbitration. Fox has two complaints, one against the Photoplay, Manhattan, and the other against the Gem, Frenchtown, N. J. Paramount is the complainant in the New Echo, Brooklyn, matter, and respondent in the Orpheum, Manhattan, case. Louis Nizer will represent distributors at the hearings.

McLeod Called Back

New Orleans, July 2.—Harry S. McLeod, who resigned the management of the St. Charles, largest independent house in the south, was called back this morning by the board of directors and given full charge. The house retains the lowered prices temporarily through the summer months and there are indications there will be a change in its personnel.

Foy to Make Westerns

Hollywood, July 2.—Bryan Foy will produce six westerns for Warners for the coming season. The films are those which were tentatively set for Leon Schlesinger. William McGann, Warner contract director, has been made assistant to Foy.

Baxter Signed by M-G-M

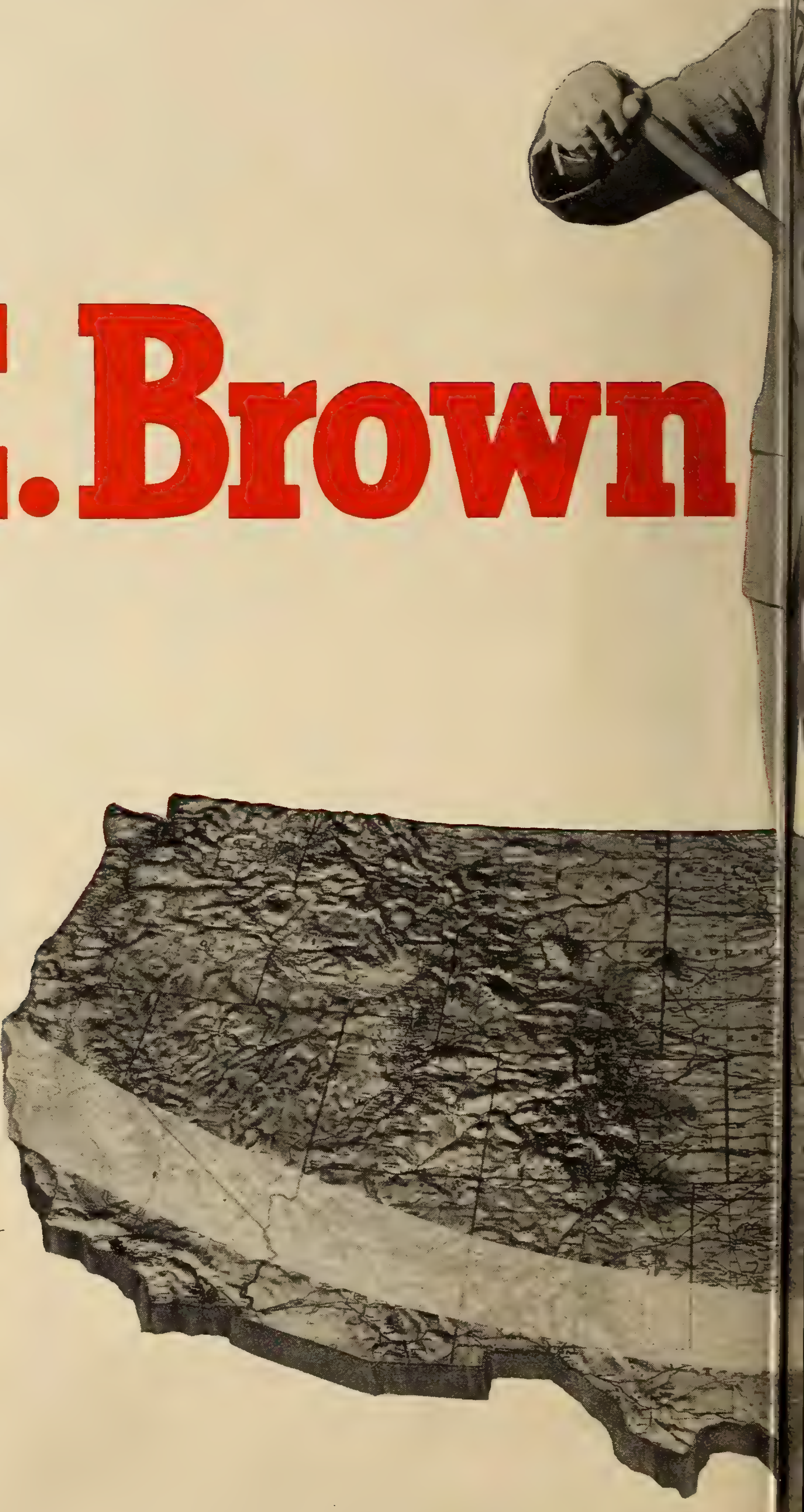
Hollywood, July 2.—Warner Baxter has been signed by M-G-M for the lead in "Robin Hood of Eldorado." The production is set to get under way July 8 with William Wellman directing.

"IT SHOULD MOP

says Harry Speigel of the Family Theatr

midnight show in nearly two years for Joe

Joe E. Brown



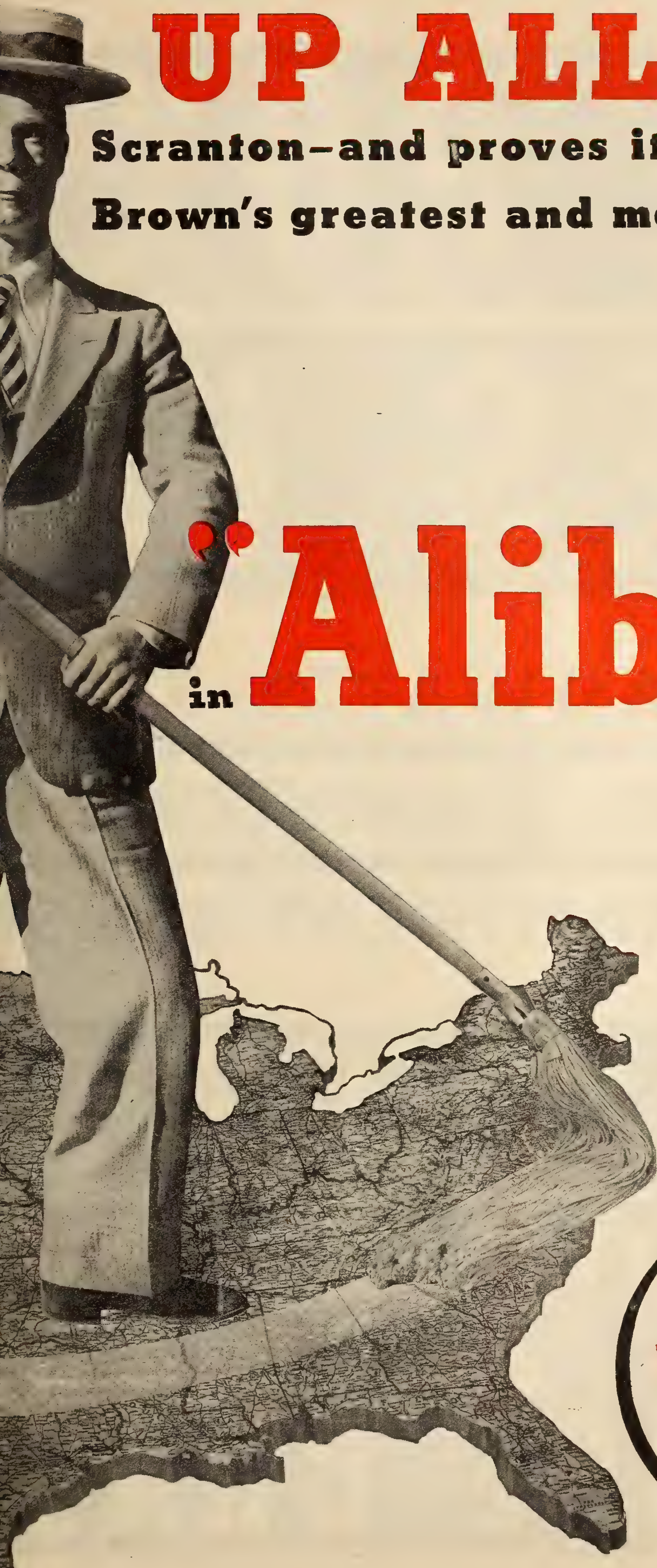
P.S. Variety clocks the week's runs at Cincy, Pittsburgh and Louisville as 'fine', 'neat' and 'sweet'!

P.P.S. And it's just a warm-up for his dancing in 'BROADWAY JOE' – yours for August with Dvorak and music and lots o' lassies!

UP ALL OVER"

Scranton—and proves it with "the biggest

Brown's greatest and most timely picture!"



in

"Alibi Ike"

Based on Ring Lardner's famous baseball story. With Olivia de Havilland, Ruth Donnelly, Roscoe Karns and William Frawley. Directed by Ray Enright and produced by

WARNER BROS.

This Summer's Mopper-Uppers!

N.Y. ROXY
GOES UN

BROADWAY'S STEA

BOOKS 3 UNIVERSAL M

OL' MAN HEAT SENSE

JUNE 28 SALLY EILERS

JULY 5 KARLOFF AND LU

JULY 19 ALICE BRAD

THEATRE

VERSAL!

EST PROFIT-MAKER

EY PICTURES TO KNOCK

S WITH COLD CASH!

ALIAS MARY DOW"

OSI IN "THE RAVEN"

N "LADY TUBBS"

Industry Is Facing Gov't Investigation

(*Continued from page* 1)

in competition or in the conditions under which employes labor.

The inquiry would go back to the very inception of the businesses of the nation and would cover the corporate structure and financing of the several industries as well as their productive operations, methods of competition and the condition of labor.

On the basis of the information developed, which would show among other things the conditions in each of the industries prior to the adoption of their codes and the retrogression following the invalidation of the code-making provisions of the Recovery Act, it is proposed to frame recommendations for legislation which would restore to the Government a measure of the control it exercised prior to the Supreme Court decision in the Schechter "live poultry" case.

This legislation would be based on either the interstate commerce clause of the Constitution or the Government's taxing powers. It would, of course, apply directly only to interstate operations, but NRA officials interested in the project believe that, in many industries, interstate and intrastate activities are so inextricably mixed, at least in the case of the larger concerns, that a substantial proportion of such industries would be brought under control.

Tentative suggestions for regulation of this type already have been made in Congress in the shape of bills requiring the registration of all business concerns using the mails or other media of interstate communications or transportation and their adherence to such regulations as might be promulgated by control commission which would be created.

NRA officials are firmly convinced that control of industry can be secured only by legislation and place little or no confidence in the new provisions of the Recovery Act authorizing voluntary codes, it being pointed out that industries making such agreements are to be required to accept the collective bargaining provisions of the law providing maximum hours and minimum wages and outlaw child labor, while in return being permitted only to prohibit such unfair trade practices as are already outlawed by existing statutes.

Denies Any Interest In Middletown Pool

In a telegram to Motion Picture Daily, Hatco Theatres, Inc. of Middletown, yesterday denied it was contemplating a pool with the Paramount interests in the Upper New York city. The text:

"We emphatically deny the statement in today's Motion Picture Daily regarding possible pooling arrangement of our State and Stratton theatres with Paramount Middletown theatre. This unfounded report has evidently been released for its influence on film companies with whom we have been friendly for many years. Unsuccessful overtures made by Paramount local officials over a year ago provided for our operation of all theatres in Middletown. We are planning extensive alterations to our presently closed show and the theatre will open within two months. Your untrue statement is exceedingly damaging to the presently contemplated arrangements."

[Editor's Note—Report of the Middletown pool was not "released for its influence on film companies." As a matter of fact, the story was not "released" by any source but was published in good faith and as a result of reportorial enterprise conducted along the usually accepted and recognized lines.]

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Escapade"

(*M-G-M*)

Hollywood, July 2.—Luise Rainer makes her debut in America in this romance of Vienna, gay and sophisticated at the beginning of the century.

Miss Rainer radiates simple beauty slightly Oriental and expresses her talent so artistically that not only is stardom assured but it is quite possible that she may become one of America's leading players if properly handled. She combines Claudette Colbert's quality with Elisabeth Bergner's ability. And that's saying plenty.

William Powell plays a philandering artist, target of the wiles of three women—Virginia Bruce, Mady Christians and Miss Rainer. Reginald Owen is the unsuspecting musician husband of Miss Christians. Frank Morgan is the scientist husband of Miss Bruce. Powell, having painted a nude of Miss Bruce, which he has not shown, however, keeps the model's name unblemished. But under Owen's dumb prodding he unwittingly inveigles Miss Rainer into the romantic web by blurting a fictitious name. Owen locates the concocted name in the person of Miss Rainer. Complications then crack for all, ending happily, however, for Powell and Miss Rainer.

The film, previously produced as "Maskerade" in Germany, gives a fine cast grand opportunities even though Powell plays second fiddle and Morgan is somewhat heavy.

Robert Z. Leonard's direction captures the Viennese mood and dramatic flavor. Herman Mankiewicz is credited with the screen play from the German script. Bernard Hyman produced for show values. Enrico Caruso's Victor records play in the opera sequence.

With Powell's name for a draw the show offers good entertainment, swell performers and a new shining personality in the person of Miss Rainer.

Production Code Seal No. 990. Running time, 95 minutes. "G."

Looking 'Em Over

"Front Page Woman"

(*Warners*)

George Brent and Bette Davis combine here as reporters on rival newspapers to turn out a picture that goes above average. The film starts out with terrific impetus, to sag slightly in the middle and then turn a trifle monotonous in plot near the end.

Brent and Miss Davis turn in excellent performances, most capably supported by Roscoe Karns in an ace comedy role. The yarn, adapted from the *Saturday Evening Post* serial, "Women Are Bum Newspaper Men," has Brent and Miss Davis in love and working on rival sheets. Brent wants her to quit and marry him and she is equally firm in her conviction she is just as capable a reporter as he. They then match wits on a murder case with first one making a fool of the other and vice versa. In the end, however, Miss Davis proves her capabilities as a reporter and marries Brent at the same time.

Others in the supporting cast are Wini Shaw, J. Carrol Naish, J. Farrell MacDonald, Walter Walker, Gordon Westcott, Dorothy Dare and Addison Richards.

Director Michael Curtiz's work is commendable, but he seems to have been handicapped with a sluggish script. The camera work of Tony Gaudio is good.

Properly exploited, however, this picture should prove highly satisfactory.

Production Code Seal No. 923. Running time, 82 minutes. "G."

Publicity Men Switched

Loew's has switched several of its theatre publicity men around. Henry Speigel, formerly at the Paradise, is now at the Valencia, and Perry Spencer, who has been handling a number of Bronx theatres in the circuit, has added the Paradise to his list. Freddie Jablons, who has been at the Valencia, has been assigned to the Gates and other Brooklyn units.

President Moves to Start Code Adoption

(*Continued from page* 1)

contrary to law. A compromise whereby both trade commission and NRA would participate in the negotiation of agreements was reached at a White House conference this afternoon at which the differences between the two bodies, both authorized to enter into trade practice agreements, were ironed out by the President.

No machinery exists whereby industries can be required to make voluntary codes. Any agreements made must originate with the industries interested. The only enforcement available under the law is under the Federal Trade Commission Act.

Hartford Likes Code Rule

Hartford, July 2.—Managers here are in favor of continuing the code for the industry voluntarily. Nearly all are agreed that the code has been a help to employes in shortening working hours. Here are their viewpoints:

Jack Simons, Capitol (Loew-Poli): "I have received no word from New York office, but I assume we will continue as under the code. The regulations have been beneficial, especially in seven-day towns."

George Landers, E. M. Loew's: "I don't know how our Boston office stands, but I assume we will continue as under the code. Our pay schedules have always been above the code levels, and the shortened hours have done no harm to anyone."

Larry O'Neil, Cameo: "I think the code should be continued, but the old Film Board of Trade should be revived. The boards set up under the codes were never satisfactory for the small man."

Maurice Shulman, Rivoli: "The code didn't do a bit of good for independent exhibitors. The circuits have had their way in every dispute concerning clearance and zoning, and the independents have been restrained unfairly from resorting to competitive methods. Free dishes were banned, but when the circuit theatres took them up nothing was said about it."

James McCarthy, Strand (Warners): "The code about cut our hours in half, and did the boys a lot of good. I think it worked out all right."

Kelly Back as Exhibitor

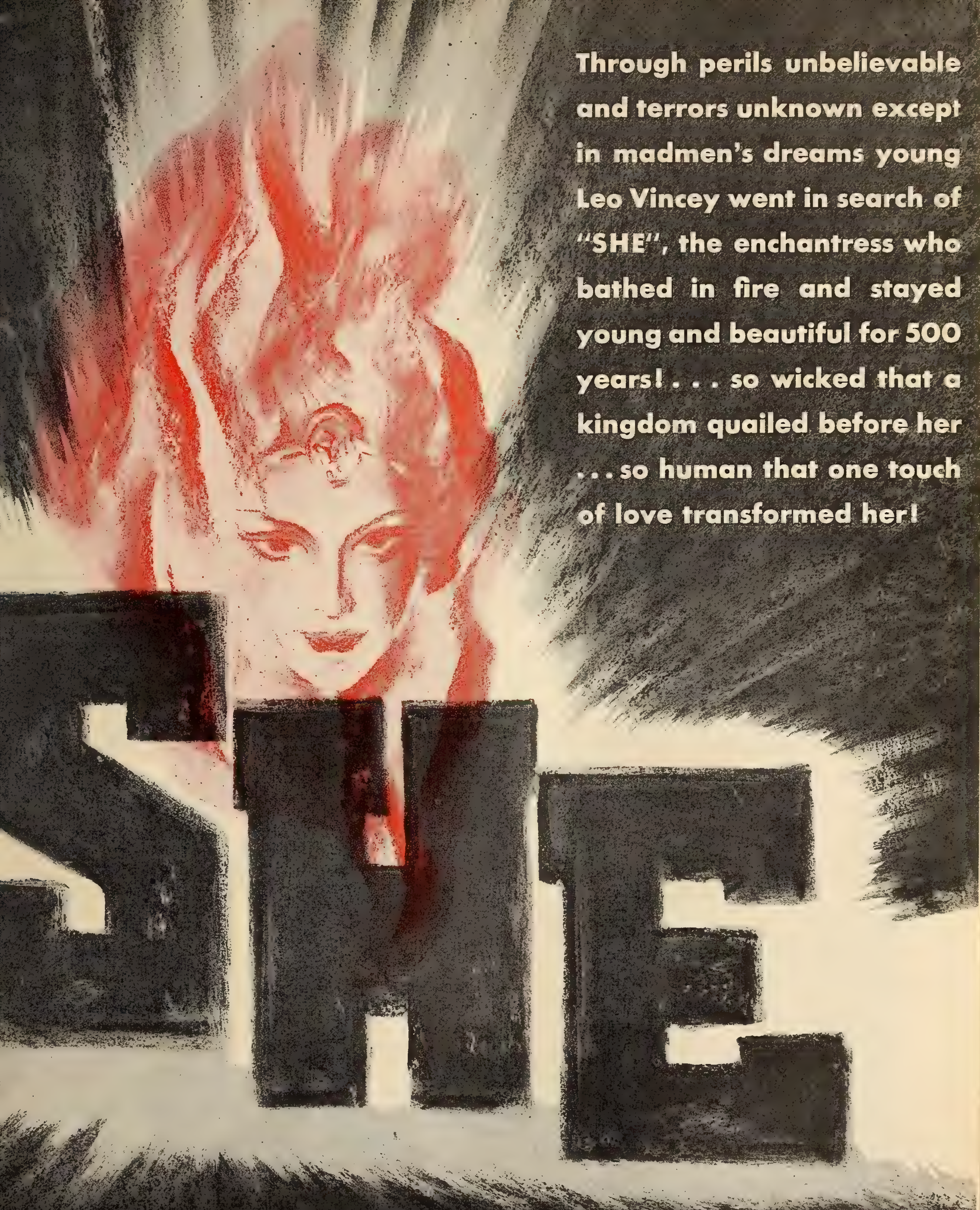
E. Thornton Kelly, who formerly operated the Grant Lee, Palisades, N. J., and dropped out of the exhibition field about six months ago, is coming back with a vengeance. He has taken over the Liberty, Freehold, and is negotiating for six other houses in southern New Jersey, deals for which he expects to close soon.

Forbes in Stumar Place

Hollywood, July 2.—Harry Forbes will finish shooting Universal's "Storm Over the Andes," taking the place of Charles Stumar, who was killed in a plane crash Saturday with Harrison Wiley, art director, also employed by Universal.

Lease Jersey House

Union City, N. J., July 2.—The Barley Theatres Co. has leased the local Hudson Theatre for 15 years from Jules Levinthall of the Union City Amusement Co.



Through perils unbelievable and terrors unknown except in madmen's dreams young Leo Vincey went in search of "SHE", the enchantress who bathed in fire and stayed young and beautiful for 500 years! . . . so wicked that a kingdom quailed before her . . . so human that one touch of love transformed her!

MAZING! INCREDIBLE! FANTASTIC! . . . the strangest romance ever
ritten or dreamed of fabulously produced from H. Rider Haggard's
ovel by the Creator of King Kong . . **MERIAN C. COOPER**

KO-RADIO PICTURE

PARAMOUNT

rides agai

A

KANSAS CITY, MO.
Newman Theatre

Friday-Saturday-Sunday gross equals average taken in on current releases played in same theatre

A

STEUBENVILLE, OHIO
Paramount Theatre

Five-day gross neck and neck with grosses taken in on current pictures.

A

ST. LOUIS, MO.
Rialto Theatre

In three days on double bill 20 per cent better than local competition on current releases.

B

MINOT, SO. DAKOTA
Strand Theatre

Twenty per cent ahead of grosses of competitive Class "A" theatre charging higher admissions

B

BETHLEHEM, PA.
Globe Theatre

Three-days run turned in figures equal to tak on current releases.

A

AKRON, OHIO
Palace Theatre

Receipts totaled good as average on check-up for four-days' run.

Now Being Booked in All

"VIRGINIAN"

...and corrals big grosses all along the line!

Test engagements on "THE VIRGINIAN" in picked spots prove the strength of this "re-issue" in class A, B and C houses in big cities and small towns . . . Great Cast Strength in a Great Picture:

GARY COOPER
WALTER HUSTON
Richard Arlen · Mary Brian

C

DALLAS, TEXAS
Capitol Theatre
hirteen per cent better
an average for the four-
split.

B

SAN ANTONIO, TEX.
Texas Theatre
Turned in a 25 per cent better than average high gross for full week's engagement

B

ALTOONA, PA.
Olympic Theatre
Ten per cent better than average. Outgrossed by only two pictures out of nine all playing seven days. Beat "A" house grosses.

A

CUMBERLAND, MD.
Strand Theatre
In three days grossed as much as other current releases did in four

Paramount Pictures

ations by Leading Circuits

Fox and Chase Bank Own 207 Corporations

(Continued from page 1)

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Many Foreign Subsidiaries

Foreign distribution is controlled through a holding company, United American Investment Corp., and also through Fox Film Export Corp. of New York. These operate through subsidiaries in England, France, Canada, and Argentina, Australia, Austria, Brazil, Chile, China (Shanghai), Cuba, Czechoslovakia, Denmark, Finland, Germany, Greece, Holland, Hungary, India, Italy, Jugoslavia, Latvia, Mexico, Norway, Panama, Poland, Roumania, Spain, Sweden, Singapore (Straits Settlements), Japan.

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And Still They Come

Malcolm Sumner, attorney, asked $150,000; Stroock & Stroock, $100,000; Szold & Brandwen, $75,000; Samuel Zirn and associates, $75,000; Edgar J. Schoen, $75,000; Beekman, Bogue & Clark, $75,000; Paramount Broadway bondholders' committee, $56,914; Bibb, Dederick & Osborne, $25,000; Archibald Palmer, $15,000; Choate, Hall & Stewart, $35,881; Adolph Zukor, for services as an equity receiver of the company from Jan. 26, 1933, to April 18, 1933, $18,545; Price, Waterhouse & Co., $10,484; Sonnenschein, Berkson, Lautmann, Levinson & Morse, Chicago, $6,035; Winston, Strawn & Shaw, Chicago, $1,516; Pillsbury, Madison & Sutro, $3,525, and Hornidge & Dowd, $2,006. Numerous additional applications for smaller amounts also were made.

Among the applications which it is believed will be made for appreciable amounts and which had not been tabulated up to late yesterday are those of Nathan Burkan, Saul E. Rogers, Goldwater & Flynn and George Z. Medalie.

A hearing on the applications will be held July 18 before Federal Judge Alfred C. Coxe, who in setting the date for the filing of the applications, cautioned the attorneys to keep them within reason. Predictions were made yesterday that the fees as finally allowed by the court would not exceed $1,000.000.

Denies Columbia Merger

CHICAGO, July 2.—Columbia opened its sales convention here today. Harry Cohn, president, denied the company would merge with any other company. Jack Cohn, B. P. Schulberg, Ralph Kohn and Abe Montague also were among the speakers.

BIG NEWS

WITHOUT a doubt Super X Panchromatic Negative is the big news of the year as far as raw film is concerned. Its unprecedented speed . . . its fine grain . . . the improved photographic quality cameramen are getting with it under greatly varying working conditions . . . these factors point to Super X as 1935's major film advance. Eastman Kodak Company, Rochester, N. Y. (J. E. Brulatour, Inc., Distributors, New York, Chicago, Hollywood.)

EASTMAN *SUPER X*

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Cook, Nathan & Lehman, which served as counsel to both the stockholders' protective committee and to Paramount, as a debtor corporation, asked for a fee of $250,000. Davis, Polk, Wardwell, Gardiner & Reed, counsel to the bondholders' protective committee, asked for $150,000. In addition, the bondholders' committee asked for the following remunerations for its members: Dr. Julius Klein, generally credited with having drafted much of the Paramount reorganization plan, $52,390; Frank A. Vanderlip, chairman of the committee and now a Paramount director, $50,000; and $7,500 for each of the following members of the committee: Frederick H. Cassatt, Morris L. Ernst, Duncan G. Harris and Lawrence W. Stern.

And Still They Come

Malcolm Sumner, attorney, asked $150,000; Stroock & Stroock, $100,000; Szold & Brandwen, $75,000; Samuel Zirn and associates, $75,000; Edgar J. Schoen, $75,000; Beekman, Bogue & Clark, $75,000; Paramount Broadway bondholders' committee, $56,914; Bibb, Dederick & Osborne, $25,000; Archibald Palmer, $15,000; Choate, Hall & Stewart, $35,881; Adolph Zukor, for services as an equity receiver of the company from Jan. 26, 1933, to April 18, 1933, $18,545; Price, Waterhouse & Co., $10,484; Sonnenschein, Berkson, Lautmann, Levinson & Morse, Chicago, $6,035; Winston, Strawn & Shaw, Chicago, $1,516; Pillsbury, Madison & Sutro, $3,525, and Hornidge & Dowd, $2,006. Numerous additional applications for smaller amounts also were made.

Among the applications which it is believed will be made for appreciable amounts and which had not been tabulated up to late yesterday are those of Nathan Burkan, Saul E. Rogers, Goldwater & Flynn and George Z. Medalie.

A hearing on the applications will be held July 18 before Federal Judge Alfred C. Coxe, who in setting the date for the filing of the applications, cautioned the attorneys to keep them within reason. Predictions were made yesterday that the fees as finally allowed by the court would not exceed $1,000.000.

Denies Columbia Merger

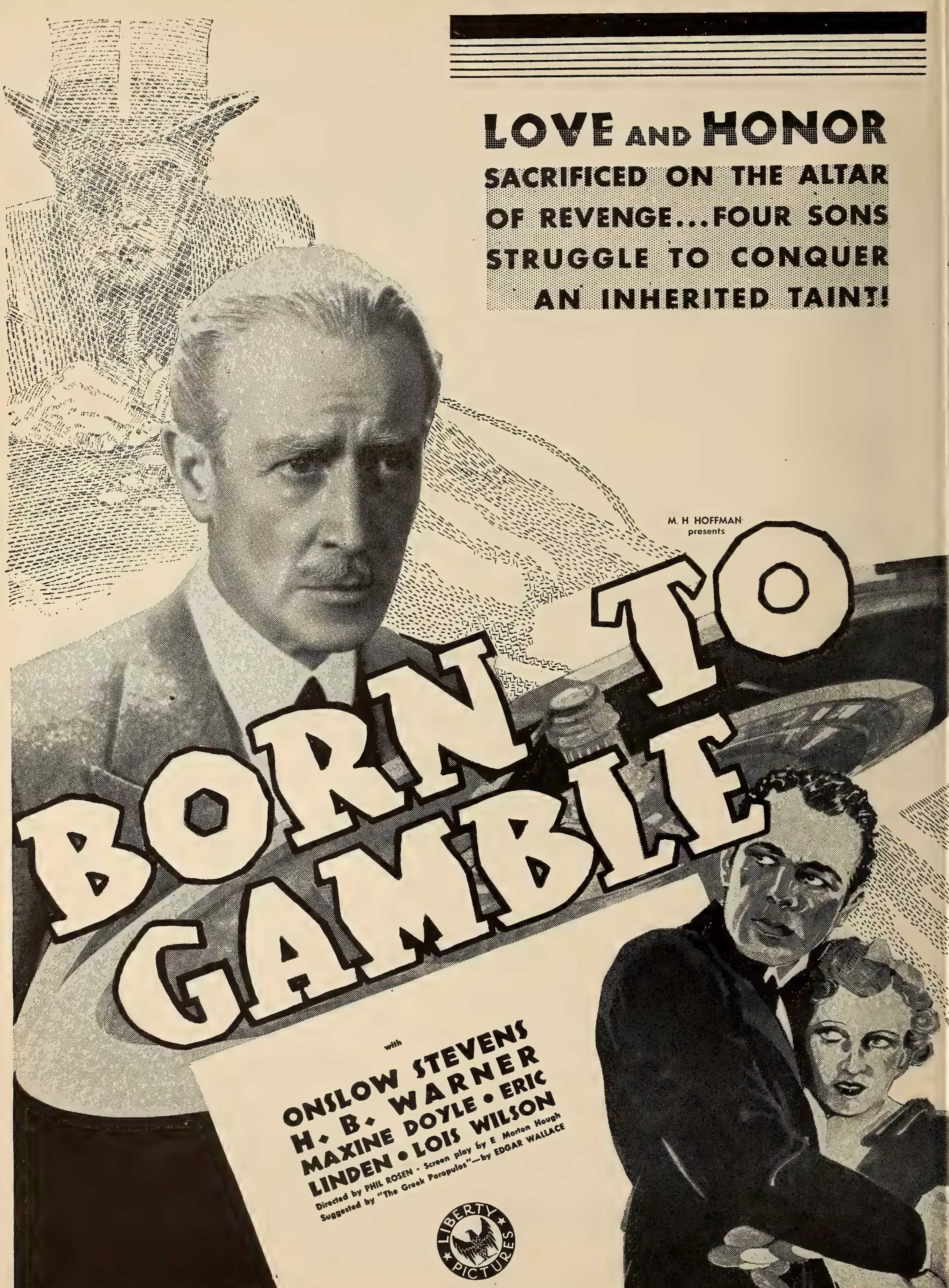
CHICAGO, July 2.—Columbia opened its sales convention here today. Harry Cohn, president, denied the company would merge with any other company. Jack Cohn, B. P. Schulberg, Ralph Kohn and Abe Montague also were among the speakers.

BIG NEWS

WITHOUT a doubt Super X Panchromatic Negative is the big news of the year as far as raw film is concerned. Its unprecedented speed . . . its fine grain . . . the improved photographic quality cameramen are getting with it under greatly varying working conditions . . . these factors point to Super X as 1935's major film advance. Eastman Kodak Company, Rochester, N. Y. (J. E. Brulatour, Inc., Distributors, New York, Chicago, Hollywood.)

EASTMAN *SUPER X*

PANCHROMATIC NEGATIVE



LOVE AND HONOR

SACRIFICED ON THE ALTAR OF REVENGE...FOUR SONS STRUGGLE TO CONQUER AN INHERITED TAINT!

M. H HOFFMAN presents

BORN TO GAMBLE

with

ONSLOW STEVENS
H. B. WARNER
MAXINE DOYLE • ERIC LINDEN • LOIS WILSON

Directed by PHIL ROSEN • Screen play by E Morton Hough
Suggested by "The Greek Poropulos"—by EDGAR WALLACE

LIBERTY PICTURES

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Motion
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MOTION PICTURE DAILY

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VOL. 38. NO. 4 NEW YORK, FRIDAY, JULY 5, 1935 TEN CENTS

All New Codes To Be Handled By Trade Body

NRA to Be Fact-Finding Group Under New Plan

By CLARENCE LINZ

WASHINGTON, July 4.—All so-called basic plans for voluntary codes have been thrown into the discard with the White House announcement that agreements will be negotiated by the Federal Trade Commission with the NRA serving as a fact-finding body.

While the procedure to be followed has not yet been worked out, it is generally expected that the trade practice provisions of any agreements which may be made will be along the

(Continued on page 9)

Canada Film Takes Total $24,954,200

TORONTO, July 4.—According to figures compiled by the Dominion Government, the receipts of 924 film theatres in Canada amounted to $24,954,200, exclusive of amusement taxes, during the year. Employment was provided 5,238 persons, other than proprietors, to whom salaries and wages totalling $4,446,200 were paid. The provincial governments, exclusive of Saskatchewan where there is no such levy, secured an aggregate

(Continued on page 9)

Ohio Playdate Law Ban to Be Delayed

CINCINNATI, July 4.—Enforcement of the law banning designated playdates which becomes effective July 16 is not expected pending a Court of Appeals ruling in the case brought against the state by RKO Distributing Corp.

No injunction by the court is expected until proof is produced that an actual attempt has been made to enforce it. This leaves the question of the constitutionality of the act open until the court gets ready to hear the case.

Pennsylvania Sunday Show Bill Is Signed

HARRISBURG, July 4. — Governor Earle yesterday signed the Sunday bill which permits exhibitions after 2 o'clock in municipal subdivisions of the state where the voters favor them at the polls. The general election next

(Continued on page 9)

Resignations of Arthur, David Loew Are Accepted

Arthur Loew

David Loew

Resignations of Arthur and David Loew, sons of the founder of the company, were accepted Wednesday afternoon by the Loew board of directors at a regular monthly meeting. However, Arthur continues as vice-president of M-G-M in charge of foreign activities, and David carries on as buying and booking head for the circuit.

Their plan to resign, which became known a few days ago, has occasioned widespread speculation over the reasons which motivated the step. No explanation has been advanced by either of the brothers or by the Loew management beyond a statement made by David that the purpose was to relieve himself and his brother from the responsibilities which accompany the directorships. Ex-

(Continued on page 9)

Almanac Finds 75 Million at Films Weekly

Statistics compiled for the 1935-36 issue of *Motion Picture Almanac*, out this week, show that the weekly attendance at theatres approximates 75,000,000 in this country.

Of the 18,250 theatres, 13,500 are in operation. Total seating capacity is placed at 11,132,000, and in cities of

(Continued on page 9)

ITOA Told How to Secure FHA Loans

B. A. McDonald, chief of the amusement division of the Federal Housing Administration, on Wednesday afternoon discussed with I.T.O.A. members how to apply for loans up to $50,000 for rehabilitation of theatres. McDonald, whose offices are in Washington,

(Continued on page 2)

Connecticut Leans Toward Revised Code

NEW HAVEN, July 4.—Although exhibitors in this territory agree that a voluntary code would be desirable, many are pessimistic over the prospect, or unable to visualize how such a code would work out.

Dr. J. B. Fishman, president of the Connecticut M. P. T. O., speaking as

(Continued on page 9)

Cleveland Group to Talk New Clearance

Independent exhibitors in Cleveland will meet either today or tomorrow with major circuit officials on a new clearance and zoning schedule to replace the current plan which expires July 8.

Nat Holt, RKO division manager

(Continued on page 2)

Culkin's Chest Is Lighter

Congressman Francis D. Culkin of New York finally got his heralded attack on the industry off his chest via the typewriter. Congress was too busy to listen, so he filed a copy for insertion in the *Congressional Record*. Washington correspondents had no dfficulty getting copies.

"Producers are not only the most anti-social influence in America by reason of the character of the product," he wrote, "but their

(Continued on page 9)

City Moves to Get Tax Upon Film Rentals

Universal Gets Notice; MPPDA to Fight It

Universal on Wednesday received notice from the city of an assessment of two per cent on its New York exchange's gross film rentals received during the four months ending March 31 in line with the city government's efforts to collect the municipal sales tax from local exchanges.

The assessment sent to Universal is the first to be received by any local film distributor, but city auditors are now working on the books of other local exchanges and similar notifications will be sent to them as quickly as they are completed.

The legal committee of the M. P. P. D. A. is continuing with its plans for contesting the city's right to collect a sales tax on film rentals, on the theory that films are leased and not sold. Conferences to this end are proceeding between representatives of the committee and Frank J. Taylor, city controller. If no agreement results from the conferences, it was said, the committee will test the legality of the collections in the courts.

Para. Fee Demands Pass Three Million

Fees applied for in payment of services rendered in the bankruptcy and reorganization proceedings of Paramount passed the $3,000,000 mark Wednesday with the unofficial tabulation of an additional $600,000 yesterday. On Tuesday, the final day for

(Continued on page 2)

E. W. Leake Enters Beekman's Law Firm

Eugene W. Leake, former trustee in bankruptcy and reorganization for Paramount, has been made a member of the law firm of Beekman, Bogue, Leake, Stephens and Black. The firm was counsel for the group

(Continued on page 2)

Derr Joins Casey in Suit Against Pathe

E. B. Derr, former president of Pathe, has joined Pat Casey in the latter's action against directors and officers of Pathe and has asked an

(Continued on page 9)

MOTION PICTURE
DAILY
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E. W. Leake Enters Beekman's Law Firm

(*Continued from page* 1)

of bank creditors of Paramount whose claims against the company aggregated more than $13,000,000 and it also represents the bondholders' protective committee of Fox Metropolitan Playhouses.

Leake, before becoming a Paramount trustee, was the president of Film Securities Corp., the holding company organized in compliance with a Federal decree to take over the Fox stock interest in Loew's and liquidate it to avoid anti-trust law violations. He is a former chairman of the board of the American Express Co. At one stage of the Paramount reorganization he was prominently mentioned for the post of treasurer or financial vice president of the new company. He has been associated in the past with Chase National Bank.

ITOA Told How to Secure FHA Loans

(*Continued from page* 1)

made a special trip to familiarize local exhibitors with the procedure of the F.H.A.

Milton C. Weisman, attorney for the unit, failed to put in an appearance or submit his proposed plan for pooling from 175 to 200 theatres into one large circuit.

The session had the smallest attendance on record.

Insiders' Outlook

By RED KANN

AN interesting plan is afoot at RKO—the circuit, not the film company. There, the powers that make decisions are manoeuvring with the idea of adopting week stands for their greater city first runs to displace the two-changes-a-week policy which now prevails as standard. The instances are not uncommon when attractions have held sway seven days hand-running in RKO houses; there was "G-Men" lately, for instance. But the thought goes beyond sporadic bookings in favor of general bookings on the ground that many pictures can stand the gaff if given the chance. . . .

▼

Consideration accorded the idea suggests several angles which strike this department as being of moment. In the first place, the obvious but unexpressed conclusion is that the circuit will veer away from double features. in the second place, the hint is a pretty good-sized one that RKO executives are pinning much faith on the quality of the product for the new season. Without celluloid of merit, extension of runs is, of course, out of the question. With it, increased playing time becomes a logical course to pursue. From time to time, this column has sought to point out the inadequacy of a system which persisted in changing programs merely because the day of the week on which it was customary to do so had arrived. . . .

ONE of these years, soon perhaps, distributors who are also in the theatre business, will abandon their antiquated and slavish fetish of running inferior product first run in their own houses on the ground it helps the subsequents which, incidentally are doing all right up and down the land, and make more playing time available for that percentage of their output which holds up. When that happens, merit will come into the reward it rates and mediocrity kept in the generous alley which always should have been reserved for it anyway. . . .

▼

Why there should be any hesitancy about conceding that a substantial portion of any major's output is second rate and maybe a notch beyond is something not easy to comprehend. Exhibitors know all pictures cannot click; they never have on any one program and, sad as it is to relate, probably never will. Forced draft applied to a weak sister may create some artificial excitement and, so, some artificial stimulus, but everyone knows the first thing that makes a picture successful is the picture itself. All else is supplementary and conplementary. It would do distributors and theatres, as well, far more good to barrage heavily on the films that have what it takes than to putter about with those that haven't got it and won't acquire it no matter how valiant the effort placed behind them. . . .

Cleveland Group to Talk New Clearance

(*Continued from page* 1)

for Cleveland, Columbus and Detroit, and Nat Wolf, Warner division head for Ohio, left for Cleveland Wednesday after conferring with home offices executives on circuit policies.

It is understood several changes in the present plan will be made. The new schedule will go into effect around Sept. 1. It is pointed out that the present schedule will be continued until the new selling season because of the clearance in current sales contracts.

Local 306 Men Fined

Judge Rudich in Bay Ridge Court on Wednesday fined four Local 306 men for picketing activities. Two men were fined $5 on previous convictions while two others were ordered to pay $15 each or five days in jail.

Futter Starts July 15

HOLLYWOOD, July 4.—Walter Futter is set to produce eight Hoot Gibson westerns for the independent market. The first, "Frontier Justice," will go into production July 15.

Rhoden Leaves for Conference in K. C.

Elmer C. Rhoden, president of Fox Midwest, left for Kansas City Tuesday night to attend a meeting with four district managers under his supervision. He returns Monday to continue negotiations with Spyros Skouras on a five-year operating contract for Fox Midwest.

Rick Ricketson, president of Fox Intermountain, is staying over until next week before he returns to Denver. Fred L. Metzler, treasurer of Fox West Coast, arrived from the coast Wednesday for conferences with Skouras.

RCA-Sonotone Deal Set

RCA Manufacturing Co. has closed a deal with the Sonotone Corp. for the exclusive distribution in the commercial field of a bone conduction oscillator device for the hard of hearing. Sonotone will continue to market the device in the non-commercial field. Under the agreement RCA Photophone will sell and install the apparatus in theatres regardless of the make of the sound reproducing equipment in use.

Para. Fee Demands Pass Three Million

(*Continued from page* 1)

filing the applications, the tabulation had passed $2,500,000.

The additional tabulations included an application by the stockholder's protective committee for $105,000 expenses and $70,000 for fees for Barney Balaban, Maurice Newton and Gerald Brooks, members of the committee. Nathan Burkan, counsel for the merchandise creditors' committee, asked $50,000, while fees of $10,500 were asked for three members of this committee.

The law firm of Cravath, de Gersdorff, Swaine & Wood, special counsel for Paramount and for Kuhn, Loeb & Co., asked $150,000, and Kuhn, Loeb, the principal in the drafting of the reorganization plan, asked $114,287. Saul E. Rogers, attorney, asked $10,000. Joseph P. Day and Peter Grimm, realty experts, asked $10,000, and Jacob Lesser, attorney, asked $37,500.

The creditor bank group committee applied for $30,000 for Percy H. Johnston, chairman of the committee and chairman of the board of Chemical Bank & Trust Co., and $20,000 for Max D. Howell, a member of the committee.

Hearings on the applications will be held July 18 before Federal Judge Alfred C. Coxe.

New Para. Lease Set

The new lease on the Paramount, executed in accordance with the terms of the reorganization plan for the Paramount Broadway Corp., was recorded Wednesday. It calls for the leasing of the house by Paramount Broadway to Hercules Theatre Corp., new Paramount subsidiary, for 20 years from last Feb. 15 at an annual rental of not less than $200,000, and a maximum of $260,000.

Roxy Team in Lead

By its 3-2 victory over the Rivoli, the Roxy nine is now two full games in the lead in the theatre baseball league.

Wall Street

Big Board Has Off Day

	High	Low	Close	Net Change
Columbia, vtc	70	68¾	70	+1
Cons., pfd	15½	15½	15½	— ⅜
Eastman	146¼	146	146	— ¾
Fox "A"	14½	14⅜	14½	.....
Loew's, Inc.	41⅜	41	41⅜	— ⅛
Paramount	4⅛	4	4	— ¼
Pathe "A"	9	8¾	9	.....
RKO	2⅛	2	2	.....
Warner	4	3⅞	3⅞	— ⅛
Warner, pfd	24¾	24	24½	— ¼

Technicolor Down 2¾ on Curb

	High	Low	Close	Net Change
Technicolor	18½	15⅜	15½	—2¾
Trans-Lux	2¼	2¼	2¼	— ⅛

Paramount F. L. Bonds Off ⅞

	High	Low	Close	Net Change
General Theatre 6s '40	11¼	11	11	— ¼
Keith B. F. 6s '46	81	81	81	+ ⅜
Paramount F. L. 6s '47	94	94	94	— ⅞
Paramount Publix 5½s '50	96	96	96	— ¾
Warner 6s '39 wd	64½	64¼	64¼	— ¼

(Quotations as at close of July 3)

Enthuses Hollywood Reporter:

"ORCHIDS DESERVED BY ALL CONCERNED"

—*and continues:* "Swell show . . . reflects great credit on everyone concerned in its making . . . should be a surprise grosser . . . word of mouth, especially from women patrons, is certain to be splendid . . . roars of laughter are frequent . . . give 'Orchids to You both barrels . . . audiences will love it!"

"ORCHIDS TO YOU!"

JOHN BOLES
JEAN MUIR
CHARLES
BUTTERWORTH
RUTHELMA STEVENS
HARVEY STEPHENS
ARTHUR LAKE

PRODUCED BY ROBERT T. KANE

Directed by William A. Seiter . . . Screen play by William Hurlbut and Bartlett Cormack Original story by Gordon Rigby and Robert Dillon . . . . Adaptation by Howard Estabrook

Remember

THIS YEAR'S
PROFITS
come from
THIS YEAR'S
PRODUCT

YOU HAVEN'T A SHOW WITHOUT **FOX**

If your box office is wilting from the heat . . .
"GINGER" WILL SNAP IT UP!

Ask for a screening and you'll find yourself screaming with laughter at the picture, classified as "program", that achieves true greatness. Word-of-mouth will build it for you (see any trade review) . . . so pack them in for the opening.

YOU HAVEN'T A SHOW WITHOUT FOX

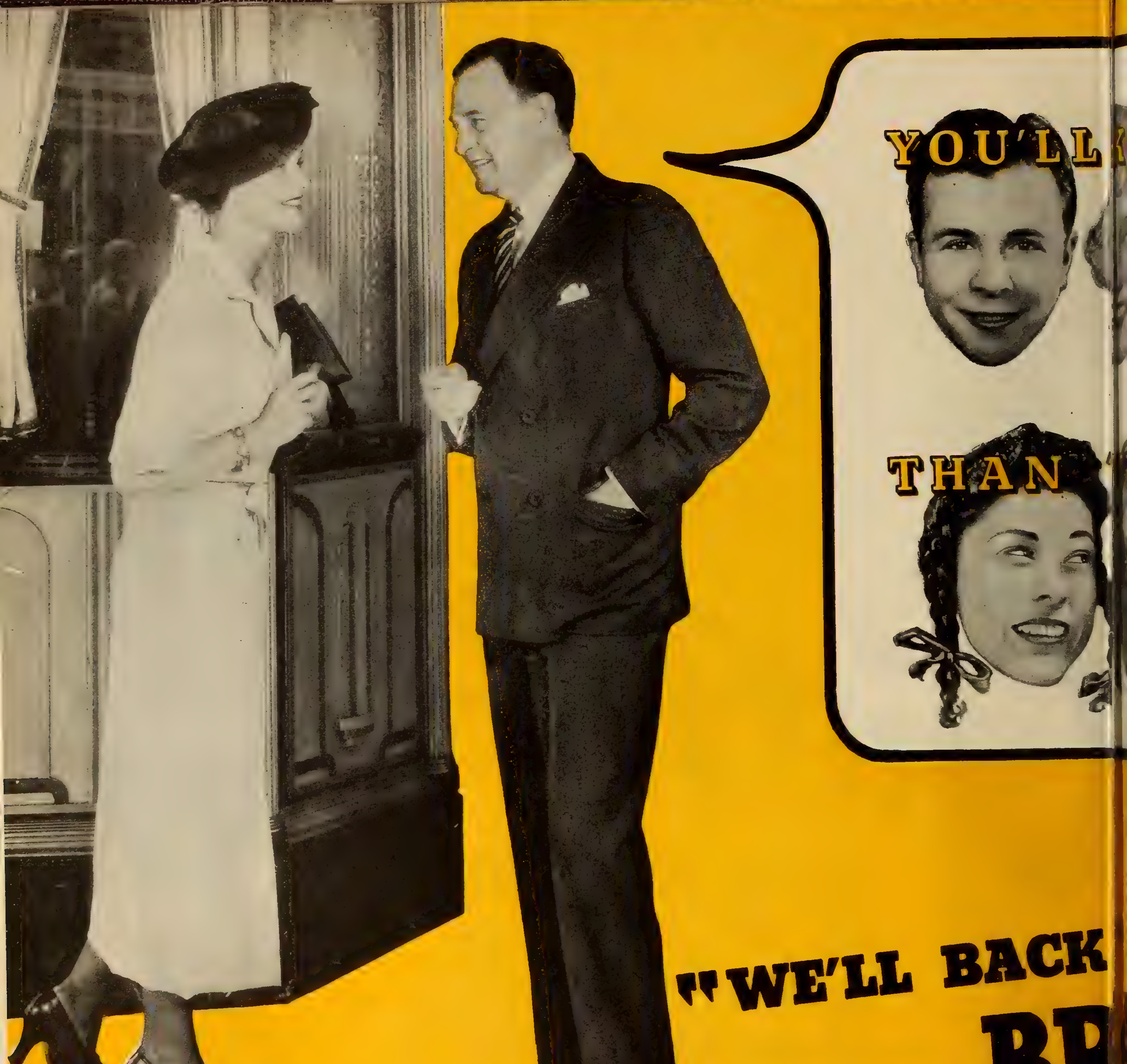
'Ginger'

JANE WITHERS
O. P. HEGGIE
JACKIE SEARL
KATHARINE ALEXANDER

Produced by Sol M. Wurtzel
Directed by Lewis Seiler. Story and screen play by Arthur Kober

Booked by Radio City Music Hall for early showing!

Remember
THIS YEAR'S PROFITS come from THIS YEAR'S PRODUCT



"WE'LL BACK
ABOUT BR

It's got love Italiano!
It's got laughs Americano!
It's got tunes for your piano!
It's got everything . . .

including the singing stars of "Gold Diggers of 1933" —three famous radio acts—six song hits by Dubin and Warren — and the greatest galaxy of laff stars that ever blazed the way to another Warner Bros. triumph!

E THIS SHOW EVEN BETTER
ENTY MILLION SWEETHEARTS"

EVERY WORD YOU TELL THEM

ADWAY GONDOLIER"

d) **DICK POWELL**

JOAN BLONDELL

ADOLPHE MENJOU

LOUISE FAZENDA

TED FIORITO and his Band

FOUR MILLS BROS.

THE CANOVA FAMILY

WILLIAM GARGAN

GEORGE BARBIER

WARREN & DUBIN, Composers

LLOYD BACON, Director

WARNER BROS., Producers

Ten U. A. Exchange Groups Join Party

CHICAGO, July 4.—Conventioneers from 10 exchange centers join the eastern United Artists contingent on its arrival from New York Friday morning Hollywood-bound for the sales parleys which open Monday morning. Chicago, Detroit, Milwaukee, Pittsburgh, Cincinnati, Indianapolis, Washington, Toronto, St. John and Montreal comprise the group.

The U. A. special, routed over the Santa Fe system, leaves here at 9 A.M. and 12 hours later at Kansas City will pick up delegates from that city as well as from St. Louis, Omaha, Minneapolis, Atlanta, and Charlotte. Sales representatives from Denver, Salt Lake, Dallas, New Orleans, Winnipeg, Calgary, Vancouver, Seattle and San Francisco are journeying directly to the convention scene.

Who'll Be There

Complete roster of field men who will attend the U. A. convention follows:

Atlanta—C. Eiseman, W. G. Carmichael, Fred Croswell, Jack Emenheiser, E. H. Hays.

Boston—John J. Dervin, Sam Stern, Lou Wechsler, George Hager, A. I. Weiner.

Buffalo—Jack Kaplan, M. V. Sullivan, J. Zurich, J. A. Bykowski.

Charlotte—F. A. Rohrs, R. M. Boovy, Walter P. Loewe, F. E. Dyer.

Chicago—Sam Horowitz, T. C. Montgomery, B. P. Pickler, Harry Goldberg, Frank Young, Joe Hartman, Charles Kamp.

Cincinnati—Max Stahl, S. B. Kramer, J. E. Armgardt, H. Dudelson, Chick Weinberg.

Cleveland—A. M. Goodman, L. Geiger, N. Levin, E. Goldberg.

Dallas—Doak Roberts, T. R. Barber, Jay Schrader, W. J. Cammer, H. A. Daniels, Roy Sacks.

Denver—Al Hoffman, Eugene Garbase, Harry Stern.

Detroit—M. Dudelson, L. Soskin, I. Weingarden, B. J. Robins, S. J. Bowman.

Indianapolis—Joseph Cantor, E. V. Donnelly, William Rosenthal, N. M. Krueger, E. W. McKinley.

Kansas City—W. E. Troug, John Graham, J. L. Schorgl, A. C. Buchanan, McAfee Robertson.

Los Angeles—E. W. MacLean, Guy S. Gunderson, Frederic Gage, W. B. Pollard.

Milwaukee—H. F. Lotz, N. Provencher, H. L. Levy.

Minneapolis—R. S. Cramblet, R. J. Wylie, F. Eisenberg, D. Conley, E. W. Johnson, C. J. Chouinard.

New Orleans—G. R. Frank, Milton Dureau, F. R. Murphy.

New York—Moe Streimer, Nat Beier, David Burkan, Mayer Lieberman, Leon Herman, Samuel Rifkin, Lawrence Brown, Edward T. Mullen, Arthur Winberger.

New Haven—Arthur Horn, Philip Sherman, Mary O'Brien.

Omaha—D. V. McLucas, H. R. Barker, N. S. Frankle, H. R. Frankle, E. Rostermundt, L. J. Doty.

Pittsburgh—B. M. Stearn, Harry Rees, William Scott, Leonard Cantor, Charles L. Dortic.

Philadelphia—Harry Bodkin, T. L. Davis, Erhin Brenner, Philip Duffy, Elizabeth McCaffrey.

San Francisco—D. J. McNerney, O. H. Watson, Paul Bush, W. Z. Bigford.

St. Louis—W. Feldstein, James Creig, Francis H. Rudolph, Sydney Tauber, Ray Curran.

Salt Lake City—I. Schlank, Joe Solomon, E. M. Gibson, W. K. Millar, J. N. Madsen.

Seattle—Guy F. Navarre, Jack O'Bryan, F. M. Higgins, A. H. Kloepper, Harry Harden.

Washington—Charles Kranz, S. Lehman, Robert Bertschy, E. Martin, M. L. Katz.

The Canadian contingent will consist of the following:

Calgary—A. Feinstein.

Montreal—A. J. Jeffery.

St. John—G. M. Hoyt.

Toronto—H. M. Master, S. Glazer, D. Axler, M. H. Wilkes, H. Kohen.

Vancouver—S. Nagler.

Winnipeg—D. Griesdorf.

Sparks from the Rails

ABOARD THE UNITED ARTISTS CONVENTION SPECIAL, BUFFALO, July 4.—PAUL LAZARUS, western division manager, is on hand to greet many of his old acquaintances. PAUL knows 'em all.

✠

CHARLIE STERN, assistant to Harry Gold, is the loudest talker in the outfit. When he opens up exhibitors in Boston, his old hunting ground, cup their ears.

✠

JACK KAPLAN, Buffalo sales manager, has built up a swell reputation for not answering his mail—and are some of the boys peeved?

✠

MOE STREIMER, New York sales manager, probably has trained more salesmen than any other man in the business.

✠

Two bits to the fellow who can guess why all the boys call JOHNNY J. DERVIN, Boston sales manager, "Tomatoes." That nickname has stuck to him for years.

✠

Next to GOLD, ARTHUR HORN, New Haven manager, gets high praise for his telephone activities. He burns 'em up.

✠

SAM STERN, U. A. salesman out Boston way, is a brother to Home Office CHARLIE STERN. That, in itself, is enough of a reputation.

✠

Buffalo JACK ZURICH, once associated with M-G-M, has been with U. A. for a number of years.

✠

PHIL SHERMAN, selling in New Haven, is a pupil of MASTER of Toronto. He also worked for U. A. in Winnipeg.

✠

ELISABETH MCCAFFREY, office manager in Philly, probably has the best Irish wit in that territory. Any exhibitor will verify that.

✠

SAM RIFKIN of the New York exchange has been with U. A. for many years in various capacities. An old-timer.

✠

GEORGE HAGER, salesman in Boston, is a grandfather, but when it comes to sales he's one of the leaders.

✠

MATT SULLIVAN, operating out of the Buffalo office, was formerly with U. A. in Toronto.

✠

Wonder why some of the boys label ARTHUR HORN "to wit" and "whereas"?

More Army Theatres Funds Being Sought

WASHINGTON, July 4.—Plans of the War Department for the construction of additional theatres at army posts have been disclosed by publication of applications for works funds filed with the Division of Applications and Information of the works program.

Thirty thousand dollars is sought for the construction of a theatre at Fort Winfield Scott, San Francisco, and $45,000 for a theatre and radio transmitter building at Bolling Field, Washington.

Expect Hearing Soon On GTE-Midwest Suit

KANSAS CITY, July 4.—Hearing on the amended petition of General Theatres Equipment bondholders attacking the Fox Midwest reorganization is expected within the next 10 days, according to C. A. Randolph, one of the attorneys for the bondholders.

It is understood that Herbert V. Jones, trustee in bankruptcy for Fox Midwest, will not file his trustee's report until the General Theatres suit is out of the way.

Flamm May Expand

Donald Flamm, owner of Station WMCA and head of the Inter-City Group which operates stations in Philadelphia, Baltimore, Washington, Wilmington, Providence, Boston and Laconia, N. H., contemplates an extension of his broadcasting hookup. He left yesterday for Colorado Springs to attend the convention of the National Ass'n of Broadcasters, but will visit other cities on the proposed plan prior to his return to New York in three weeks.

Republic's Final Regional Tomorrow

Republic's final regional meet will be held tomorrow at the Park Central with representatives of the Philadelphia and New York exchanges attending in addition to home office executives.

Representing the home office will be: W. Ray Johnston, president; Edward Golden, general sales manager; Edward Finney, director of advertising and publicity; Herman Gluckman, president of Republic Film Dist. Corp. in New York and Philadelphia; Budd Rogers, E. H. Goldstein, N. K. Loder, John S. Harrington, F. P. Friedhoff, Norton V. Ritchey, J. Hanley, J. Tierney, E. Diamond, and Charles Morla.

From the local exchange will be Jack Bellman, D. M. Sohmer, S. Picker, J. Felder, M. Cohen, D. Black, J. Wilson, M. Harra, F. Greenberg, A. Plisco, R. J. Fannon, S. Perlman, I. Seigel, R. Yackow, D. Kahn, T. Pekelner, M. Spino, E. Gotterer, R. Hassen, J. Cohen, S. Seasonwein, M. Goodman, J. Kessler, L. Dix and J. Fier.

The Philadelphia contingent will include Harry A. Le Vine, William Z. Porter, Michael Levinson, William Karrer, Obie Derr, R. Eberz, C. Lawson, G. Lippin, C. Maggioncalda and Robert S. Marcus.

Coast Pool Begins Aug. 15

PORTLAND, Ore., July 4.—Al Finkelstein, Oregon representative of Evergreen Theatres, Fox West Coast subsidiary, revealed yesterday the pooling deal between F. W. C. and the Hamrick circuit becomes effective Aug. 15. Only houses in Portland and Seattle are included in the deal, not those in Tacoma.

Canadian Composers Got Nothing—Mills

TORONTO, July 4.—Evidence regarding the fate of Canadian composers in the matter of royalty revenue under copyrights was offered at the resumed Toronto sittings of the inquiry by Judge James Parker into the activities of the Canadian Performing Rights Society, when important witnesses from England and the United States were heard.

E. C. Mills, general manager of Ascap, declared that as far as he knew, not one composer residing in Canada had received a cent from the Canadian Performing Rights Society, although Canadian theatres and other music-users paid the society over $100,000 for licenses last year. Money paid over to the American organization from the Canadian Society, starting in 1933, had never been distributed, but was being held in reserve. Asked how much money had been paid by the Canadian society he replied that the work had not yet been settled.

Mills replied in the affirmative when asked if it were true that a Canadian received nothing in royalty fee when he sold his composition to an American publisher.

C. F. James, general manager of the British Performing Rights Society, admitted that Gitz-Rice, Canadian composer of "Dear Old Pal," had received only $8 for the playing of the piece in the British Empire outside of Canada. Apart from the amount paid to Frederick Harris of Oakville, Ontario, the British society had paid only $90 to Canadian composers during the past year.

Arthur G. Slaght, Toronto lawyer, declared it was nonsense that the Canadian public was paying for the use of music when the British society possessed only 600 actual titles, "barring 37,000 titles said to be in the vaults of Boosey Limited, London, England."

Leslie Boosey of London, chairman of the British society, declared it would be impossible to list all compositions with the Canadian Government.

Oklahoma City Gets New $100,000 House

OKLAHOMA CITY, July 4.—Standard Theatres is to build a $100,000 suburban house of Chinese design with seats for 1,200, according to Pat McGee, general manager. Work is to start in September and should be completed in January.

The house will be larger than the circuit's downtown Empress and Liberty. It will be located on Northwest 23rd St., between Walker and Hudson Aves.

Another new Standard suburban house, the Plaza, is nearing completion on Northwest 16th St. near Indiana Ave.

Other industry construction plans here call for a new exchange building for Fox at Grand and Lee Aves. It will be a $25,000 fireproof structure to be erected by G. A. Paul, local attorney, and occupied under a 10-year lease. It will be ready in the fall. M-G-M is finishing a new exchange just across the street.

Open Air Spot for Tulsa

TULSA, OKLA., July 4.—This city's first open air theatre is being constructed at Fourth St. and Lewis Ave. for American Players for presentation of a series of plays.

Connecticut Leans Toward Revised Code

(*Continued from page 1*)

n individual, said: "Voluntary agreeients in the past have broken down; : is not that they are not highly deirable, but they do not work out."

As an example, Dr. Fishman realled the attempts two years ago of ie M. P. T. O. A. executive comiittee, of which he was a member,) work out certain fair practice greements with distributors at two r three meetings in Chicago and elsevhere. As a result of the negotiaions, Dr. Fishman said that Sidney ₹. Kent of Fox was to have secured ie consent of distributors to the rules greed upon in conference, but that o common ground was ever reached.

In the absence of any meeting of ie M. P. T. O. specifically acting n the matter of a voluntary code, Edvard G. Levy, secretary of the assoiation, felt it advisable to make no tatement.

Adolph G. Johnson of the Strand, Iamden, a member of the recent learance and zoning board, said: It would be the best thing for the ıdustry. There is no doubt about :—provided the setup were so mended that the small exhibitor vould have equal representation on ie sitting body. If this could be ffected, I would be 100 per cent or it."

"Wouldn't Mean Anything"

B. E. Hoffman of Warner theatres aid he "never believed the code had ny benefit for us here and if that was rue under government compulsion, he voluntary code wouldn't mean anyhing." Hoffman considered the inlustry an exception in this respect, ind thought voluntary codes would e valuable in other industries. He tated that the problems in this territory were not important and said: 'We are very happy that we can attend to business and not to code meetngs."

Joseph A. Davis of the Colonial, Southington, believed that a volunary code with inequities in board composition straightened out and other changes supported by the local M. P. T. O. adopted, would benefit a maority of members of the industry. If the industry is found ready for such ı plan, Davis suggests that exhibitors outline the form it should take and neet with a committee of distributors o work out a final document for ratiication by various units.

"I believe," he said, "the thing should have certain restrictive powers, out no 'crack-down' methods—loss of certain privileges for violations, rather than too strong penalties."

Harry Shaw, division manager, refused to make any statement for the Loew New England Theatres, and George Cruzen could not be reached to speak for M. & P. Theatres, operating the Paramount.

"If it can be made workable," Sam Bailey, representing the Whalley Theatre here, said, "I favor continuing the code on some sort of voluntary basis, retaining most of the provisions of the NRA code, but amending them in accordance with M. P. T. O. resolutions."

One of the most consistent objectors to NRA code procedure, Harry L. Lavietes of the Pequot, thought that an arrangement "could be tried, but only if the final jurisdiction were to be local." He maintained that in the last analysis the NRA code was voluntary.

Edwin S. Raffile, manager of the Globe, said: "I'd like to see the code continue, but some way will have to be found to give it plenty of strong teeth."

Speaking for the Park, Allingtown, Michael Cascioli was favorable to the adoption of a voluntary code as was also Michael Tomasino of the White Way.

Connecticut exhibitors have sent telegrams to Code Authority opposing a revival of the former Film Board of Trade.

Culkin's Chest Is Lighter

(*Continued from page 1*)

whole structure of control is built upon illegality, violation and evasion of existing law.

"Eight companies," he charged, "control 90 per cent of the photoplay production in America. These are banded together by hooks of steel, and they own and operate 20 per cent of the talking picture theatres."

Then he turned his heavy verbal artillery on Will H. Hays.

"Will H. Hays, instead of being a Moses leading the movies out of the cesspools, is in fact a lobbyist whose sole function is to keep the public off the producers," he wrote. "For years Hays has been the artful dodger that has kept public sentiment in leash."

The code didn't escape.

"The movie trust is definitely a violation of the anti-trust law," he went on. "Under the NRA, which is now history, the trust control of movie production reached its peak. The NRA code, as written, turned the independent producers and exhibitors over to the movie trust, body and soul. These were happy days for Will Hays and those whom he represented, but unhappy days for the independents and those concerned with the human documents of America. Rapacity and tyranny were on the throne, and the picture looked very black so far as the public interest was concerned.

"Today the distinguished, able and public-minded Attorney General of the United States, Hon. Homer S. Cummings, is conducting a prosecution in St. Louis which will, if successful, have a far-reaching effect upon this industry. It will take the shackles off the independent producers and will subject the anti-social types that are in command to the restraints of law."

Pennsylvania Sunday Show Bill Is Signed

(*Continued from page 1*)

November will be the first time that a vote on the subject will be possible.

Before the question can be placed on the ballot in any municipality, a petition by five per cent of the voters in the dominant party is required, or a request for such a referendum may be made by the local authorities. The act repeals that part of the Blue Law of 1794 which has been construed to apply to Sunday shows.

Finds 75,000,000 at Film Shows Weekly

(*Continued from page 1*)

more than 100,000 population there are about seven persons for each seat.

Between 15 and 85 per cent of all adult admissions are purchased between 7:30 and 8:30 P.M.

Prints for each feature vary from 50 to 250. The average of simultaneous daily runs per picture is 200, and the average screening per print is 200. Maximum bookings per feature are near the 10,000 mark, with a minimum general average of 2,000.

Statistics on stars show that 28 per cent of the 96 stars who headed casts of *Motion Picture Herald's* boxoffice champions were foreign born and that half of these came from English speaking countries.

Story and play purchases for the season which began in September, 1934, are listed, with identification of authors, companies and tentative choices of stars.

A new feature is a record of the revised rates of both the big broadcasting companies, NBC and CBS.

Other facts include listings of all companies connected with the industry, information on all pictures made since the introduction of sound, financial statements, corporate structures, theatre circuits, and other details. The volume contains 1,208 pages.

Resignations of Arthur, David Loew Are Accepted

(*Continued from page 1*)

actly what this implied is another point which likewise has not been amplified.

No successors were named, but it is likely new directors will be elected at the Aug. 7 session.

With the resignation of the Loew brothers, the board is reduced to 10, namely, Nicholas M. Schenck, David Bernstein, J. Robert Rubin, Leopold Friedman, Charles C. Moskowitz, I. Frey, T. Nelson Perkins, Judge John R. Hazel, David Warfield and William A. Phillips.

The regular $1.62½ dividend on the Loew preferred stock was declared, payable Aug. 15 to stockholders on record as of July 26.

All New Codes To Be Handled By Trade Body

(*Continued from page 1*)

lines of similar agreements made by the commission in pre-code days wherein, after a hearing and discussion of the practices which an industry would ban, the commission divided them into two groups, one consisting of practices definitely prohibited by law and the other those not clearly outlawed but held by the industry to be undesirable.

As a substitute for a voluntary code a "basic plan" has been devised in New York for a contract agreement between competitors, the provisions of which more or less parallel those of the voluntary codes, but with violations a matter of civil suit rather than prosecution.

While NRA officials cannot disapprove of this method, it is indicated they would prefer to have industries make codes under the Recovery Act.

Canada Film Takes Total $24,954,200

(*Continued from page 1*)

revenue of $2,737,929 in the tax on admissions.

The statistics revealed that receipts had declined steadily since 1930, when the revenue was $38,479,500, to the latest total of $24,954,200. The percentage of decrease was greatest in Ontario, this being 31.1 per cent. The highest was found in Prince Edward Island, where the decrease had been 54.5 per cent. During the four years the index of admission prices showed a decline of 18.5 per cent.

Figured on a per capita basis, every man, woman and child spent $2.40 on film entertainment during the year. Provinces having a large urban population showed a much higher average per person.

Derr Joins Casey in Suit Against Pathe

(*Continued from page 1*)

accounting and leave to examine the books of the company. Derr's action was filed recently and has been set for hearing in state court here next Tuesday.

Pathe defendants in replying to Casey's charges asserted the belief that Derr inspired that action, citing demands alleged to have been made by Derr for an executive post in Pathe, which were refused by the present officers. Derr's action parallels that of Casey except for the additional request for leave to examine the company's books.

Fieldman Joins "U"

KANSAS CITY, July 4.—Joe Fieldman has joined the Universal sales staff to cover Northern Kansas, Jack Stewart, formerly on the route, goes to the Detroit exchange.

House Open to 6 A. M.

SAN DIEGO, July 4.—Lou Metzger, operator of the Spreckles, is keeping his house open until 6 A.M. to take care of the late crowds.

"Thomas" Is Detroit Hit; Gets $19,300

DETROIT, July 4.—Two pictures ran away with the bulk of the business here last week. "Doubting Thomas" was a sensation at the Fox in an otherwise dull week. It piled up $19,300, above average by $4,300.

The other strong attraction was "The Girl from 10th Ave.," which hit $23,300 at the Michigan, over par by $3,300.

Total first run business was $61,900 Average is $60,000.

Estimated takings for the week ending June 28:

"CHARLIE CHAN IN EGYPT" (Fox)
"VILLAGE TALE" (Radio)
ADAMS—(1,770), 10c-40c, 7 days. **Gross** $3,600. (Average, $5,000)
"DOUBTING THOMAS" (Fox)
FOX—(5,100), 15c-55c, 7 days. Stage: Five acts vaudeville. **Gross:** $19,300. (Average $15,000)
"LES MISERABLES" (U. A.)
"FOUR HOURS TO KILL" (Para.)
(Second Run)
FISHER—(2,975), 10c-40c, 7 days. **Gross:** $4,200. (Average, $5,000)
"GIRL FROM 10TH AVE." (F. N.)
MICHIGAN—(4,100), 15c-55c, 7 days. Stage: Five acts vaudeville. **Gross:** $23,300. (Average, $20,000)
"THUNDER IN THE EAST" (U. A.)
"VAGABOND LADY" (M-G-M)
(Second Run)
STATE—(3,000), 10c-40c, 7 days. **Gross:** $4,800. (Average, $5,000)
"THE SCOUNDREL" (Para.)
UNITED ARTISTS—(2,070), 15c-55c, 7 days. **Gross:** $6,700. (Average, $10,000)

Rain, Heat, a Band Hit Lincoln Takes

LINCOLN, July 4.—Heat, wind, rain and Duke Ellington's one night competition at the Capitol Beach amusement park drilled their way into film grosses. "Stolen Harmony" and "Devil Is a Woman" were split at the Lincoln, although the first half looked plenty strong to hold. The result was $2,000 with two-thirds of the gross due to the first three days. The take was $200 below average. "Oil for the Lamps of China" went out in six days at the Stuart with $2,100, $1,000 under the seven-day average.

"Black Fury" and the Baer-Braddock fight were held three days over the regulation run on the forepart of the week and were replaced by "Werewolf of London" and "Strange Wives" which ran five days. Eight days netted $1,900. Much of the juggling of dates was to get in line for a July 4 opening.

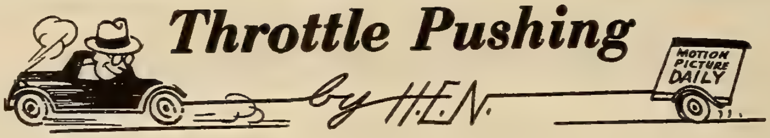
Total first run business was $6,600. Average is $7,850.

Estimated takings:

Week Ending June 27:
"CYCLONE RANGER" (Capitol)
"CHARLIE CHAN IN EGYPT" (Fox)
"RETURN OF BULLDOG DRUMMOND" (U. A.)
COLONIAL — (750), 10c-15c, 7 days. **Gross:** $800. (Average, $850)
"OIL FOR THE LAMPS OF CHINA" (F. N.)
STUART — (2,000), 10c-25c-40c, 6 days. **Gross:** $2,100. (Average for 7 days, $3,100)
"STOLEN HARMONY" (Para.)
"DEVIL IS A WOMAN" (Para.)
LINCOLN—(1,600), 10c-20c-25c, 6 days. **Gross:** $2,000. (Average for 7 days, $2,200)
Week Ending June 28:
"BLACK FURY" (F. N.)
"BAER-BRADDOCK FIGHT (Oliver
"STRANGE WIVES" (Univ.)
"WEREWOLF OF LONDON" (Univ.)
ORPHEUM—(1,200), 10c-15c-25c, 8 days. **Gross:** $1,900. (Average for 7 days, $1,700)

Throttle Pushing

by H.E.N.



DENVER—Tony A. P. Archer, former Educational district manager, together with Joe H. Decker, have opened a ritzy swimming pool at Golden which they have named "The Golden Plunge." Tony and Joe are also operating the Oriental, Granada and Egyptian here and doing very well.

G. B. Pictures are getting a real play under the able direction of Irving L. Jacobs, who is supervising both the Denver and Salt Lake branches. C. F. Rose and Alpha K. Shepherd are handling the Salt Lake end. Lee Rinker, booking, and Abel Davis, salesman, complete the staff at the Denver office.

L. J. Finske, general manager of the J. H. Cooper Enterprises, is busy these days formulating plans for remodeling and the overhauling of all their houses. Ralph Ayres, former manager of the Paramount, St. Paul, has been transferred to take charge of the Ute, Colorado Springs. Bert Turgeon is booking this circuit and E. F. Roberts is the auditor and general handyman.

Harry B. Ashton, district manager of Fox Rocky Mountain Theatres, has been holding down the boss, Rick Ricketson's chair, while he is in New York negotiating. Chet Miller has the northern division and Bill Steege has the Montana and Idaho setup. Things are humming throughout the circuit due to the "On to the Convention Contest" started June 16 and closing Sept. 7. Each theatre has been given a quota take for the above period and those managers exceeding this quota share in the profits for a 12-week period. Don Sheedy, Trinidad, Colo., won the last contest and it is rumored Gerald Whitney, manager of the Mayan here, is the favorite to take this one. Houses on this circuit are receiving a general overhaul and a great many marquees are being installed. I. Weiner, comptroller, still pays the bills.

Walter Ibold, owner of the Comet which is the first-run at Barnum, a suburb, was in the third flight of the Colorado closed amateur golfing contest at Park Hills, but lost out because he couldn't get his mind off of "Call of the Wild." Walter is the ace golfer of the local film colony.

Glenn Rice and his original Beverly Hills "Hill Billies" will play the Tabor the week of July 26. Glenn is also handling the Colorado Springs flood pictures.

Ed T. Zedra, who saw Michigan via the Butterfield route, is now operating the Washington Park theatre here. This house has been rebuilt, has a new marquee, and is enjoying a good business.

Exhibitors' Film Delivery Service, serving Colorado, Wyoming and Nebraska, has been having its troubles the last few weeks. But through all the floods, it has continued to give service. A. E. Galagher is president of this organization and the manager is Mrs. H. J. Carlson. This organization is a member of the National Film Carriers Service.

Over at the Fox exchange, R. J. Morrison, branch manager, and his salesmen, Hugh Rennie and E. M. Loy, are busy figuring out their quota for the new 20th Century lineup, while Booker C. A. Larson is prodding the delinquents and clearing the slate for Zanuck's pictures. This office has also an able secrein Miss Le'Gendre.

Jack Langan, branch manager for Universal here, is sporting diamond cuff-links, stickpin and watch-chain. He is setting a new fashion for the Denver sports prior to the first-run of "Diamond Jim." Jim Homell and Art O'Connell, salesmen, are trying to borrow some diamonds from their exhibitor friends. Emmett Warner is doing the booking.

Lon T. Fidler, owner of Distinctive Screen Attractions, has been in Hollywood on a business deal with Nat Levine regarding Mascot features and serials which Republic have taken over. This popular exchange is working five prints on the Baer-Braddock pictures. W. W. McKendrick is handling the Salt Lake branch, while Jack Krum sells out of Denver.

P. H. Hoppen, owner of the Plaza and Palace and former Kearney, Neb., exhibitor, is doing a little "batching" while his wife, Mrs. Faye L. Hoppen, is doing London and the continent. Mrs. Hoppen took her niece, Shirley, abroad on the *Normandie* as a graduation present.

Dave Frazer has left his Mormon affiliations behind and is now managing the local branch of Sheffield's Republic. Dode Samuels is selling and Frank W. Sheffield is office manager and booker. This office threw a swell feed recently for the local exhibitors with Eddie Golden master-of-ceremonies.

Charles Yeager, owner of Affiiliated Enterprises, has moved his general office from 810 14th St. to the old Pathe Building which he has purchased at 2165 Broadway. Charlie is owner of the "Bank Night" copyright and is operating the Rex at Rapid City, S. D.—Dave Davis, manager—and the Roxy, Jim Howell, manager.

T. B. Noble is now general manager of the Westland Theatre, Inc., of which Louis L. Dent is president. This part of Dent Enterprises includes 11 theatres throughout Colorado and two in Lincoln, Neb. Noble tells us that the Colorado Springs flood story was grossly exaggerated, none of their houses having been damaged by the rains. Larry Starsmore is handling the Colorado Springs house; Howard Federer, Pueblo; George Monroe, Greeley; Charlie Decker, Grand Junction and Milton Oberman and Shorty Warren, Lincoln, Neb.

"Let 'Em" on Dual Is Best In Montreal

MONTREAL, July 4.—"Let 'Em Have It" and "Party Wire" on a dual bill were the only two to make an impression downtown last week despite the fact that St. John the Baptist Day was a holiday. The take at the Princess was $6,500, over average by $500.

"Reckless" took $9,000 at the Palace, but this was $2,000 under par. "Doubting Thomas" and "The Loves of a Dictator" also were weak at the Capitol.

Total first run business was $27,000. Average is $30,000.

Estimated takings for the week ending June 29:

"DOUBTING THOMAS" (Fox)
"THE LOVES OF A DICTATOR" (G.B.)
CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $8,500. (Average, $9,500)
"CASINO MURDER CASE" (M-G-M)
"THE MARINES ARE COMING" (Mascot)
IMPERIAL—(1,914), 20c-25c-34c, 7 days. **Gross:** $3,000. (Average, $3,500)
LOEW'S—Closed temporarily.
"RECKLESS" (M-G-M)
PALACE—(2,600), 25c-35c-40c-50c-65c, 7 days. **Gross:** $9,000. (Average, $11,000)
"LET 'EM HAVE IT" (U.A.)
"PARTY WIRE" (Col.)
PRINCESS — (2,272), 30c-35c-50c-65c, 7 days. **Gross:** $6,500. (Average, $6,000)

Cincy Bank Reports Show Business Gain

CINCINNATI, July 4. — Improved conditions here are reflected in comparative business indices for the first five months of this year just released by the Chamber of Commerce, which show a gain of $125,200,260 in bank clearings over the similar period of 1934.

Average employment in 18 selected industries showed an appreciable increase during the period.

Horlacher Outing Set

PHILADELPHIA, July 4.—James P. Clark, president of Horlacher's Film Delivery Service, on July 7 will stage a picnic and outing for more than 200 employes at Morris-on-the-Delaware.

Clark has rented Kugler's for the day. Heretofore, Horlacher's has held an outing during the winter months, but from now on they will be staged during July.

Film Men in Accident

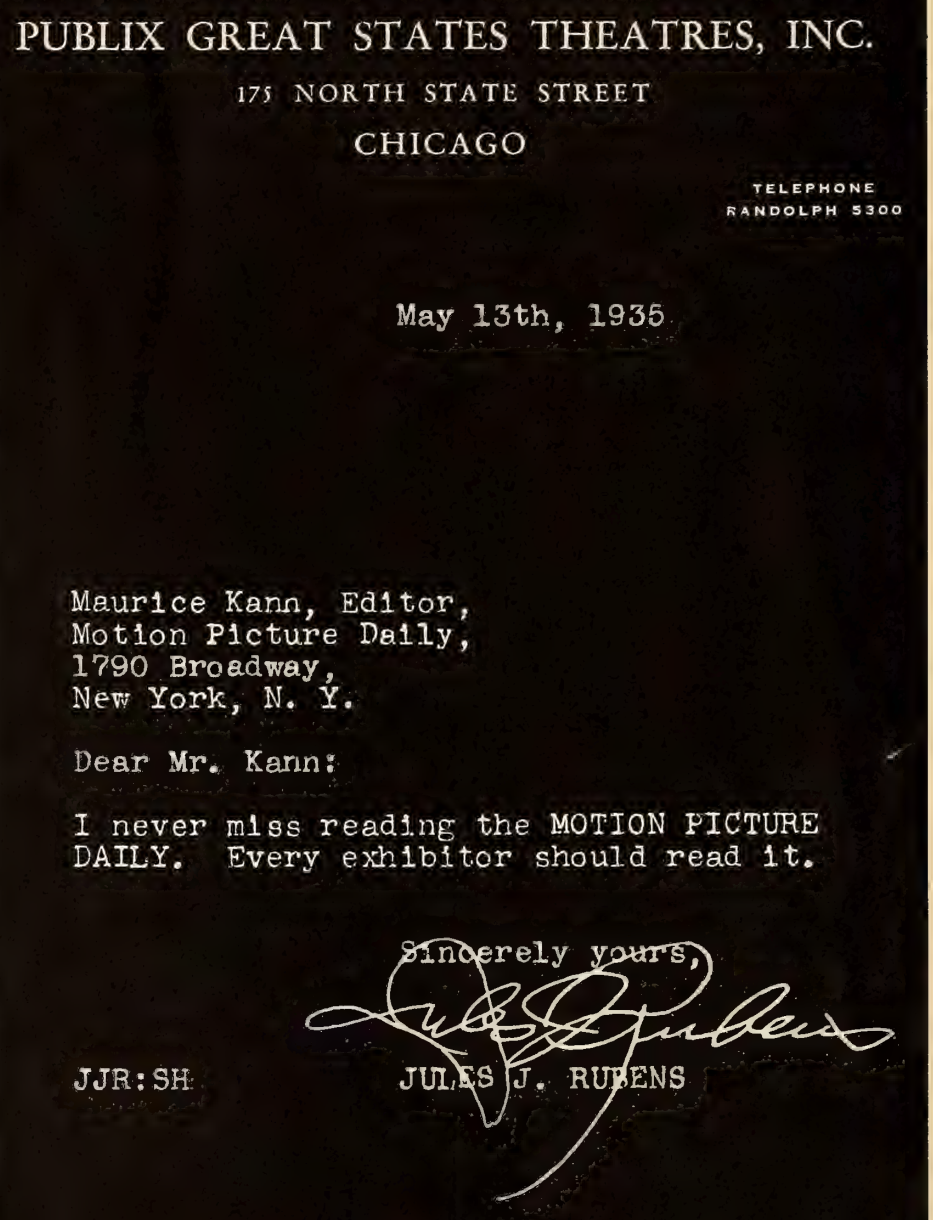
BALTIMORE, July 4.—Jack Goldberg, general manager of International Road Shows, and Charles Ferrara, technical director of the same organization, are recuperating from injuries sustained in an automobile accident near here Sunday. Both are at the Sinai Hospital here.

Theatre Firm Formed

DOVER, Del., July 4. — Prudential Theatres Co., Inc., has been formed here to deal in stocks, bonds, etc., listing a capital of $100,000. The incorporators are Jacob Schaum, David Coral and Edith H. Kuen of New York.

Portland Gets Council

PORTLAND, Me., July 4.—A local branch of the M. P. Research Council has been formed here.



PUBLIX GREAT STATES THEATRES, INC.
175 NORTH STATE STREET
CHICAGO

TELEPHONE
RANDOLPH 5300

May 13th, 1935

Maurice Kann, Editor,
Motion Picture Daily,
1790 Broadway,
New York, N. Y.

Dear Mr. Kann:

I never miss reading the MOTION PICTURE DAILY. Every exhibitor should read it.

Sincerely yours,

JJR:SH

JULES J. RUBENS

1790 BROADWAY, NEW YORK CIT

$6. per yea

Purely Personal

JAMES F. SHARKEY, formerly a salesman attached to the RKO Radio Detroit branch, has been appointed special representative at the home office to devote all his time to developing "March of Time" sales. He will work under the direction of Harry Michalson, short subjects sales manager.

•

Herman Pincus is writing a series of shorts for Master Art Products, Inc. The first, "Stars of Tomorrow" features Ted Claire and a cast of amateurs. Pincus also did the dialogue, Ben Schwartz directed and E. Schwartz produced. N. T. G. has been signed for six of the series.

•

Mrs. Charles Einfeld ran into bad luck on the Oakridge course the other day. She slipped and broke her ankle and so will be laid up for about six weeks.

Quip of the Day

Ali Gaga reports that Hal Groves of the Copyright Protection Bureau refused to play bridge the other night because they were using "Bicycle" cards.

George Dembow has taken a house at Cedarhurst, L. I., for the summer, but in the fall will transfer his regular residence to Westchester. Just to be near Brother Sam and Boss Herman Robbins.

•

Joe E. Brown has checked out of town for Cleveland where he will visit his family. From Cleveland he will visit Pittsburgh and then return here before going back to Hollywood.

•

Carl-Gerhard Wallman, representing RKO Radio in Scandinavia, returns to Stockholm on the *Berengaria* today.

•

Ed Olmstead, who arrived from Chicago on Wednesday morning, left that night by plane for the coast.

•

Joe Rivkin, eastern representative for Hal Roach, will fly to Hollywood Wednesday on a 10-day trip.

•

Jack D. Trop was in Philadelphia the other day to attend the opening of "The Dictator" at the Fox.

•

Sam W. Smith, of British Lion Films, is expecting to sail for London within the next week or 10 days.

•

Mark Ostrer and Michael Balcon of G.B. are due from England sometime in October.

•

Mike Kavanaugh is in Cicinnati to exploit "Sanders of the River" at the Capitol Theatre.

•

Jake Wilk, eastern story head for Warners, is on the high seas and will be gone for four weeks. Europe.

•

Frank F. Kolbe, president of Pathe, is due back from a western trip next week.

•

Frank Melford hopes to get off to the coast the latter part of next week.

•

Lee Leventhal is recovering from injuries sustained in an auto accident at Deal, N. J. He's in Elizabeth Hospital.

•

Arthur Dent is planning on sailing for England next week.

•

. . . Atlanta

P. H. Savin, district accessory manager for Arthur C. Bromberg, has returned to Atlanta from a business trip to the New Orleans exchange.

Herbert Ochs, Warner branch manager, has been awarded a seven-passenger Buick for general all-round efficiency in the office operation. This follows within six months an award of $1,000 earned while he was Memphis, Tenn., branch manager for leading in played and paid business in that territory before his transfer to Atlanta.

Clarence Eiseman, U. A. branch manager, is preparing for the trek to the coast.

Riley Davis and Sid Reams, of the Theatrical Printing Co., spent a couple of days on the Georgia coast and brought back 700 pounds of fish, to be distributed along Film Row.

Roscoe B. Gann, head booker for Universal, is on his annual vacation. Gann is celebrating his 12th year with Universal in Atlanta.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Page Miss Glory"

(Cosmopolitan-Warners)

Hollywood, July 4.—Marion Davies' first production since departing from M-G-M is a fast farce. She is aided and abetted by the sterling troupers Dick Powell, Pat O'Brien, Frank McHugh, Lyle Talbot, Patsy Kelly, Allen Jenkins and others.

The film is hilarious fun handsomely mounted with novel central situations and plot that seldom assails one's think tank too strongly. Speedy entertainment produced for laughs, it hits on high all the way.

The story is a "Cinderella" yarn with modern twists. Miss Davies plays a dumb chambermaid in a swank hotel where O'Brien and McHugh, quick talking boys, enter a composite photograph of a non-existent girl in the "Miss Glory Contest" for the frail who combines the allures of Garbo, Harlow, Dietrich and Kay Francis. Their photo wins the contest, but, unable to produce Miss Glory, Miss Davies is catapulted into the spot for laughable romantic and business complications impinging on Powell, a goofy aviator; Talbot and a pack of news hounds; also Jenkins and Barton McLane, kidnappers. O'Brien and McHugh, in for easy dough of tieups, flyups and radio, shock absorb the situations, milking 'em to the hilt.

The production shifts from the air scenes to a radio studio, to the hotel and includes Powell's singing, plus romance and comedy.

Mervyn LeRoy directed in march tempo, snaring a maximum of laughs highlighting all the entertainment values.

The screen play by Delmer Daves and Robert Lord springs from Joseph Schranks' and Phillip Dunning's stage play. Settings, sound and photography rate high, as is usual with Miss Davies' vehicles.

Undoubtedly to be launched with a Warner-Hearst fanfare, it should get more than the ordinary Davies returns and give satisfaction to patrons seeking relaxation and laughs.

Production Code Seal No. 984. Running time, 90 minutes. "G."

Looking 'Em Over

"Wilderness Mail"

(Ambassador)

This "action thriller" gets off to a good start and from the first reel or so promises to live up to its billing—well, almost—but in the end turns out to be rather weak-kneed and just another picture slightly lacking in entertainment values.

Director Forest Sheldon seemed to be trying hard, but outside of Fred Kohler and Kermit Maynard the material with which he had to work seemed shy in histrionic ability. The camera work of Arlton Reed is good.

The yarn has Maynard awaiting his brother, a sergeant in the mounted police, when the latter is murdered. Maynard then sets out to find the culprit with only the slightest of clues. He plods ahead for about two and a half reels of celluloid before he finds that Kohler is the villain. The windup has Kohler captured and Maynard married to his daughter, Doris Brook, with whom he started romancing along about the middle of the film.

As the minor half of double bills this picture might get by. Production Code Seal No. 830. Running time, 60 minutes. "G."

"Escape Me" Garners Best Take in L.A.

Los Angeles, July 4.—"Escape Me Never," in its second week at the 900-seat 4-Star was the big noise of the week. It grossed $5,100, over the first week average by $1,850.

A revival of "The Virginian," plus a personal appearance of George Jessel drawing a strong $18,500 to the Paramount. This was over the line by $500. "Stranded" made a spotty showing. It was slightly above normal at $8,200 in the Hillstreet, but was away off on a take of $9,100 at Warners' Hollywood.

Even with a preview of "Anna Karenina," the Chinese failed to get anywhere with "Age of Indiscretion" and "Charlie Chan in Egypt." The $7,250 take for six days was $5,250 under par.

Total first run business was $66,050. Average is $87,700.

Estimated takings for the week ending July 3:

"AGE OF INDISCRETION" (M-G-M)
"CHARLIE CHAN IN EGYPT" (Fox)
CHINESE—(2,500), 30c-55c, 6 days. **Gross:** $7,250. (Average, $12,500)

"LOVES OF A DICTATOR" (G. B.)
FILMARTE—(800), 40c-50c, 7 days. **Gross:** $1,500. (Average, $2,750)

"ESCAPE ME NEVER" (U. A.)
4 STAR—(900), 30c-55c, 6 days. 2nd week. **Gross:** $5,100. (Average, $3,250)

"STRANDED" (Warners)
HILLSTREET—(2,700), 25c-40c, 6 days. **Gross:** $8,200. (Average, $8,000)

"AGE OF INDISCRETION" (M-G-M)
"CHARLIE CHAN IN EGYPT" (Fox)
LOEW'S STATE—(2,500), 30c-55c, 6 days. **Gross:** $7,600. (Average, $14,000)

"THE VIRGINIAN" (Para.)
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: F. & M. revue, George Jessel. **Gross:** $18,500. (Average, $18,000)

"STRANDED" (Warners)
WARNER BROS. (HOLLYWOOD) — (3,000), 25c-40c, 6 days. **Gross:** $9,100. (Average, $14,000)

"THE GIRL FROM 10TH AVE." (F. N.)
"VILLAGE TALE" (Radio)
WARNER BROS. (DOWNTOWN) — (3,400), 25c-40c, 6 days. **Gross:** $6,000. (Average, $12,000)

"MARK OF THE VAMPIRE" (M-G-M)
"MAKE A MILLION" (Monogram)
PANTAGES — (3,000), 25c-40c, 7 days. Stage: Nine Marvellettes. **Gross:** $2,800. (Average, $3,200)

Competition Fades For Omaha Theatres

Omaha, July 4.—Competition, in many aspects, like the Arabs folding their tents and stealing away, is lifting for beleaguered exhibitors here. Night baseball went out with the transfer of the Western League club franchise to Council Bluffs, to be followed out soon by midget auto racers, whose season will end after enticing thousands to night races. Out-of-door night clubs, popular last year because of the intense heat, are not prospering as anticipated, partly because of the rainy weather.

Air-Cooled Columbia

Charles Schwerin, representing Air-Devices, Inc., has closed with Columbia Pictures to air-condition four of the floors it occupies in the Godfrey Bldg.

"Love Me" in 2nd Week

"Love Me Forever" entered its second week at the Music Hall yesterday.

The Leading
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Motion
Picture
Industry

MOTION PICTURE
DAILY

Alert,
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the Industry
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VOL. 38. NO. 5 NEW YORK, SATURDAY, JULY 6, 1935 TEN CENTS

Para. Lawyer Fees Jump to $3,222,226

This Is In Addition to $458,029 Paid

A final tabulation yesterday of the fees sought by attorneys and others for services in the Paramount bankruptcy and reorganization proceedings revealed that a total of $3,222,226.41 has been asked. This is in addition to $458,029.99 already paid by Paramount for services of this nature.

Among the late applications to be tabulated was that of Rosenberg, Goldmark & Colin for $18,728.25 for legal services. This firm was paid $13,500 by the debtor estate earlier. Another was a group of applications aggregating approximately $170,000 filed by the Paramount stockholders' protective committee for expenses and disbursements of the committee and

(*Continued on page* 2)

Paramount Theatre Men Here for Visit

Five Paramount theatre partners are in town, having arrived from Chicago where they attended an informal meeting with John E. Otterson, president. In town are William K. Jenkins of the Lucas-Jenkins circuit, Atlanta; R. B. Wilby of the Kincey-Wilby circuit, Atlanta; Frank Miller, Augusta, Ga.; Harold Robb and Edward H. Rowley of the Robb & Rowley circuit, Dallas. Paramount is interested in Little Rock, Ark., with R. & R.

Wilby is planning to leave today while Robb and Rowley will vacation here for the next week or ten days.

Goldstein Theatres In N. E. to Be Sold

Boston, July 5.—Twelve theatres and other property of Goldstein Bros. Theatres Corp. are scheduled to be sold at public auction at Springfield, with a new Goldstein company in which Paramount will have a 52 per cent interest prepared to bid in the properties.

The houses involved are the Broadway, Springfield; Victory, Holyoke;

(*Continued on page* 2)

"Love Me" $100,019 High at Music Hall

Despite the heat and a bad break in the weather on the opening day, "Love Me Forever" at the Music Hall was the topnotcher in the box-office lineup

(*Continued on page* 3)

Omaha Holds Code Helped; Want Another

Method of Enforcement Needed, They Say

Omaha, July 5.—The code, it is generally admitted here, brought about better relations between exhibitors and between exhibitors and distributors than had ever existed in this territory before. There has been little change since it was quashed by the U. S. Supreme Court and exhibitors are holding their breath.

If any substitute is attempted, they agree, it should have powers of compulsory enforcement.

"We need a code, a court of appeals, an umpire," declares Charles E. Williams, president of the M. P. T. O. unit. "Conditions are now ideal, but we sit with bated breath waiting for someone to start a price war or giveaway scheme. All of the exhibitors here have been brought to a better understanding of their relation

(*Continued on page* 3)

Art Cinema Sale of U. A. Stock Approved

Wilmington, July 5.—An order formally approving sale by Art Cinema Corp. of its holdings in United Artists Corp. for $650,000 has been entered in Chancery Court here. The sale was approved a week ago, but the order was not entered immediately.

Art Cinema is in process of dissolution. The holdings, comprising 1,000 shares, or one-sixth of United Artists' outstanding stock, go into the U. A. treasury. The corporation also has purchased 1,000 shares owned by Joseph M. Schenck.

Control of the corporation, upon the retirement of the 2,000 shares, will rest with Mary Pickford, Douglas Fairbanks, Charlie Chaplin and Samuel Goldwyn, each of whom owns 1,000 shares.

$14,500,000 Budget For U.A.—Lichtman

Hollywood, July 5.—United Artists will spend $14,500,000 on its new lineup of 24 films, plus $2,500,000 on advertising, said Al Lichtman, new head of the company, on arrival here today. He stated extensive advertising efforts would be made. The advertising budget will be $600,000 more than it was for the past season. This extra sum will go for newspaper advertising.

Signing Delayed

Anticipated formal closing of the Fox-20th Century merger, computed earlier in the week for final clearance by Friday, goes over until next week with Monday looming as the day.

The mass of legal documents in connection with the transaction is in the hands of a horde of lawyers.

New British Concern Buys Into a Studio

By BRUCE ALLAN

London, June 25.—British National Films, Ltd., the new British production unit backed by J. Arthur Rank, the milling millionaire, and Lady Yule, has acquired a 50 per cent share in the Iver Hall studio scheme originated by Charles Boot, of Henry Boot & Sons, Ltd., one of Britain's wealthiest building firms.

Occupying the 180-acre estate of the late Col. Grant Morden, M.P., the Iver Hall scheme calls for five full stages, of which B.N. will occupy one, leaving four available on a service basis. Provision for color and stereoscopic production is scheduled, with two recording systems available, probably W.E. and British Acoustic.

Total costs involved will reach £150,000, it is stated, including the

(*Continued on page* 4)

Censorship Measure Passed in Louisiana

Baton Rouge, La., July 5.—The censorship bill was passed by the Legislature today on second reading. The measure places a fee of $4 on each 1,000-foot reel or fraction thereof. Exchanges will pay $18,000 yearly, it is estimated. It is proposed to pass the tax on to the exhibitor, who in turn will pass it on to the public. Many upstate houses may be forced to close, it is feared. Censor board members will get $5 per meeting, plus 25 cents for each 1,000 feet scanned.

Mexico Strike Ends; Compromise Reached

Mexico City, July 5.—A compromise agreement between striking employes and exhibitors has been reached here under the supervision of the Federal Board of Conciliation and Arbitration to bring an end to the trouble between the workers and four

(*Continued on page* 2)

No Code Plan Before Them, Say NRA, FTC

Gov't Divisions Deny Receiving Proposals

By BERTRAM F. LINZ

Washington, July 5.—Officials of both the NRA and Federal Trade Commission today denied reports published in New York this week that they had received proposals for the creation of a national trade association plan from Tyree Dillard, Jr., counsel for Campi.

Under the new setup authorized by President Roosevelt July 2, it was said at the NRA, any plans for trade agreements submitted to that agency would be forwarded to the commission, which will be in charge of the negotiation of voluntary codes. At the commission it was said no such document had been received.

As reported from New York, an organization was to be created to enforce fair trade practice provisions. Commission officials, while refusing

(*Continued on page* 3)

RKO-Para. Yonkers Pool Ends Sept. 1

With the termination of the long term Paramount franchise, RKO is ending its pool in Yonkers with the company, effective Sept. 1. The pooling arrangement was a part of the franchise deal.

After Sept. 1, RKO will operate Proctor's while Paramount will assume management of the Strand. At present RKO operates both houses.

Within the next month, Paramount will renegotiate a pooling arrangement with Si Fabian for the Paramount, Brooklyn, in which Fabian has an interest. The one-year operating contract expires on Sept. 1.

Celebrity Will Add 6 Features to List

Celebrity Prod., Inc., will produce a series of six features in addition to the usual number of cartoons, it was revealed yesterday by Charles J. Giegerich, general sales manager. In addition, the company will also produce a third series of ComiColor cartoons with the stories adapted from famous fantasies.

Harry A. Post, vice-president, is now in Hollywood conferring with players and directors on the proposed features.

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Mexico Strike Ends; Compromise Reached

(*Continued from page* 1)

neighborhood houses. Owners of the houses were partly victorious in the fight, since the men accepted a slight wage increase instead of their original demands. The exhibitors, however, agreed to consider new collective labor contracts and this is seen as a victory in full for the employes.

The strike involving several other neighborhood houses, however, continues, but the board hopes to clear the trouble and settle the wage question to the satisfaction of both parties.

In further effort to eliminate future disputes between theatre owners and their employes, the board is planning a series of conferences between exhibitors, producers and distributors in the near future.

Declare Monterey Boycott

Mexico City, July 5.—The National Federation of Cinematographic Industry Workers has carried out its threat to boycott exhibitors in Monterey, near the American border, as disciplinary action in the dismissal of 22 theatre attaches there. The union decided to put the boycott into effect when the exhibitors rejected a new collective labor contract offered by employes.

The present effect of the boycott is to prevent supplies, films, discs, etc., from reaching Monterey. Many houses in the city have been forced to close as a result. Federal authorities are attempting to settle the dispute.

◂ *Purely Personal* ▸

NORMAN TAUROG, director of the "Big Broadcast," arrived from the coast yesterday with Nat Finston, head of Paramount's music department, and Jack Mintz, scenarist. Roland Ascher, unit business manager, got in several days ago. The group plans to remain for about 10 days taking a number of shots at the Eastern Service Studios in Long Island.

•

Thomas F. McAndrews, former secretary to former Mayors James J. Walker, John J. O'Brien and Joseph McKee and well known to many in the industry, opens his own law offices Monday in the Bar Building. He was also a former justice of Special Sessions.

•

Lillie Messinger, attached to RKO abroad; Arthur Hornblow, associaate producer for Paramount; David Sussman, with Paramount News on the Continent, and Joseph Hasen, Warner lawyer, are aboard the *Normandie,* which is due here Monday.

•

Nicholas M. and Mrs. Schenck, James R. and Mrs. Grainger, Eddie Bonns, Arthur Dent, Sherman and Al Krellberg and Bill Heineman were among those at Aqueduct on the 4th to see how the nags did their stuff.

•

J. Robert Rubin, Mrs. Rubin and Robert, Jr., spent the Fourth at the Beach Club of the Westchester Country Club. Bob Goldstein, however, was content with chasing a little white ball around the club's tennis courts all day.

•

Joseph M. Schenck, A. C. Blumenthal and Darryl Zanuck among those who tried to relax at the Westchester Bath Club. Zanuck, sitting too close to the pool, came in for a nice splashing, much to his annoyance.

•

Boris Morros, for the first time in his life, hit 90 at the Progress Country Club. This happened July 4 and now he's graduated from class "C" to the "B" division.

•

Robinson Smith and Frederick W. Ayer have acquired "The Ugly Runts," a play by Robert Raynolds, recently produced as a tryout at Ann Arbor.

•

Al Lewis, Paramount producer, sailed for Europe yesterday on the *Champlain* with his family. A fellow-passenger was Sidney Buchman, the scenarist, who had his wife with him.

•

Rick Ricketson and Fred L. Metzler are week-end guests at Spyros Skouras' home in Mamaroneck.

•

Ed Rowley and Harold Robb will spend the week-end swordfishing off Montauk Point.

•

Cliff Work and Rodney Pantages hope to leave for the coast either today or tomorrow.

•

Shirley Grey, Bela Lugosi and Eugene Pallette sailed for Europe yesterday on the *Berengaria.*

Pettijohns Win Cup

The Westchester Pettijohns have some more silver. This time it's a joint cup—not one that bends—but a jointly owned cup, with 50 per cent in the name of Charles C. Pettijohn, pere, and 50 per cent for Charles C. Pettijohn, fils.

They won the 10th annual father and son tournament with a score of 77. That makes them head father and son in the Westchester County Golf Ass'n.

Goldstein Theatres In N. E. to Be Sold

(*Continued from page* 1)

Calvin and Plaza, Northampton; Palace, Pittsfield; Strand, Westfield; Strand, Palmer; Casino, Ware; Rivoli, Chicopee; Garden, Greenfield, and the State, Utica, N. Y. The houses were acquired from the Goldsteins by Paramount several years ago and were assigned to Olympia Theatres subject to a mortgage to secure bonds outstanding in the amount of $597,039, including interest.

Under a plan of reorganization for Goldstein approved bv the Federal court recently, it is proposed to foreclose on the properties with the bondholders' committee bidding them in at the auction. They will then be assigned to the new company in which Paramount will have the controlling interest.

Republic Regional Opens Here Today

W. Ray Johnston, president of Republic, will open his New York regional today at the Park Central. The meeting will get under way at 10:30 A.M., when executives from the home office as well as the sales forces of the New York and Philadelphia branches will be present. Edward A. Golden will preside.

Those who will address the gathering are: Herman Gluckman, president of Republic Film Dist. Corp. in New York and Philadelphia; Jack Bellman, exchange executive; Budd Rogers and E. H. Goldstein, home office executives, and Edward Finney, advertising director.

Over 50 members of the organization will be present. The convention will close with a banquet tonight.

More Army Theatres

Washington, July 5.—Plans of the War Department to construct theatres at five additional army posts were disclosed today by the Division of Applications and Information of the works program.

Applications have been filed for public works funds allotments of $85,000 for a theatre at Fort Knox, Ky.; $60,000, Fort Thomas, Ky.; $40,000, Fort McKinley, Me.; $45,500, Fort McPherson, Ga., and $60,000, Barksdale Field, La.

Guimond Joins Shlyen

Lou F. Guimond, one of the oldtimers among press agents in New York, yesterday joined *Box Office,* regional trade paper group published by Ben Shlyen of Kansas City, as associate editor with headquarters here.

Para. Lawyer Fees Jump to $3,222,226

(*Continued from page* 1)

its members. This is in addition to approximately $328,000 asked by the committee and its counsel, Cook, Nathan & Lehman. The bondholders' protective committee asks $90,863 for expenses, disbursements and liabilities, in addition to $282,390 asked by the committee and its counsel, Davis, Polk, Wardwell, Gardiner & Reed.

The Munger debenture committee asks $7,945. Accountants and a consulting expert employed by Malcolm Sumner, attorney, ask $23,500, in addition to the $150,431 asked by Sumner and his associate, Edwin L. Garvin. The Peter Grimm committee for Paramount Broadway bondholders asks $56,914 in addition to $10,000 asked jointly by Grimm and Joseph P. Day for services in connection with the Criterion block, which was lost at foreclosure sale recently to the City Bank Farmers Trust Co.

Samuel Zirn, attorney, asks $76,207 as attorney for debenture holders in addition to $82,868, which he asks jointly with three other attorneys for services in the case of Robert S. Levy vs. Paramount Publix, which was an early action to place Paramount in receivership, filed prior to the company's own voluntary petition which was recognized by the court.

Charles D. Hilles, trustee, asks $10,000 for services as a receiver in addition to $118,000 for services as a trustee. Hilles has already received $20,000 for receiver's services and $32,433 as a trustee.

The largest single application was that of Root, Clark, Buckner & Ballantine, counsel to the trustees, for $700,000. This firm has already drawn $250,000, additional.

A hearing on all of the applications is scheduled for July 18 before Federal Judge Alfred C. Coxe.

S. A. Lynch Goes Abroad

S. A. Lynch, Paramount official, left for Europe last night on personal business which will keep him abroad about 10 days. He was accompanied by Mrs. Lynch.

John E. Otterson, Paramount president, recently asked Lynch to remain with the company on a permanent basis. It is believed that Lynch's European trip will be terminated to correspond with the return from Hollywood of Otterson, at which time Lynch's new duties and title are expected to be designated. For the past two years Lynch has served as chairman of the Paramount trustees' advisory committee for reorganization of subsidiaries.

Para. Holding Sale Drive

In celebration of its emergence from bankruptcy, Paramount is conducting a jubilee sales drive. District managers will act as captains and report regularly to Division Managers J. J. Unger and Charles Reagan.

During the first full week in September, the regular Paramount Week will be held. Reagan is en route from the coast after holding a number of regional meetings and is due back Monday.

Sparks from the Rails

ABOARD THE UNITED ARTISTS CONVENTION SPECIAL, KANSAS CITY, July 5.—FRED ROHRS, Charlotte sales manager, hails from Kansas City where he chalked up the reputation of being star salesman. And he still knocks 'em over with sales.

◆

MIKE CARMICHEAL, Atlanta salesman, was born in Canada. Naturally he served in the Canadian Army.

◆

JACK ARMGARDT, salesman out of Cincinnati, handles the Kentucky territory and once was located in Chicago for U.A.

◆

MATT GOODMAN, Cleveland sales manager, was once a performer and sang with a musical comedy troupe.

◆

WILLIE ROSENTHAL, U.A. salesman in the Indianapolis sector, has been with the company for many years. Knows all exhibitors by their first names now.

◆

MORT KATZ, office manager in Washington is a New York boy, but he's glad to get a squint of all this impending Hollywood stuff.

◆

STEVE MONTGOMERY, handling sales in Chicago, is called the country salesman manager and can handle any of the stick situations.

◆

MORRIS DUDELSON, Detroit sales manager, is probably worrying about that new car he recently bought—and is still paying for.

◆

JOHN GRAHAM, who sells U.A. out of the Kansas City section, is redheaded and a bachelor. The boys call him "Ginger."

◆

HARRY LOTZ, sales manager in Milwaukee, will go into a huddle with anyone on the fine points of Milkaukee beer.

◆

RAY WYLIE, Minneapolis salesman, was once on the "legit." The lure of films on this trip might get him.

◆

BILL FELDSTEIN, St. Louis sales manager, has a brother, MANNY, whom he hasn't seen in 10 years. MANNY operates a house in Oxnard, Cal., and this trip west will result in a family reunion there.

◆

JERRY HOYT, sales manager in St. John, is the longest traveler to the convention. He should have made the trip by plane hops.

"Love Me" $100,019 High at Music Hall

(Continued from page 1)

ast week. Grossing $100,019 for the irst seven days, the second Grace Moore film wound up with only $4,101 ess than the first week of "One Night of Love," which played the same house he week of Sept. 5 last year.

With $8,900 chalked up as the gross or July 4, "The Raven" broke all oliday marks at the Roxy since the heatre went into receivership in 1932. n its eight days, the Universal film s expected to tally more than $35,000. For the six days of "Alias Mary Dow" nd Henry Armetta appearing in person, the gross was $23,350.

"Men Without Names" ended its irst week at the Paramount with 21,000. "Goin' to Town" did not fare o well at the Palace, getting slightly ver $7,000. The second week of "No More Ladies" at the Capitol was good or around $25,000. "In Caliente" at he Strand garnered $17,500 in its first week.

The first Fox film to play the Rivoli is dated for July 10. It is "Doubting Thomas," which was originally scheduled for the Music Hall. A deal or "Dante's Inferno" has not yet been set, although it will most likely follow he Will Rogers picture.

Omaha Asserts Code Aided; Ask Another

(Continued from page 1)

o each other. Every man is grateful for what the code did, but we no onger need it. We are well enough organized to handle any controversy.

"But, if we are to have a code, even if voluntary, it should be stated concisely that any form of giveaway, bank night, etc., is undesirable, unethical and not permissible. Also, there should be a clause to restrict block booking so far as this is possible."

Sidney Epstein, attorney and spokesman for the Epstein suburban houses, says no code is needed.

On the other hand, Eugene Blazer, attorney for A. H. Blank's Tri-States houses, feels that the code was beneficial.

"Though I always doubted the validity of codes," he said, "they were, despite their shortcomings, the best thing the industry has ever had.

"A code should not only be a moral influence, but should also have physical persuasiveness behind it. Otherwise, a voluntary document will be just one of those 'gentlemen's agreements' that will be inviting for an exhibitor somewhere to violate."

No Code Plan Before Them, Say NRA, FTC

(Continued from page 1)

to comment upon a plan which they had not seen, pointed out that the machinery for enforcement of the trade practice agreements made by industries in the past has lain with the Washington headquarters and commission branches, and industry itself has been given no authority of enforcement.

Since violations of agreements are prosecuted under Federal statute, it was said, cases must perforce be initiated by a Government agency.

Shows New Projector

A talking picture machine that runs itself in broad daylight or in an illuminated room is being demonstrated at the Waldorf-Astoria by its inventor, Albert Bruce Scott. An outer housing, unusually large bulb, and other features make the daylight showing possible. The machine holds 12,000 feet of film. It is designed for use in schoolrooms and for advertising purposes.

Baltimore Man Held In Fight Film Case

BALTIMORE, July 5.—Mike Seigel has been ordered held for action of the Grand Jury in $500 bail following a hearing before Magistrate Elmer H. Miller in Central Police Court in which Seigel was charged with receiving as stolen goods the films of the Baer-Braddock Fight which he was renting to theatres here.

Mrs. Harry L. Boyler, president of the Oliver Film Corp., testified her company had exclusive rights to filming the fight and one print had been stolen in New York and they found it was being exhibited in Baltimore rented by Seigel and therefore a warrant was sworn out for his arrest. Seigel denied that he had stolen the films.

Another action by the Oliver Film Corp. was injunction proceedings which the company filed in Circuit Court No. 2 to restrain Seigel from showing the films and asking that his license from the Maryland censors be revoked. This suit was also entered against Dr. Ben Paul Sandy, chairman, and other members of the board.

A. F. A. in Cleveland

CLEVELAND, July 5.—The American Federation of Actors has opened a branch here with headquarters at the Allerton Hotel. Robert Reed is in charge.

Movie Day Set for Atlantic City Fete

ATLANTIC CITY, July 5.—Movie Day in the Showmen's Variety Jubilee at Atlantic City from Sept. 3 to Sept. 8 will be on Sept 7. Ampa Night will be Sept. 6. Members of Variety Club of Philadelphia are taking an active part in the program.

On the opening night there will be a Variety Club ball and entertainment, with screen tests for contestants every day except the last. On the night of Sept. 4 there will be a film and radio star resemblance contest. The girl winners will be presented Ampa night.

On Movie Day the program will start off with screen tests, followed by a cellophane wedding in the afternoon, a Variety Club golf tournament and a ball in the evening.

Film men are well represented on the National Advisory Council which follows: Jack Alicoate, A. R. Boyd, M. B. Comerford, Jay Emanuel, John C. Flinn, Bruce Gallup, John H. Harris, Hal Horne, Ed Kuykendall, Dr. Leon Levy, Alfred J. McCoster of WOR, William McMahon, Lewen Pizor, A-Mike Vogel, Ralph J. Wonders of CBS and Walter Woodward of Erpi.

Republic Signs Klein

HOLLYWOOD, July 5.—Arthur Klein, New York agent, has been signed by Republic to handle casting for its more important films and build up personalities for the company. He will make his headquarters at the Mascot plant starting Monday.

Elliott on Vacation

CANTON, O., July 5.—Wallace Elliott, manager of Warners' Alhambra, is on an extended vacation in the east.

U. A. Men Enthused As They Move West

CHICAGO, July 5.—Enthusiasm is at a high pitch with U. A. sales forces en route to the coast to attend the six-day convention at the Ambassador. The special U. A. train stopped here today to pick up local and surrounding sales staffs.

For the past three years, Al Lichtman has been promising to take the boys to Hollywood, but something always has come up at the last minute to shift the plans and regional meetings have been held instead.

When Lichtman became top man in the company as a result of Joseph M. Schenck's resignation the first move he made to keep the boys in a happy frame of mind was to set Los Angeles as the convention center. The first three days will be devoted to discussions of product and sales policies, while the last three days will be a round of fun and sightseeing.

National Theatre Born

WASHINGTON, July 5.—A bill approving incorporation of the American National Theatre and Academy, a private enterprise, was signed today by President Roosevelt.

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New British Concern Buys Into a Studio

(*Continued from page 1*)

adaptation of the Morden mansion as a country club and hotel. Work begins at once and the studio will be active in March, 1936.

British National has two films to make for G.B. release and the first, "Three Fevers," directed by Norman Walker, is nearly finished. Recently the company has been associated in trade rumor with the new activities of C. M. Woolf.

Charles Boot will be chairman of Pinewood Studios, Ltd., owning company of the new plant, and J. Arthur Rank is the only other director. The capital, £200,000, will all be privately subscribed, it is stated.

A leading American company, says the official statement, is already negotiating for space in the studio.

* * *

Walter Runciman, president of the Board of Trade, was asked in the House of Commons by Capt. Arthur Evans whether, in view of the "unsatisfactory working" of the quota provisions of the Films Act, he would amend the act to obtain better British films. Capt. Evans also asked whether the board of Trade would receive deputations from the Cinematograph Exhibitors' Ass'n. and from the public.

Runciman replied he would be glad to receive any deputation introduced by Capt. Evans, and pointed out that "the question of the quality of British films is one which the Advisory Committee has under consideration."

* * *

Al Santell receives £9,275 under a settlement of his action against Toeplitz Prod., which he charged with breach of an agreement appointing him director of "The Dictator," which was completed by Victor Saville. It was stated in court that there had been a misunderstanding but that no allegations had been made against Mr. Santell and that the parties were now on good terms.

"Becky Sharp" Gets Big $5,000, Omaha

OMAHA, July 5.—"Becky Sharp" hit this town in a big way, getting $5,000 at the Brandeis in spite of the heat, thereby topping par by $1,500. The opening day record approached that of "Roberta." The crowds eased off toward the end of the week.

"Ginger," with "Mr. Dynamite," at the Orpeum had a light profit on a take of $7,200. "Mark of the Vampire" and "Ladies Love Danger" slid under par at the Omaha with $3,800.

Total first run business was $16,000. Average is $14,500.

Estimated takings for the week ending July 3:

"BECKY SHARP" (Radio)
BRANDEIS—(1,200), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $3,500)

"GINGER" (Fox)
"MR. DYNAMITE" (Univ.)
ORPHEUM — (3,000), 25c-40c, 6 days. **Gross:** $7,200. (Average, $7,000)

"MARK OF THE VAMPIRE" (M-G-M)
"LADIES LOVE DANGER" (Fox)
OMAHA—(2,200), 25c-40c, 5 days. **Gross:** $3,800. (Average, $4,000)

Comerford on Way Back

Scranton, Pa.—The monotony which accompanies recuperation was broken for M. E. Comerford when James J. Braddock, world heavyweight champion, visited him recently at St. Mary's Keller Memorial Hospital. Photo shows left to right Joe Gould, Braddock's manager; Comerford and the conqueror of Baer. Stricken ill in Washington early in the year while on his way to the MPTOA convention. Comerford was a patient for several months in the General Hospital, Washington. Since his return to Scranton about a month ago, he has been recuperating at the Keller hospital.

Photo is first taken of Comerford since his illness.

Providence Races, Beaches Hit Takes

PROVIDENCE, July 5.—All downtown houses hit the toboggan for the week what with the beaches opening and the races at Narragansett in full swing. The Majestic, with "Girl from 10th Ave.," and "The Case of the Curious Bride," was the only house to come anywhere near par. It grossed $6,500, which is $500 under.

Loew's, with "Murder in the Fleet" and "Unknown Woman," was cut in half at $6,300. "Escape Me Never," RKO Albee, earned press raves but little else, finishing with $3,500.

Total first run business was $21,150. Average is $40,500.

Estimated takings for the week ending July 4:

"LOVES OF A DICTATOR" (G. B.)
"ONE FRIGHTENED NIGHT" (Mascot)
STRAND—(2,300), 15c-40c, 7 days. **Gross:** $4,100. (Average, $6,500)

"MURDER IN THE FLEET" (M-G-M)
"UNKNOWN WOMAN" (Col.)
LOEW'S STATE—(3,800), 15c-40c, 7 days. **Gross:** $6,300. (Average, $12,000)

"ESCAPE ME NEVER" (U. A.)
"LOST WILDERNESS" (Du World)
RKO ALBEE—(2,300), 15c-40c, 7 days. **Gross:** $3,500. (Average, $7,000)

"GIRL FROM 10th AVE." (F. N.)
"CASE OF THE CURIOUS BRIDE" (F. N.)
MAJESTIC — (2,400), 15c-40c, 7 days. **Gross:** $6,500. (Average, $7,000)

"THE INFORMER" (Radio)
"WAGON TRAILS"
RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $750. (Average, $1,000)

Pawtucket House Burns

PROVIDENCE, July 5.—Spontaneous combustion is blamed for a fire at the Imperial in Pawtucket which caused heavy damage and will keep the house dark for some time. The blaze swept over the roof and ruined the sound equipment. The projection room was undamaged but many of the seats were soaked by water. It is believed that heat behind the curtain caused the combustion as the theatre has been closed.

"Bees" Big in 2nd Week at Portland

PORTLAND, Ore., July 5.—"Keeper of the Bees" finished a second week at the Broadway with a take of $6,000, or $1,000 over par.

"The Arizonian," plus "Going Highbrow," at the Orpheum was a better draw than usual with a take of $6,000. or $1,000 over the usual.

"No More Ladies" at United Artists, secured $6,000, also over normal by $1,000.

Total first run business was $27,700. Average is $24,700.

Estimated takings for the week ending June 30:

"KEEPER OF THE BEES" (Monogram)
BROADWAY—(1,912), 25c-35c-40c, 7 days, 2nd week. **Gross:** $6,000. (Average, $5,000)

"UNFINISHED SYMPHONY" (G. B.)
(2nd Run)
BLUE MOUSE—(700), 25c-35c-40c, 7 days. **Gross:** $1,700. (Average, $1,700)

"OIL FOR THE LAMPS OF CHINA" (F. N.)
MAYFAIR—(1,700), 25c-35c-40c, 7 days, 2nd downtown week. **Gross:** $3,000. (Average, $3,000)

"THE ARIZONIAN" (Radio)
"GOING HIGHBROW" (Warners)
ORPHEUM—(1,700), 25c-35c-40c, 7 days. **Gross:** $6,000. (Average, $5,000)

"GINGER" (Fox)
PARAMOUNT — (3,008), 25c-35c-40c, 7 days. **Gross:** $6,000. (Average, $6,000)

"NO MORE LADIES" (M-G-M)
UNITED ARTISTS—(945), 25c-40c-55c, 7 days. **Gross:** $6,000. (Average, $5,000)

Charter Five Companies

ALBANY, July 5.—New incorporations here include:

Bay Shore Theatre, Inc., by John J. Slattery, David Coral and Jacob Schaum; Northport Theatre, Inc., by John J. Slattery, David Coral and Jacob Schaum; Eugene L. Koneke, Inc., Oneida, by Eugene L. Koneke, Caroline C. Koneke and William A. Douglas; Cut Rate Amusement Service, Inc., by Edna Lambert, Sarah Cahn, and Louis A. Cahn; Boro Theatres Corp., by Adolph Mendel, Adolph D. Weiss and Emil Greenstein.

Columbia Asks for Stock Registration

WASHINGTON, July 5.—Application for registration of Columbia stock on the New York Stock Exchange was filed today by Harry Cohn, A. H. Giannini and Jack Cohn, voting trustees, and Columbia Pictures Corp. The trustees' application covers 170,470 shares of common stock, issued, and 40,596 shares, unissued, and the company seeks registration of 170,470 shares of common, issued and deposited with the trustees; 7,463 shares, issued but not deposited, and 33,133 shares, unissued.

The trustees' application shows there is a 10-year voting trust agreement terminating April 1, 1940. As of June 1 last, Harry Cohn was the registered owner of voting trust certificates for 47,601 shares of common, or 27.92 per cent, and 995 shares of common; Jack Cohn held certificates for 25,078 shares, or 14.7 per cent, and 55 shares of common, and Giannini held 314 shares of common.

Columbia's application, filed jointly with that of the trustees, shows it has a 50 per cent interest in one subsidiary and is sole owner of five others, among them Columbia Pictures Distributing Co., which has 15 wholly owned foreign subsidiaries.

The stock setup of the company called for 300,000 shares of common, of which 177,933 have been issued, the liability being $2,219,294; and 25,000 of $3 preferred, of which 18,261 have been issued, with a liability of $517,830.

In addition to the holdings of the trust members, the report showed that Joseph Brandt held one share of common and voting trust certificates for 474 shares; Nathan Burkan, as director, 25 shares of common, and S. J. Briskin, assistant secretary, two shares.

Flash Preview

Thunder in the Night—. . . . inoffensive, average fare for duals. . . .

This film will be reviewed in full in a later issue of MOTION PICTURE DAILY.

Wall Street

Col. Up 4¾ on Big Board

	High	Low	Close	Net Change
Columbia, vtc	74¾	69⅞	74¾	+4¾
Consolidated	4¼	4	4	.....
Consolidated, pfd..	16	15⅞	16	+ ½
Eastman	150	146¼	150	+4
Eastman, pfd	157¼	157	157	—1
Fox "A"	14½	14½	14½	.....
Loew's, Inc.	42	41½	42	+ ⅝
Paramount Publix	4¼	4	4	.....
Pathe "A"	8⅝	8⅝	8⅝	— ⅜
RKO	2¼	2	2¼	.....
Warner	4	3⅞	4	+ ⅛
Warner, pfd......	24½	24½	24½	.....

Technicolor Rises 2 on Curb

	High	Low	Close	Net Change
Technicolor	17⅝	15½	17½	+2

Bond Issues Move Upward

	High	Low	Close	Net Change
General Theatre 6s '40	11½	11⅛	11⅛	+ ⅛
Keith B. F. 6s '46	81¼	81¼	81¼	+ ¼
Loew's 6s '41 ww deb rights..	104	104	104	+ ⅛
Paramount F. L. 6s '47	95	94½	95	+1
Paramount Publix 5½s '50	96½	96½	96½	+ ½
Warner 6s '39 wd	64½	64	64½	+ ¼

(Quotations as at close of July 5)

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VOL. 38. NO. 6 NEW YORK, MONDAY, JULY 8, 1935 TEN CENTS

U. A. Lists 24; Convention Is To Be Given 16

7 Producers Assembled—18 Disney Shorts

HOLLYWOOD, July 7.—Al Lichtman, president-designate of United Artists, will announce 16 of the company's planned 24 features for 1935-36 to the sales convention assembled at the Ambassador Monday. Walt Disney will round out the program with nine Mickey and nine Silly Symphonies, all in Technicolor.

Seven producers—Charles Chaplin, Samuel Goldwyn, Mary Pickford, David O. Selznick, Alexander Korda, Reliance and Darryl F. Zanuck—will contribute the feature lineup—and

(*Continued on page* 3)

Plunkett, Krellberg Take Astor Theatre

The Astor theatre, long M-G-M's two-a-day home on Broadway, was acquired Saturday by a syndicate composed of Joseph Plunkett, former vice-president and general manager of the RKO circuit; Sherman S. Krellberg, president of the Amusement Securities Corp., and Myron Robinson, former treasurer of K-A-O. The house is

(*Continued on page* 2)

Cullman to Capital Soon to Get a Loan

WASHINGTON, July 7.—Howard S. Cullman, trustee for the Roxy in New York, is due here either Tuesday or Wednesday for conferences with officials of the RFC in connection with the application of Roxy Theatres Corp. for a $750,000 loan to reorganize the corporation.

The RFC has been studying the application for several weeks and it is understood a decision will be reached within the next week or fortnight.

Virginia Censors' Receipts $29,755

RICHMOND, July 7.—Total receipts for the state censor board for the year ending June 30 were $29,755.50, the best record so far. Expenses, including salaries, etc., reached $16,522.28, leaving a surplus of $13,233.22, which was paid into the State Treasury.

The report was submitted by Edwin S. Reid, director. The surplus accumulated by the division since its establishment six years ago now totals $71,000.

RKO Theatres Propose to Shy Clear of Premiums

RKO theatres throughout the country, about 100 in all, will shy clear of premiums and chance games, home office officials assert. The decision to keep away from artificial box-office stimulants came after a study of the practices in a number of key centers.

Circuit heads declare RKO will stick to the theatre business. Meanwhile, Loew's is mulling over a plan to adopt chance games in seven of its local subsequent run houses. The matter has been in the hands of lawyers, but because of the legal angles involved no action has been taken.

In Greater New York premiums are giving way to chance games among

(*Continued on page* 17)

Latin America Income Put at Four Million

American distributors doing business in 21 Latin American countries will gross approximately $4,000,000 for the 1935-36 season, Charles Morla, head of Republic's offices in these countries, states. In Cuba alone the companies will average $925,000, which is double last year's business, according to Morla. The Republic sales executive is here on a combined business and pleasure trip, conferring with Norton V. Ritchey on new offices in Panama and in the Argentine.

Of the $925,000 gross, M-G-M will chalk off $200,000 with Fox second at $150,000. Warners is third with $130,000 and Paramount fourth with $125,000. Universal will do around $100,000, U. A. and Columbia each

(*Continued on page* 2)

Warners Plan Three More by Shakespeare

HOLLYWOOD, July 7.—Warners plan to film three Shakespeare plays the coming season in addition to "Twelfth Night," announced for production last week with Marion Davies starred. They are "As You Like It," with Josephine Hutchinson; "The Comedy of Errors," with James Cagney, and "The Merry Wives of Windsor," with Guy Kibbee.

40 "Dicks" Watch Times Sq. Pickets

As a result of a mysterious phone call to police headquarters, 40 detectives have been assigned to patrol 42nd St. between 8th and 9th Aves. and keep an observant eye on the cross picketing situation. Although no one will admit ordering the special plain-

(*Continued on page* 2)

Bank Nights Stir Problem On Percentage

INDIANAPOLIS, July 7.—Bank nights have raised a problem on percentage pictures in this territory because an exhibitor sold so many tickets one night that 600 holders got inside the theatre and 2,000 were kept outside, although they were eligible for the bank night prizes. The tickets for the outsiders were good for later showings.

Felix F. Feist, M-G-M general sales manager, has written to the Associated Theatre Owners of Indiana as follows:

"Our attention has been called to one instance where cash prizes unclaimed were lumped as one award after four nights. The result was that tickets were sold to 600 people who

(*Continued on page* 17)

Giveaways Spreading In Texas Territory

DALLAS, July 7.—Giveaways are spreading rapidly through Texas, both in the circuit and the independent houses. Bank night, screeno, buck night, award night, the latter two Texas promotions, are all actively in the field with sales forces and doing business.

Interstate, Jefferson-East Texas, R.

(*Continued on page* 17)

Voluntary Code Idea Is Liked in Buffalo

BUFFALO, July 7.—Representative exhibitors here favor a voluntary code in principle.

George H. Mackenna, manager of A. Charles Hayman's first run Lafayette, says: "We're for it. We're running right along on a code basis

(*Continued on page* 2)

Distributors To Resist New Buying Groups

Faced with Demands for Lowered Rentals

With the increase, actual and proposed, of film buying circuits in many sections, distributors are girding themselves to resist wholesale demands for lowered rentals and more favorable playing terms on several fronts, it was learned on Saturday.

With several companies now selling new season product and others about to start, sales forces have been faced already with demands for lower film tariffs from existing buying combines and from others which profess to represent new buying groups in formation, it was said. While old established buying organizations with which past dealings have been on a fair

(*Continued on page* 4)

SEC Para. Inquiry To Be Shifted Here

By CLARENCE LINZ

WASHINGTON, July 7.—Investigation of the Paramount reorganization by the Securities and Exchange Commission will shortly be transferred to New York, where further hearings will be held to examine witnesses and secure data not available at the hearings last month, it was learned yesterday.

Probably two or three days will be required for the explorations which

(*Continued on page* 17)

Code Legal Angles To Come Up Today

Legal angles in connection with a voluntary code will be discussed today by former Campi members with J. Robert Rubin as chairman. Scheduled to meet today are Austin C. Keough, Charles L. O'Reilly, Nathan Yamins, Walter Vincent, Leslie E. Thompson,

(*Continued on page* 2)

RKO and Pantages in Coast Theatre Pool

RKO and the Pantages interests have pooled their Los Angeles and Hollywood theatre holdings, effective Sept. 1. Under the arrangement, the Hillstreet, downtown, and the Pantages, Hollywood, will run RKO and Universal product day and date, the understanding calling for 10 to 12 fea-

(*Continued on page* 4)

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Plunkett, Krellberg Take Astor Theatre

(*Continued from page* 1)

the first of a number which this syndicate aims to acquire as first runs.

It is planned to operate the Astor, perhaps at advanced admissions. The interior of the house will undergo extensive alterations before a reopening date is set.

Krellberg and Fitzsimons, attorneys, represented the group and Saypol and Kotler the receivers, who are John J. Dietz and William B. F. Drew.

Republic's Setup Is Explained by Golden

Edward A. Golden, general sales manager of Republic, on Saturday explained to the New York and Philadelphia delegates attending the last of the company's regionals at the Park Central here the new setup of the company and how it will work.

He stated that Republic is in an unusual position in that limited capital assures the franchise holders all the product promised will be delivered. Golden praised Herman Gluckman, in charge of the two exchanges, asserting that, although Gluckman is new in the company, his 20 years' experience in the territory assures promising results.

Budd Rogers, E. H. Goldstein, Edward Finney and Jack Bellman took the floor at the afternoon session. They discussed the benefits of the Republic tieup and advertising and publicity for the new season.

Insiders' Outlook

By RED KANN

THE slight delay which marks completion of the 20th Century merger by Fox is occasioned by nothing more than the scrutiny, expected and close, which lawyers for both sides are exercising. The papers, very legal and very important clear down the line to commas and semicolons, are voluminous and call for minute inspection; the legal coterie is, therefore, making certain nobody is disappointed in the way it carries out its role. The basis on which Fox absorbs 20th Century calls for payment in common stock computed on the latter company's assets. There naturally developed discussions on the worth of those assets and the need for arriving at a mutually satisfactory understanding of their value. The deal, however, snuggles on the finish line and will be concluded momentarily. Even in the picture business, this may mean as near at hand as today. . . .

▼

For three years, Al Lichtman has been telling his United Artists gang he would some day give it a sales convention in Hollywood. Now that his formal election to the presidency is imminent, the promise is a fact. Which explains how it came about U. A. launches its powwows on the coast this morning. . . .

▼

Heat or no heat, matters such as that which follows call for a reply from time to time. It was recently that Dr. Mark A. May, executive director of the Yale Institute of Human Relations and president of the Council of Film Patrons in New Haven, went loose with his language and charged the industry was "stupid not to see that actually fifty per cent of the market of theatre patrons was not yet exploited." As you probably will suspect, the undeveloped bracket, in May's opinion, is represented by the higher intellectual class. . . .

▼

It's such an old wheeze. So old, in fact, that we are rapidly becoming annoyed with ourselves about troubling to go into an answer. The reply is simple enough and those in this industry know it, if too few out of it do not. If Dr. May or some one, anyone, in fact, will inform producers who is to carry the burden while the ignored fifty per cent determines to patronize films, the problem would be no problem. . . .

▼

It is, of course, common knowledge within the trade that virtually all producers have made pictures which they knew would never end in the black. From time to time, and increasingly so in the past couple of years, these "prestige" pictures have reached the market to be passed up by the very type of audience for which Dr. May carries his torch. The head of the Institute of Human Relations no doubt approaches his own problem from a cultural and social point of view. Producers have a habit of keeping in mind the basic fact that theirs is a business with stockholders either to satisfy or to lose. . . .

▼

And now having gone weighty enough for a holiday weekend, this department calls it a day and takes itself off in search of a breeze which has no place to go. . . .

40 "Dicks" Watch Times Sq. Pickets

(*Continued from page* 1)

clothes detail, it is stated that when the call was made to headquarters the informer said the pickets were blocking pedestrian traffic by marching in files of eight. The 40 detectives will be on the scene for two weeks.

Local 306 plans to file a complaint with Commissioner Valentine against one of the policemen on 42nd Street. The local claims that one of its pickets was manhandled by a policeman and that Frank Tichenor, who has been appointed by the mayor to settle the union dispute, was a witness to the incident. A departmental trial against the officer will be sought.

Meanwhile, mass picketing continues on 42nd St. with the three unions apparently getting nowhere in an effort to end the labor dispute.

The special detective detachment makes its headquarters at the Great Eastern Terminal, which is diagonally opposite Local 306 offices on 42nd St.

Code Legal Angles To Come Up Today

(*Continued from page* 1)

William Jaffe, Edward Golden, Felix A. Jenkins, Harold S. Bareford and John C. Flinn.

Keough, chairman of the legal group consisting of O'Reilly, Yamins and Tyree Dillard, Jr., will report to the body on his observations of 10 voluntary code recommendations by different industries.

Principally concerning the voluntary industry committee are ways and means of circumventing anti-trust laws. Two previous decisions have to be taken into consideration before any steps for setting up a voluntary body can be advanced. They are the famous Judge Thacher opinion in which he declared compulsory arbitration a violation of the anti-trust laws and the Binderup case in Omaha in which it was held clearance and zoning was a violation of Federal laws.

Latin America Income Put at Four Million

(*Continued from page* 1)

$80,000. Republic will gross around $30,000 and the other independent exchanges combined will do around $30,000. Most of the independent exchanges release Mexican, British, German, French and Spanish films with the last mentioned leading all others.

Last year 974 pictures were distributed in Buenos Aires. Of the number, 170 were German releases, 30 Italian, 10 Spanish, 60 French, 40 British, six Jewish and five Hungarian. The balance, 653, were American films.

Morla estimates 1,074 wired theatres in the Argentine. He says there are about 250 such houses in Chile, 79 in Uruguay, 500 in Brazil, 130 in Peru, 130 in Colombia, 180 in Venezuela, 40 in Ecuador, 29 in Bolivia, 16 in Paraguay, 110 in Panama and about 200 in five Central American countries.

In Cuba there are 170 theatres, 59 of which are in Havana. Erpi installations are in 100 of the 170, RCA has 50, Simplex, 10; Melafone, 10. Havana has two first run theatres, each seating from 1,600 to 1,800. The rest of the 59 theatres seat from 400 to 800.

Catholic Daughters Attack Film Morals

SEATTLE, July 7.—An attack against Hollywood for turning out allegedly indecent entertainment was launched at the convention of the Catholic Daughters of America here. The meeting voiced support of the Legion of Decency.

"We are going to have clean pictures, and that's all there is to it," declared Mrs. Mary F. Larkin, national editor of the organization, who warned that "this is a permanent movement and we intend following it up by doing everything possible to bring about the passage of measures now pending in Congress to prevent block booking."

Replacing of the present crop of stars by others "who can act instead of merely parading indecency" was urged by Mrs. Larkin.

Voluntary Code Idea Is Liked in Buffalo

(*Continued from page* 1)

now. The NRA code accomplished a lot of good. It was much better than what we have now, which is nothing."

Jules H. Michael, manager of the second run Regent and chairman of the Western New York zone, M. P. T. O., declared: "We're in favor of it. We've got to have arbitration and some kind of regulation. Nothing definite is in sight. I think most of the exhibitors are waiting to see what the government will sanction, and then will go ahead."

Phil Lavene, manager of the Embassy, downtown second run, said: "I'm in favor of it. We're sticking strictly to the code in our operations. In fact, we never gave any thought to any change."

U. A. Lists 24; Convention Is To Be Given 16

(Continued from page 1)

Walt Disney, the entire program of shorts. B. and D. appears nowhere in the lineup.

The program, as far as Lichtman will divulge it follows:

Chaplin will appear in his first comedy in four years. It is a story based on mass production in an immense factory and will trace its effect on "a mere individual who is a small cog among a million wheels." "The Great Factory" may be its title.

The comedian will produce and direct a second feature, but will not appear in it. Paulette Goddard is to be starred. The subject will be a drama, but title and story are not divulged.

Samuel Goldwyn will virtually double his usual production schedule and make six for 1935-36. These will be:

"The Dark Angel," co-starring Fredric March, Merle Oberon and Herbert Marshall. Sidney Franklin is directing from a screen play by H. B. Trevelyan. The picture is in production.

"Barbary Coast," starring Miriam Hopkins with Edward G. Robinson and Joel McCrea in the support. This is based on the best seller by Herbert Asbury with an adaptation by Ben Hecht and Charles MacArthur while Howard Hawks is directing. This is also in work.

"Shoot the Chutes," starring Eddie Cantor with Ethel Merman, Sam Parks (Parkyakakas) and the Goldwyn girls. Norman Taurog will direct.

"Navy Born," starring Miriam Hopkins with Joel McCrea in the male lead. This is to be based on an original by Mildred Cram.

"Splendor," also starring Miriam Hopkins. Rachel Crothers wrote the story and the film is described for production "under a special arrangement between author and producer whereby the author is to share in the profits in lieu of a pre-determined sum."

"Dodsworth" on List

"Dodsworth," film version of the novel by Sinclair Lewis for which he was awarded the Nobel Prize and the play by Sidney Howard which won the Pulitzer Prize.

Mary Pickford will produce two, but will not appear in them. No data on titles or production staff.

David O. Selznick is slated for five. No data supplied.

Alexander Korda of London Films also will produce five. They are:

"100 Years From Now" by H. G. Wells with William Cameron Menzies directing.

"The Man Who Could Work Miracles," also by H. G. Wells, starring Roland Young with Lothar Mendes directing.

"The Ghost Goes West," starring Robert Donat. Rene Clair, well-known French director, will direct from a script by Robert Sherwood.

"Cyrano de Bergerac," classic play by Edmond Rostand. Charles Laughton will be starred.

"The Lion of Mayfair," also starring Laughton. Robert Sherwood and Lajos Biro are the authors.

Edward Small and Harry M. Goetz of Reliance Pictures will make three:

"Red Salute," starring Barbara Stanwyck with Robert Young in the male lead. Sidney Landfield will direct.

"The Melody Lingers On" with Josephine Hutchinson, Helen Westley and others to be named. David Burton will direct.

"The Last of the Mohicans," the James Fenimore Cooper story.

20th Century's final picture for U. A. will be "The Call of the Wild," by Jack London in which Clark Gable is starred with Loretta Young and Jack Oakie in the support. William Wellman directed.

Rowland Signs Parker

William Rowland has signed Frank Parker, leading radio singer, for the male lead opposite Sydney Fox in "Sweet Surrender," now in production at the Eastern Service Studios.

What They're Down For

Hollywood, July 7.—Stars and featured player assignments on United Artists' new schedule as far as a breakdown of its product announcement reveals them:

EDDIE CANTOR—Star in "Shoot the Chutes."

ROBERT DONAT—Star in "The Ghost Goes West."

CLARK GABLE—Star in "Call of the Wild."

PAULETTE GODDARD—Star in one unnamed.

MIRIAM HOPKINS—Star in "Barbary Coast," "Splendor" and "Navy Born."

JOSEPHINE HUTCHINSON—"Melody Lingers On."

CHARLES LAUGHTON—Star in "Cyrano de Bergerac" and "The Lion of Mayfair."

FREDRIC MARCH—Co-starred with Merle Oberon and Herbert Marshall in "The Dark Angel."

HERBERT MARSHALL—Co-starred with Fredric March and Merle Oberon in "The Dark Angel."

JOEL McCREA—"Navy Born," "Splendor" and "Barbary Coast."

ETHEL MERMAN—"Shoot the Chutes."

JACK OAKIE—"Call of the Wild."

MERLE OBERON—Co-starred with Fredric March and Herbert Marshall in "The Dark Angel."

SAM PARKS (Parkyakakas)—"Shoot the Chutes."

EDWARD G. ROBINSON—"Barbary Coast."

BARBARA STANWYCK—Star in "Red Salute."

HELEN WESTLEY—"Melody Lingers On."

LORETTA YOUNG—"Call of the Wild."

ROBERT YOUNG—"Red Salute."

ROLAND YOUNG—Star in "Man Who Could Work Miracles."

Talk New Writer Code

HOLLYWOOD, July 7.—Meetings to revise and extend the Academy Writer-Producer Code are now being held between committees from the Writers' Branch and the Producers' Branch, and are expected to extend over a period of weeks. At the first such meeting it was decided by both sides that no statements of any kind will be issued until the committees are prepared to make a joint report.

Para. Holds Mae West

HOLLYWOOD, July 7. — Paramount has taken up another option on Mae West. She is preparing for her new picture as yet untitled. It has an Alaskan background.

Coast ITOA to Elect

LOS ANGELES, July 7.—Notice of a general meeting of I. T. O. A. members has been sent out by Robert Poole, secretary. The meeting is called for July 15, and at it officers and directors for the coming year will be elected.

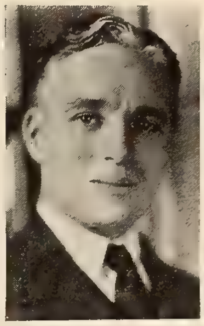
Intermountain Has Percentage Contest

DENVER, July 7.—The Intermountain division of F. W. C. is starting another profit-sharing contest for managers. Under this new plan each manager competes only with the past records of the house, not the phenomenal business done by other houses, for a percentage of the profits. Rick Ricketson has discarded the old system of spotting definite prizes. On September 8 the contest will end with a big blowout for managers and wives, probably in Colorado Springs or Denver.

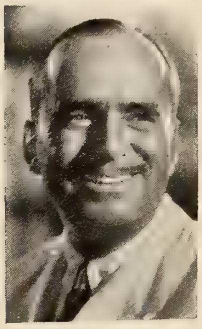
The following managers have been shifted: Carl Smith, manager of the Rialto, Sterling, Col., and Harold Jones, manager of the Fox, Sidney, Neb., have traded jobs; A. J. Hamilton, manager of the Strand at Rawlins, Wyo., has resigned and has been replaced by John Taylor, former assistant in North Platte, Neb., and Billings, Mont.

Bigwigs at U. A. Convention

Mary Pickford
Owner-Member


Charles Chaplin
Owner-Member

Samuel Goldwyn
Owner-Member


Douglas Fairbanks
Owner-Member

Al Lichtman
President

H. D. Buckley
Theatre V. P.

Arthur W. Kelly
Foreign V. P.

Harry Gold
Sales M'g'r, East

Paul Lazarus
Sales M'g'r, West

D. O. Selznick
Producer

Harry M. Goetz
Producer

Edward Small
Producer

Hal Horne
Ad. Pub. Head

Purely Personal

OSCAR HANSON, who handles Republic in Canada, has wagered Herman Gluckman, in charge of the company's New York and Philadelphia branches, that he who exceeds his quota will bring his sales forces to the other's territory as guests for several days.

•

Dan Stewart was the honor guest at a huge fancy dress party given by Charles Shipman Payson and Mrs. Payson (she is "Jock" Whitney's sister) at Westbury Friday night. Whitney Bourne, Tallulah Bankhead and John Hay and Mrs. Whitney were among the 400 odd present.

•

Vladimir Verlinsky, president of Amkino; Boris Shumiatsky, head of the Soviet film industry, and his aides, Friedrich Ermler and Vladimir Nielsen, who have been on the coast for three weeks studying American production methods, will return today.

•

Darryl F. Zanuck and Joe Schenck were among A. C. Blumenthal's weekend guests at Larchment. "Blumey" staged a lawn party on Saturday. Messrs. Z. and S. were also at the Westchester Bath Club, didn't go in swimming, but got wet anyway.

•

Eddie Bonns and Sam Sedron are still chortling over the devastating golf defeat they inflicted on Jimmy Grainger and Bill Heineman on Independence Day.

•

Howard Hughes still flying that hired Loening Amphibian and visiting the film folks along the Westchester shore.

•

Joe Weil went in for golf Saturday. Having tried it twice with disastrous results, he's determined now to go places.

•

Ned Depinet, Charlie Pettijohn, Spyros and Charlie Skouras and Harvey Day at Westchester over the weekend. Which is routine with them.

•

Elmer C. Rhoden returns from Kaycee today or tomorrow to resume contract conferences here with Spyros Skouras.

•

Jean Parker is in town from the coast. She's at the Warwick. Her present plans call for a jaunt to Europe shortly.

•

Bob Goldstein spent the weekend at Westchester and played plenty of tennis.

•

Joe Moskowitz was buried knee-deep in papers over the weekend. That Fox-20th Century deal.

•

Bob Rubin sails for Europe tomorrow.

•

Harland Holmden is due from Chicago this week.

•

Ad Similes: Al O. Bondy: Stepin' Fetchit in white face.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Murder Man"

(M-G-M)

Hollywood, July 7.—Spencer Tracy triumphs in this novel mystery story although the picture may have limited appeal. Tracy, star murder newshawk, is called from his cups to report the shooting of a shady investment broker. Arriving late at the scene of the crime he manages, nevertheless, to get the exact details of the crime in print simultaneously with the other scribes.

The killing is pinned on Harvey Stephens, murdered man's partner, and Tracy's paper prints the news exactly as Lionel Atwill, police captain, makes the arrest. When Stephens is convicted it develops Tracy himself committed the crime and frames Stephens, the motive being suicide of his wife and the financial losses he sustained because of the crooked investment firm. The picture ends with Tracy confessing and being placed in jail and separated from Virginia Bruce, his romantic interest, which tends to leave the story for the audience's own conclusion.

Director Tim Whelan, who co-authored the script with John Higgins, develops the action nicely but reports facts and story with meagre show values and arouses little sympathy for Tracy until the confession. The large supporting cast including Robert Barrat, William Collier, Sr., and Louise Henry play with conviction. Production by Harry Rapf is good, but not lavish.

The picture must depend on Tracy's popularity and novelty of story to get over. Reviewed without production code seal. Running time, 69 minutes. "G."

"Silk Hat Kid"

(Fox)

Hollywood, July 7.—Action and a telling fist fight are the chief angles in this tale of the reformation of a tough guy by a baby's fingers.

Lew Ayres, imported as a bodyguard by Paul Kelly, meets his old settlement house teacher, Brother Joe, who takes away Ayres' gun and makes him a gym instructor. Kelly, operator of a night club, sponsors the settlement house until Ayres cuts him out with Mae Clarke, who teaches there.

Kelly's estranged wife dies leaving his son, whom he has never seen, in charge of Brother Joe. Miss Clarke takes the child, hoping Kelly will learn to love him before discovering who he is. Ralf Harolde, a gangster trying to muscle in on Kelly's cafe, is routed by Ayres. Kelly thinks Ayres is part of Harolde's mob.

A long fist fight refereed by Brother Joe follows with Ayres getting the girl and Kelly getting a black eye and a soft heart at the same time.

Warren Hymer, Vince Barnett and John Qualen are standouts in comedy parts. William Harrigan as Brother Joe, Billy Lee as the boy and William Benedict play supporting roles. Joseph Engel produced and H. Bruce Humberstone directed from the screen play by Edward Eliscu, Lou Breslow and Dore Schary from the story by Gerald Beaumont.

Production Code Seal, No. 1062. Running time, 67 minutes. "G."

"Thunder in the Night"

(Fox)

Hollywood, July 7.—Suggesting political intrigue, this mystery drama is set in Budapest.

Karen Morley, on the night she is celebrating her husband's (Paul Cavanagh) elevation to cabinet presidency, receives a call from Cornelius Keefe, her former spouse, whom she has believed dead. Keefe, a vaudeville performer, also quarrels with his partner (Gloria Roy) and Arthur Carew, a mind reader.

When Keefe is found dead, Edmund Lowe, police captain, is called to solve the crime with the trail leading to all the principals and Bodill Rosing, a servant. Police Prefect Russell Hicks is anxious to pin the crime on Cavanagh for political reasons. Lowe concentrates on shielding Cavanagh, his friend, and tracking the real killer who proves to be Miss Roy.

George Archainbaud directed and handled the script intelligently, but the difficulty lies in the story handicaps. In the supporting cast Gene Lockhart, as Lowe's assistant, Una O'Connor as a chambermaid and Herman Bing as a taxi driver supply comedy relief.

The film is inoffensive, average fare for duals. John Stone produced. Production Code Seal, No. 1008. Running time, 68 minutes. "G."

(*Additional preview on page* 17)

Distributors To Resist New Buying Groups

(*Continued from page* 1)

and reasonable basis are being dealt with this season exactly as before, distributors as a rule are taking a positive stand in refusing to make concessions to other groups of the mushroom variety, it is reported.

The distributors' policy in dealing with the new or little known buying groups is said to be dictated largely by a theory of self defense. One sales executive pointed out that the unknown buying groups are frequently operated for the benefit of a small number of organizers. If they are successful in obtaining concessions from distributors, each concession is used to attract and sell new members for the group. With each increase in membership, it was said, new demands for additional concessions are made, with the added strength of the group being used against the distributor as a "convincer." In this manner a widening circle of concession and demand is made with the distributor in the center, it was charged. At the same time, failure of the distributor to grant concessions to what may later prove to be an effective buying combine also leaves him open later to local boycotts.

Buying groups have been particularly strong in Chicago during recent years. New Jersey and Philadelphia exhibitors have plans for the formation of such groups under discussion. Minneapolis exhibitors have considered the move and, locally, it has been discussed by various groups from time to time without, however, any definite developments. New season sales plans and terms inevitably spur both the discussion and formation of new buying combines and frequently add members to those already in existence.

RKO and Pantages in Coast Theatre Pool

(*Continued from page* 1)

tures on a single bill basis and the remainder on a double feature basis. The Pantages replaces the two Warner theatres in that area which were in a year's pool with RKO.

This is the deal which brought Rodney Pantages, Cliff Work and W. C. Heineman, the latter west coast district manager for universal, east a few days ago.

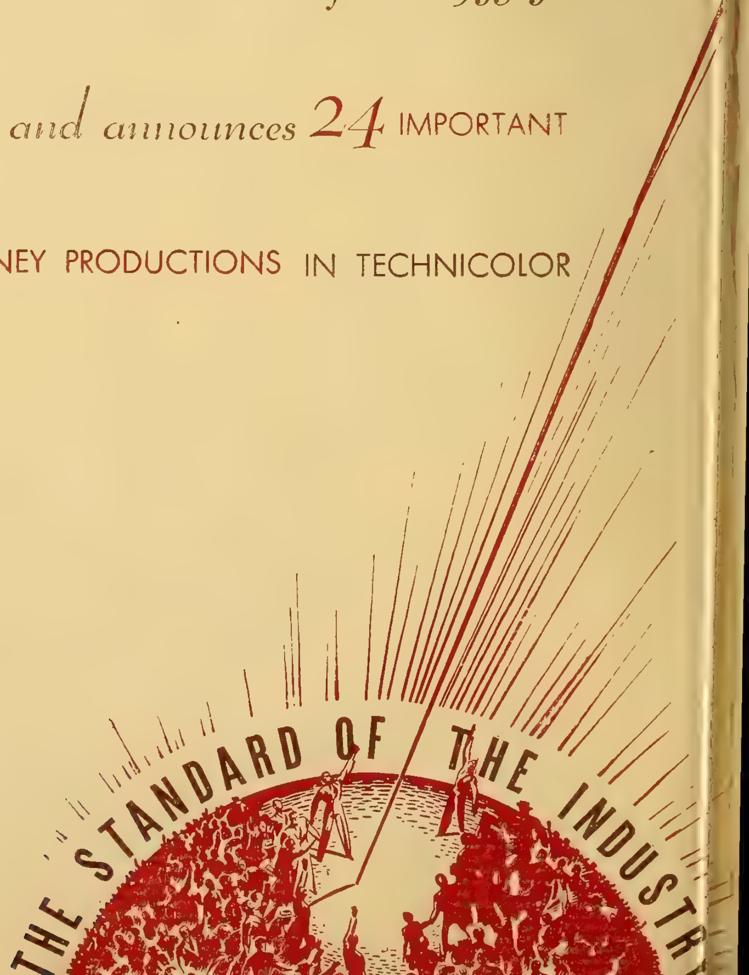
Charter Verday Prod.

Albany, July 7.—Verday Prod., Inc., has been chartered by Bertha Fried, Helen Bovis and Maxine Strunk.

NINA MAE McKINNEY
in
"SANDERS OF THE RIVER"
WILLIAM MORRIS OFFICE

U.A.
HE STANDARD OF THE INDUSTRY

Today, seventeen years after its inception, UNITED ARTISTS *stands out more than ever before, the standard of the industry. Founded on a policy of selling and exploiting big, important, individually-produced pictures one at a time,* UNITED ARTISTS *has met all conditions, experienced no re-organizations, has known no financial set-backs, owes nothing, and is operated substantially by the same personnel that has guided its destinies since its origin.* UNITED ARTISTS *must be right. For only what is right endures. Now, on the threshold of the 1935-36 season,* UNITED ARTISTS *again steps forward and announces* 24 IMPORTANT MOTION PICTURE FEATURES *and* 18 WALT DISNEY PRODUCTIONS IN TECHNICOLOR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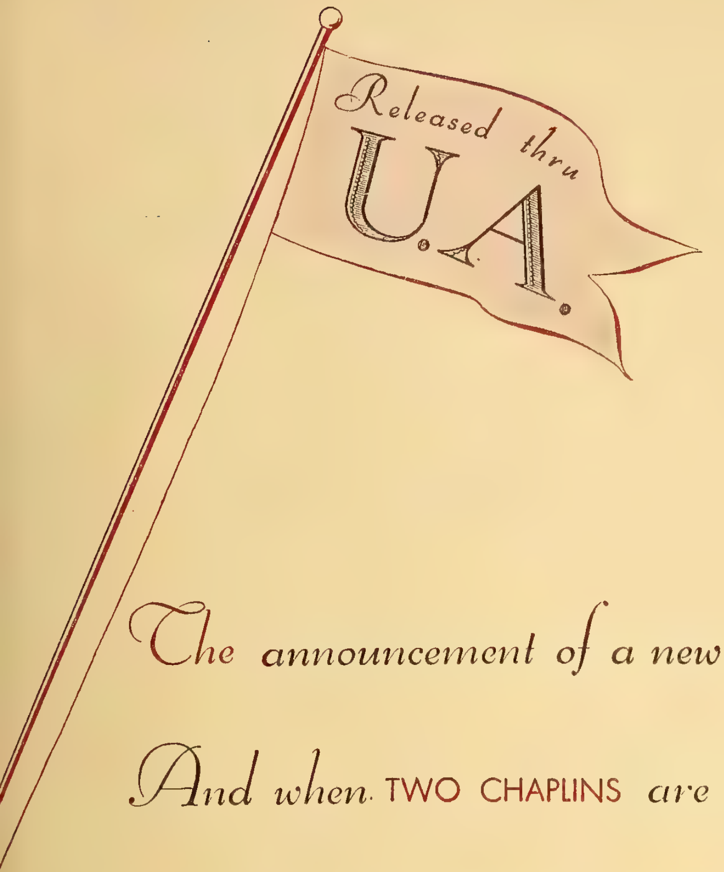
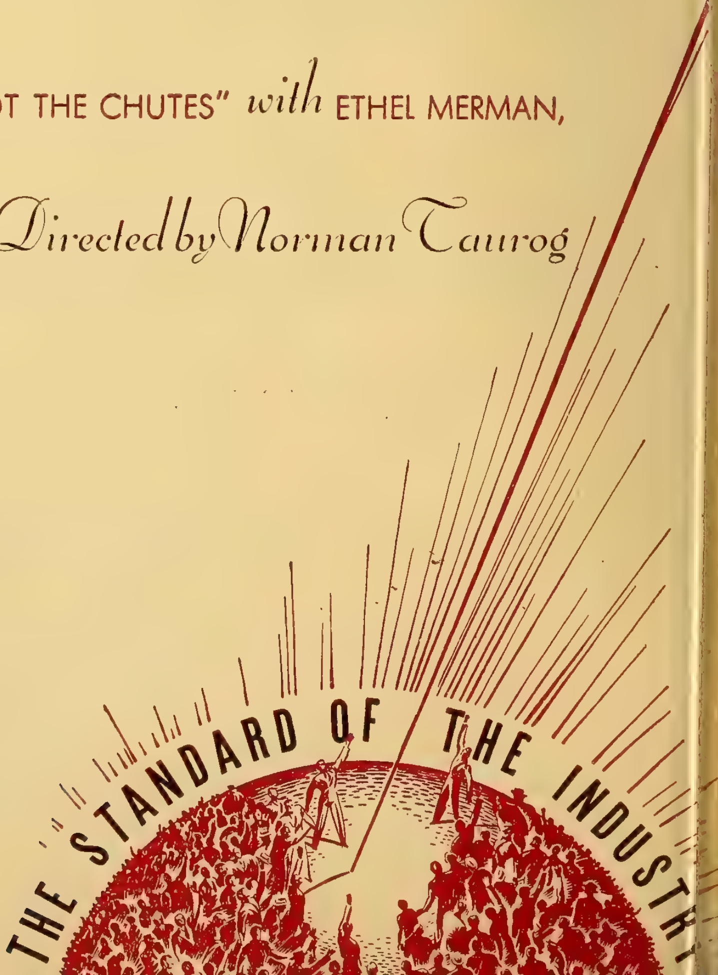


The announcement of a new CHAPLIN PRODUCTION is always an event! And when TWO CHAPLINS are announced for release in one year the event becomes world news! Proudly, therefore, UNITED ARTISTS announces CHARLIE CHAPLIN in a dramatic comedy of power and dynamic force based on mass production in a big factory. It's CHAPLIN at his very funniest and will set new highs in grosses, attendance and acclaim! Immediately following this production, CHAPLIN will personally produce the story on which he has set his heart for years, a deep, stirring, human drama, starring PAULETTE GODDARD, with an approach so unusual it will make the front pages of the world.

SAMUEL GOLDWYN! *Year in, year out, a symbol of all that is finest in motion picture production!* GOLDWYN! *The man who gave you scores of the screen's outstanding box office successes, will release the following* 6 SAMUEL GOLDWYN PRODUCTIONS *thru* UNITED ARTISTS *during 1935 = 1936:*

"DARK ANGEL" *with* FREDRIC MARCH, MERLE OBERON, HERBERT MARSHALL *Directed by Sidney Franklin. From the play by H. B. Trevelyan.*

"BARBARY COAST" *with* MIRIAM HOPKINS, EDWARD G. ROBINSON *and* JOEL McCREA. *Directed by Howard Hawks. Story by Ben Hecht and Charles MacArthur* -- EDDIE CANTOR *in* "SHOOT THE CHUTES" *with* ETHEL MERMAN, PARKYAKAKAS *and the* GORGEOUS GOLDWYN GIRLS: *Directed by Norman Taurog*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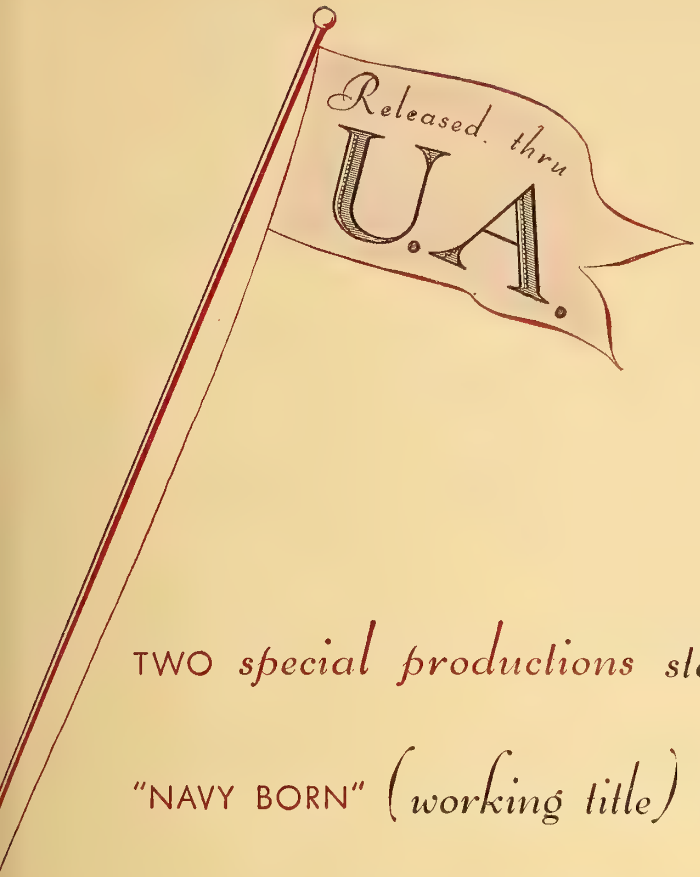
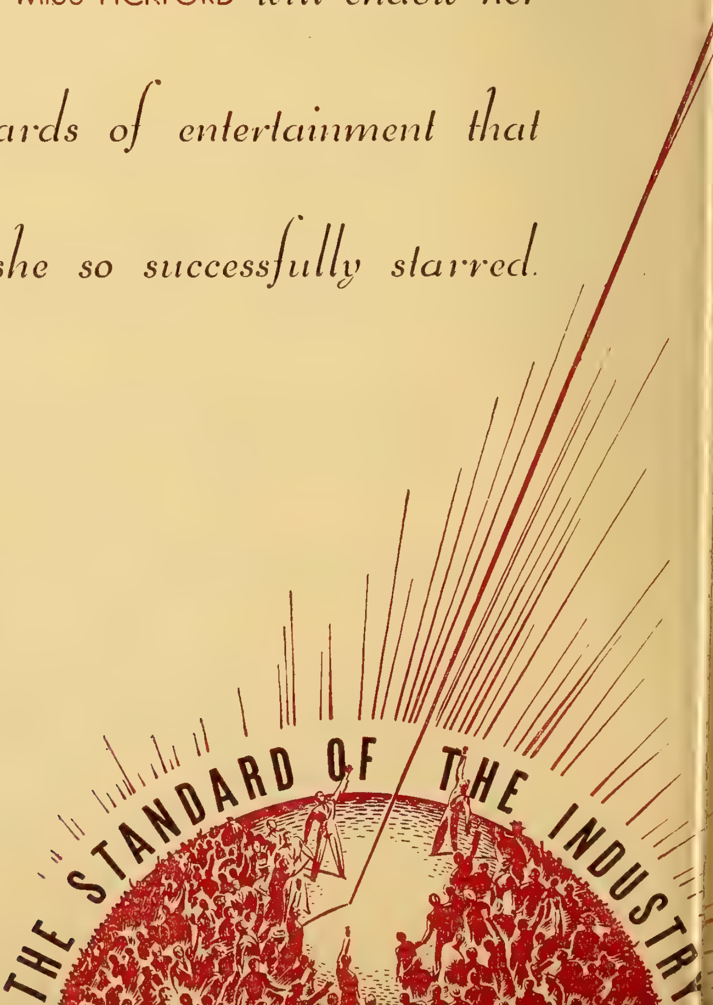


TWO *special productions starring* MIRIAM HOPKINS *with* JOEL McCREA: "NAVY BORN" *(working title) and* "SPLENDOR," *an original screen play by* RACHEL CROTHERS--*And the sixth* SAMUEL GOLDWYN PRODUCTION *will be* "DODSWORTH," *the most valuable motion picture property announced in the last ten years!* "DODSWORTH"*! From the book by the Nobel Prize Winner,* SINCLAIR LEWIS, *and the play by the Pulitzer Prize Winner,* SIDNEY HOWARD*! --Never so imposing an array of quality entertainment from America's quality showman! Never such stories! Stars! Directors!* 6 SAMUEL GOLDWYN PRODUCTIONS *that will set new highs for the box-offices of the world!* ~ ~ ~ ~ ~

MARY PICKFORD! The very name breathes quality! Now, the first lady of the cinema who, year after year, produced the great box-office pictures in which she appeared, will henceforth devote her talents exclusively to production. In association with one of the screen's leading producers, MISS PICKFORD will make 2 pictures for release thru UNITED ARTISTS in 1935-36, each featuring out-standing box-office personalities. A keen and discerning show-woman, with a thorough understanding of what the public wants, MISS PICKFORD will endow her productions with the same high standards of entertainment that characterized the pictures in which she so successfully starred.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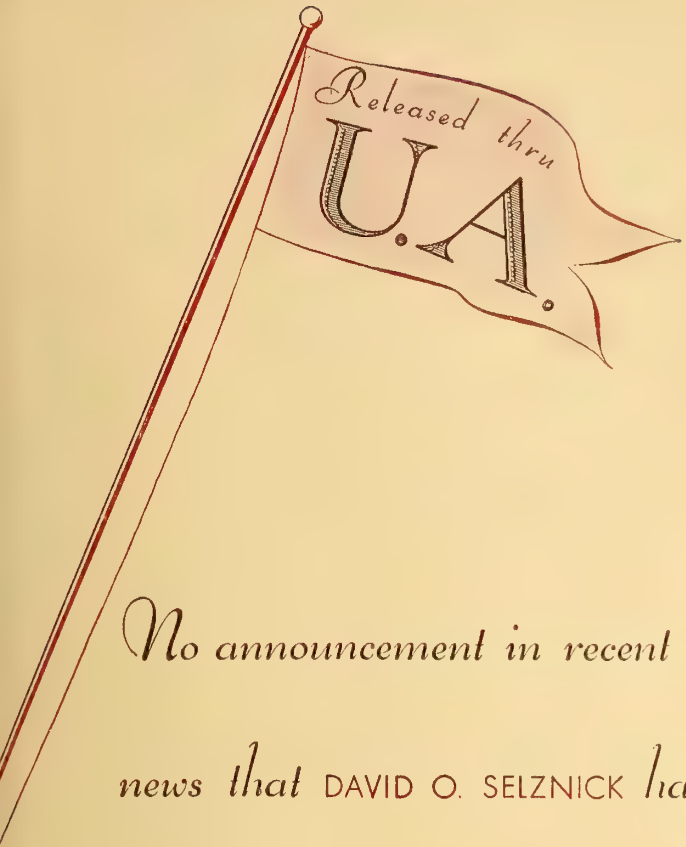
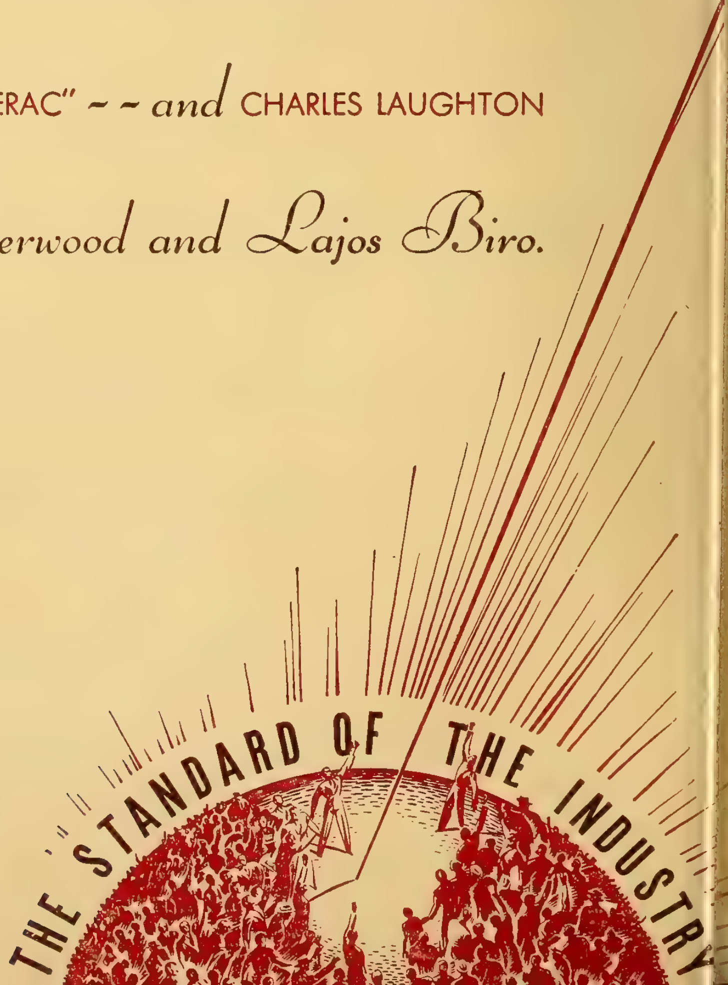


No announcement in recent years created more enthusiasm than the news that DAVID O. SELZNICK had formed his own producing company and would release at least 5 DAVID O. SELZNICK PRODUCTIONS thru UNITED ARTISTS during the coming season. No Producer has had a more illustrious background! Born into the industry, schooled in every phase of motion pictures, DAVID O. SELZNICK emerged as a producer in his own right, reaching the heights with an amazing succession of box-office sensations including "David Copperfield", "Dinner At Eight", "Little Women", "Viva Villa"! Recall what you did with these! Then look foward to 5 BIG DAVID O. SELZNICK PRODUCTIONS for 1935-1936!

ALEXANDER KORDA, *the foremost international producer, who recently gave you "The Scarlet Pimpernel" and "Henry the Eighth", will release* 5 *pictures thru* UNITED ARTISTS *in 1935-1936:* H. G. WELLS' "100 YEARS FROM NOW", *an amazing spectacle which dares depict the future. Directed by William Cameron Menzies* -- "THE MAN WHO COULD WORK MIRACLES", *another great* H. G. WELLS *story, with* ROLAND YOUNG. *Directed by Lothar Mendes* - ROBERT DONAT *in* "THE GHOST GOES WEST" *by Robert Sherwood. Directed by Rene Clair* -- CHARLES LAUGHTON *in Edmond Rostand's* "CYRANO DE BERGERAC" -- *and* CHARLES LAUGHTON *in* "THE LION OF MAYFAIR", *by Robert Sherwood and Lajos Biro.*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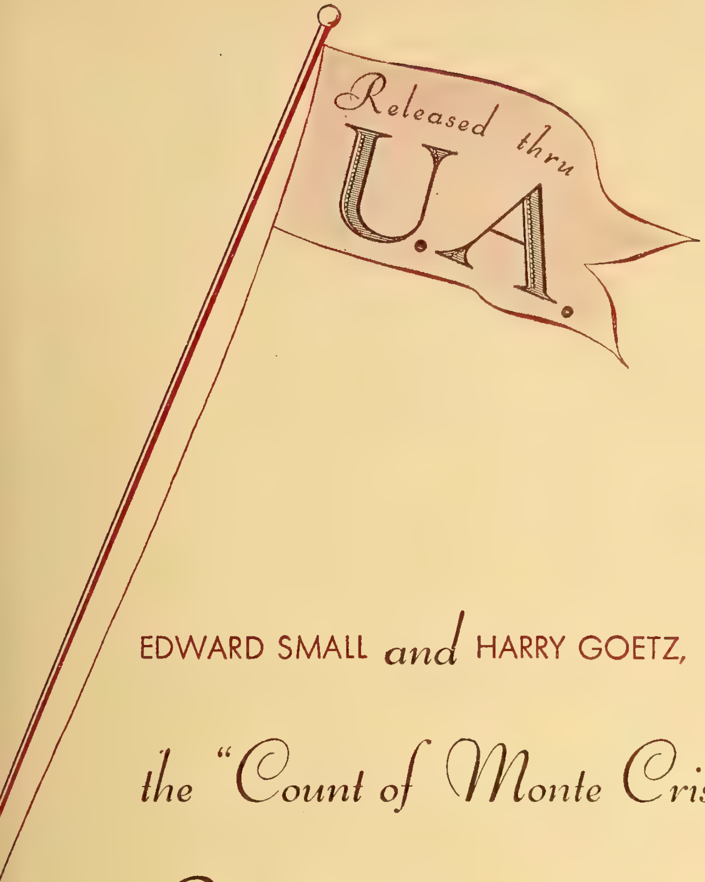

EDWARD SMALL *and* HARRY GOETZ, *who gave you such box-office successes as the "Count of Monte Cristo" and "Transatlantic Merry-Go-Round", will release 3* RELIANCE PICTURES *thru* UNITED ARTISTS *in 1935-36:* BARBARA STANWYCK *in* "RED SALUTE" *with* ROBERT YOUNG, *Hardie Albright, Cliff Edwards, Gordon Jones. Directed by Sidney Lanfield --* "THE MELODY LINGERS ON", *with* JOSEPHINE HUTCHINSON, HELEN WESTLEY *and others. Directed by David Burton --* "THE LAST OF THE MOHICANS", *James Fenimore Cooper's world-renowned classic, to be produced on the lavish scale that marked "The Count of Monte Cristo". Rely on* RELIANCE *to add 3 great box-office successes to your 1935-1936 line-up.*

20th CENTURY PICTURES *will release one production thru* UNITED ARTISTS *in 1935-36. Joseph M. Schenck presents* CLARK GABLE *in Darryl Zanuck's production* "CALL OF THE WILD" *with* LORETTA YOUNG *and* JACK OAKIE. *Directed by William Wellman.* JACK LONDON'S *great story of the roaring Klondike gold rush days offers* GABLE *his most colorful role. It's a drama revealing the turbulent, inner passions of nature in the raw. Fighting for the woman he loved in a land where men make their own laws,* GABLE *gives a performance that will be the talk of the season. This picture is ready for you* NOW -- *when you need it! Start the new season with a hit!* UNITED ARTISTS *paves the way to profit!*

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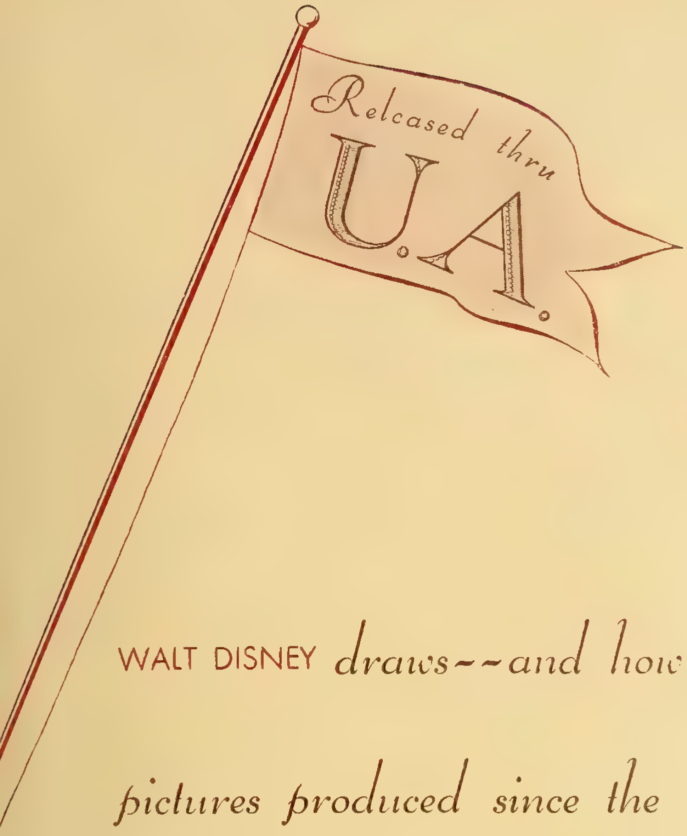

WALT DISNEY draws--and how! Every exhibitor concedes it! For no pictures produced since the birth of the screen have enjoyed more consistent acclaim! Exhibitors feature DISNEYS above the feature! Critics review them over the full-length attractions on the same bill! Little wonder, then, that showmen everywhere cheer the news that UNITED ARTISTS will release 9 SILLY SYMPHONIES and 9 MICKEY MOUSE PICTURES during 1935-36! BOTH SERIES IN GORGEOUS TECHNICOLOR -- 18 WALT DISNEY PRODUCTIONS IN ALL. Like all pictures released thru UNITED ARTISTS, DISNEY PRODUCTIONS are sold on their own; never with any other attractions! The ultimate in entertainment! - - - - -

2	CHARLIE CHAPLIN PRODUCTIONS
6	SAMUEL GOLDWYN PRODUCTIONS
2	MARY PICKFORD PRODUCTIONS
5	DAVID O. SELZNICK PRODUCTIONS
5	ALEXANDER KORDA PRODUCTIONS
3	RELIANCE PRODUCTIONS
1	ZANUCK 20th CENTURY PICTURE
18	WALT DISNEY PRODUCTIONS

Released thru
U.A.
THE STANDARD OF THE INDUSTRY

24

IMPORTANT MOTION PICTURE FEATURES

and

18

WALT DISNEY PRODUCTIONS

CONTRACTING BEGINS JULY 15th THRU

UNITED ARTISTS EXCHANGES

ALL OVER THE WORLD

Printed in U. S. A.

RKO Theatres To Shy Clear Of Premiums

(*Continued from page 1*)

independents. Unaffiliated exhibitors find that on the days chinaware or other articles are given away business perks up, but on the previous and following day a decided slump at the boxoffice is noticed. The tendency is drifting to games where money and gifts are distributed to lucky number winners.

The distinction between general distribution of articles and chance games, as outlined by exhibitors, is that on giveaway night either all women or children are given gifts while with chance games a select few are awarded money and prizes. The game feature is held less expensive than premiums and entices patrons with a sport instinct.

Nat Holt, Cleveland, Columbus and Detroit division head for RKO with seven theatres under his supervision, stated that business at his units is good and there is no need to go in for artificial attractions. He also said that there is no general trend toward giveaways or bank nights in his towns, but there are a number of houses with such policies.

Bank Nights Stir Percentage Problem

(*Continued from page 1*)

got into the theatre and 2,000 who remained outside.

"What about those 2,000 tickets which were not used on the night when they were sold? There would be no money in the box-office if these 2,000 persons decided to use their tickets to see one of our exceptional productions and the theatre management lets them in, as seems to be the custom. Of course, in a case of this sort, the previously sold tickets, when presented, would be entered as passes and the attempt would be made to settle on that basis.

"Two angles are involved. If a percentage picture is playing on a bank night and tickets are sold which are not used that night, there is the necessity for having some sort of check on the box-office sale. And if a percentage picture plays subsequent to a bank night when the house was oversold, assurance naturally will be desired that the picture be compensated for any previously sold tickets which are presented at the door."

Giveaways Spreading In Texas Territory

(*Continued from page 1*)

& R., Griffith, among the circuits, now have one or more of these plans in operation in each town.

Other forms of money nights have been evolved by individuals. China gifts which have proven to be profitable in some spots are continued on that basis. Bank night has been a big draw in many places, while other houses have discontinued it. Apparently the experience of the Interstate in the downtown houses with screeno is not encouraging, although it has established at least a temporary vogue in the neighborhoods.

In San Antonio, Interstate is using these plans in the deluxe first runs—screeno two nights weekly. The Palace, second-run, uses bunk night, as do three neighborhoods associated with it in operations. The neighborhoods also use a country store, making three nights a week of gifts.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Dressed to Thrill"

(*Fox*)

Hollywood, July 7.—As an introductory vehicle for Tutta Rolf this picture leaves much to be desired. As a potential screen personality she definitely rises above the material provided. Essentially the story is a dramatic romance given a comedy tinge and embellished by specialized solo music.

During the last days of the World War a small town French dressmaker falls in love with a Canadian army officer. Following the Armistice he forgets but as she becomes a popular Russian musical star she remembers. Time passes, the lovers meet again and he fails to recognize in the person of the glamorous star the simple modiste of more exciting days. While still loving him and disregarding all his peculiarities, she decides to teach him a lesson. The production then carries through much irrelevant material that in the end makes the officer-banker understand that the object of his infatuation is the same person to whom he once pledged undying love.

The production, adapted from a continental stage play with the screen play by Samson Raphaelson and directed by Harry Lachman, being both complicated and difficult to grasp, is foreign to any domestic trend. While all concentration is placed upon Miss Rolf, the support, including Clive Brook as the befuddled lover, Robert Barrat as the rival in later sequences, Nydia Westman as comedy relief and George Hassell, Mme. Smirnova, Leonid Snegoff and G. P. Huntley contribute little that might prove of showmanship or entertainment value.

As a run-of-the-mill, average attraction this will have difficulty standing alone and needs strong support to make any program attractive.

Production Code Seal, No. 991. Running time, 75 minutes. "G."

SEC Para. Inquiry To Be Shifted Here

(*Continued from page 1*)

are to be made in New York, it was indicated.

It was explained that some of the witnesses whom it was desired to interrogate were not able to come to Washington last month, and while it is possible for the commission to subpoena witnesses, it was felt the proceedings would be expedited by moving to New York. It was said that these witnesses had not refused to testify, but had urged that it was not possible for them to travel to the capital at the time of the hearings.

Counsel for the commission also are desirous of securing additional information on the activities of the bankers' management and protective committees, some of which, it was intimated, may prove to be sensational as were the disclosures during the first hearings.

The commission is looking into the Fox Metropolitan reorganization, but has not yet decided whether to go into it.

No report on the Paramount investigation is to be expected before next year. It was explained the commission has a number of investigations to make which will carry it through the fall, and it will not be possible to digest the material until shortly before the end of the year. The commission's report to Congress also is not due until next season.

Wall Street

Large Gains on Big Board

	High	Low	Close	Net Change
Columbia vtc......	79½	75½	79	+4¼
Consolidated Film.	4⅛	4⅛	4⅛	+ ⅛
Cons. Film., pfd...	16¼	16	16¼	+ ¼
Eastman Kodak...	150	150	150	.....
Fox "A".........	15¾	14½	15⅝	+1⅛
Loew's Inc........	43½	42	43½	+1½
Paramount Publix	4⅛	4	4⅛	+ ⅛
Pathe	⅝	⅝	⅝	.....
RKO	2¼	2⅛	2¼	.....
Warner	4⅛	4	4⅛	+ ⅛
Warner pfd.......	26½	25	26½	+2

Technicolor Up 1⅜ on Curb

	High	Low	Close	Net Change
Technicolor	19	18⅜	19	+1⅜

Bond Market Improves

	High	Low	Close	Net Change
General Theatre 6s '40............	11⅞	11⅜	11⅞	+ ⅝
General Theatre 6s '40 ctf........	11¾	11¼	11¾	+ ¾
Loew's 6s '41 ww deb rights.......	104	104	104	.....
Paramount F. L. 6s '47...........	95¾	94⅞	95½	+ ⅞
Paramount Publix 5½s. '50.........	97¼	96⅜	97¼	+1
Warner Bros. 6s '39 wd...........	66¼	64½	66¼	+1¼

(Quotations as at close of July 6)

Loew's Calls Its Bonds

St. Louis, July 7.—Loew's St. Louis Realty & Amusement Co. on Aug. 1 will redeem $265,000 of real estate mortgage notes on Loew's State here in advance of maturity by paying par plus six per cent interest and a two per cent premium. In addition, $17,500 in notes due on that date will be taken up at par plus interest. The redemption is the balance of a $650,000 loan made in 1924, maturities on which had till Aug. 1, 1939, to run.

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True sound performance.
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"AUDIENCE REACTION TR

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about Universal's

"DIAMOND JIM"

First of the Big Productions for 1935-3

Produced by EDMUND GRAINGER Directed by EDWARD SUTHERLAND

RELEASED SEPTEMBER 2, 1935

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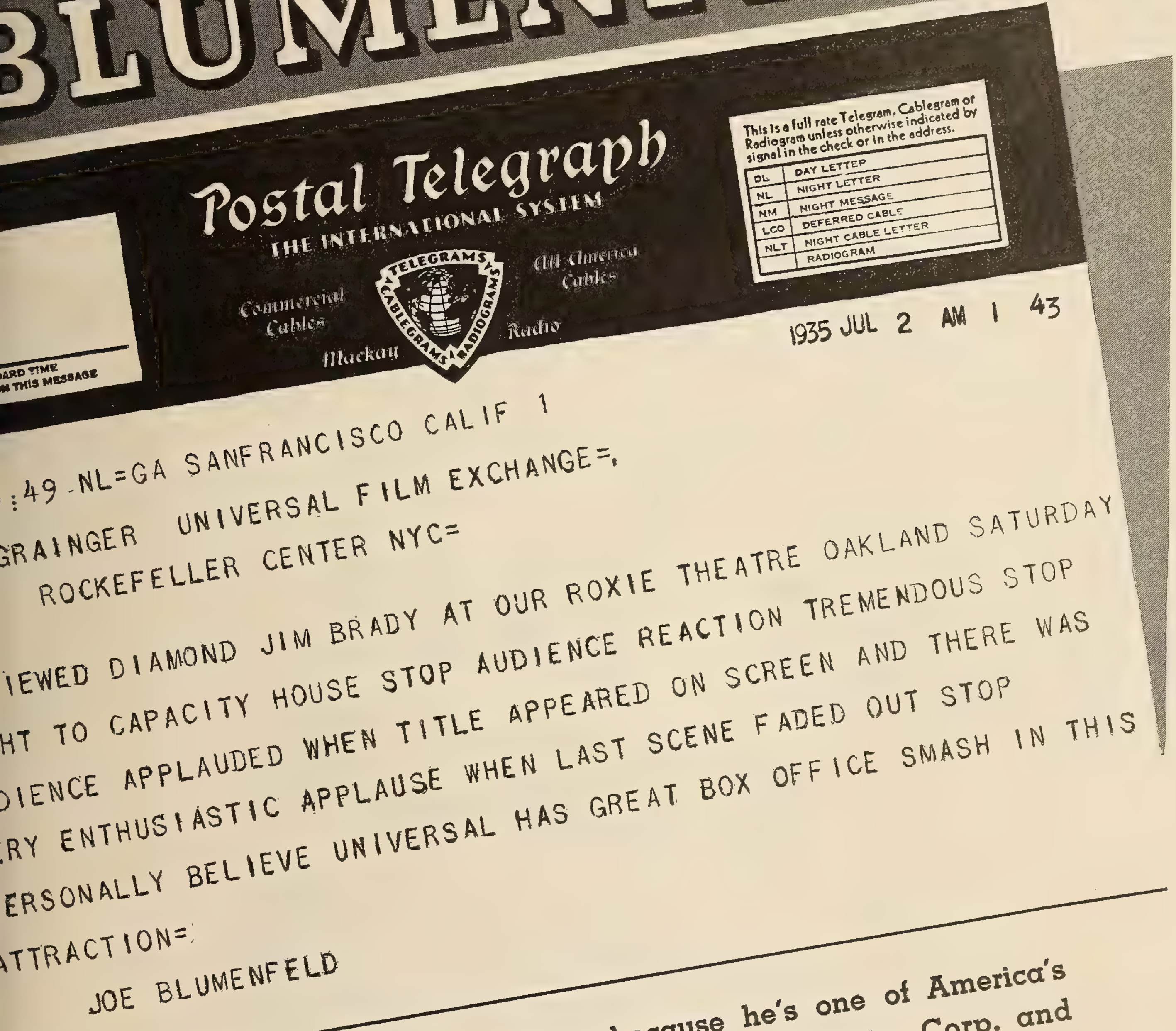
BLUMENFELD*



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THE INTERNATIONAL SYSTEM
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Mackay Radio

This is a full rate Telegram, Cablegram or Radiogram unless otherwise indicated by signal in the check or in the address.

DL	DAY LETTER
NL	NIGHT LETTER
NM	NIGHT MESSAGE
LCO	DEFERRED CABLE
NLT	NIGHT CABLE LETTER
	RADIOGRAM

ARD TIME
N THIS MESSAGE

1935 JUL 2 AM 1 43

:49 NL=GA SANFRANCISCO CALIF 1
GRAINGER UNIVERSAL FILM EXCHANGE=,
ROCKEFELLER CENTER NYC=

IEWED DIAMOND JIM BRADY AT OUR ROXIE THEATRE OAKLAND SATURDAY
HT TO CAPACITY HOUSE STOP AUDIENCE REACTION TREMENDOUS STOP
DIENCE APPLAUDED WHEN TITLE APPEARED ON SCREEN AND THERE WAS
RY ENTHUSIASTIC APPLAUSE WHEN LAST SCENE FADED OUT STOP
ERSONALLY BELIEVE UNIVERSAL HAS GREAT BOX OFFICE SMASH IN THIS
ATTRACTION=
JOE BLUMENFELD

*** And Joe Blumenfeld ought to know, because he's one of America's outstanding exhibitors, president of Blumenfeld Theatre Corp. and operator of the following California houses:—**

Roxie, Oakland
Oaks, Berkley
Sierra, Sacramento
Sierra, Stockton

American, Oakland
Del Paso, North Sacramento
Sequoia, Mill Valley
Tamalpais, San Anselmo
El Camino, San Rafael

HEADLINE NEWS

HERE COMES BETTE'S BIGGEST HIT!

LOVE SLAYER'S EXCLUSIVE STORY!

Hear All About That Certain Socialite!

Yell when you tell them about Warner Bros.' fastest drama since 'G-Men'!

"Men are to me what goiters are to science..a pain in the neck!"

BETTE DAVIS in

The screen's enchanting man-hunter proves that getting away with murder isn't the half of what a gal has to do to become a

FRONT PAGE WOMAN

with **GEORGE BRENT**

Warner Bros.' Stop-Press Story-of-the-Month!

I'll prove I love you—just give me 24 hours.
If I had my way I'd give you life!

She's biting in the clinches again—with all the fury of a woman who's determined to beat men at their own game!

BETTE'S 4th STRAIGHT HIT IN A ROW AND THE MOST SENSATIONAL OF THEM ALL!

See why the New York critics say—"She ranks herself immediately as one of the ten best actresses!"

"One of the most competent of our younger screen actresses!"

Directed by Michael Curtiz • With Roscoe Karns • Winifred Shaw

The Leading
Daily
Newspaper
of the
Motion
Picture
Industry

MOTION PICTURE DAILY

Alert,
Intelligent
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Faithful
Service to
the Industry
in All
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VOL. 38. NO. 7 NEW YORK, TUESDAY, JULY 9, 1935 TEN CENTS

New Lincoln Trust Charge Hits Majors

Independent Group Seeks $1,353,000 Damages

LINCOLN, July 8.—Asking $1,353,000 damages as result of alleged conspiracy and collusion of Lincoln Theatres Corps. of Delaware and Nebraska, Joe Cooper, Bob Livingston and a string of film companies, Independent Theatres, Inc., now defunct, but one time operators of the Rialto, Liberty and Orpheum here, filed suit in Federal Court today. Defendant film companies are Paramount, Vitagraph, Universal, United Artists, Fox, M-G-M and RKO.

Charging Cooper and Paramount had organized L.T.C. here on a like

(*Continued on page* 3)

Britisher Declared Quigley June Winner

For the first time since inauguration of the Quigley Awards by the Managers' Round Table Club of *Motion Picture Herald* a Britisher has won. The June silver plaque goes to John Armstrong, Paramount London theatres advertising director, for his campaign on "Lives of a Bengal Lancer" at the Carlton.

Chuck Shannon of Warner's Hollywood, Pittsburgh, won the bronze award for his campaign on "Naughty Marietta." First mention went to Rene Lebreton, Paramount, Paris, for his work on "Lives of a Bengal Lancer." Other first mentions went to Ed Hart, city manager of Reade Theatres, Plainfield, on "Goin' to Town," and George Nealons, Alabama, Birmingham, for his work on "The Band Concert."

Clevelanders Talk Clearance Changes

CLEVELAND, July 8.—Independent exhibitors would like to see a change in the present clearance and zoning schedule whereby the 20-cent houses would get greater protection over the 15-cent houses than is now accorded. Local exhibitors are of the opinion

(*Continued on page* 3)

Sees $120,000,000 For New Production

More than $120,000,000 · will be spent by the industry in this country on production during the 1935-36 season, it is revealed in an article from the coast appearing in yesterday's

(*Continued on page* 21)

Leave Asked To Appeal in Fox Met Case

Jersey Group Objecting To Action on Leases

An application for leave to appeal from Federal Judge Julian W. Mack's order confirming the reorganization plan for Fox Metropolitan Playhouses has been filed with the U. S. Circuit Court of Appeals here by the Layton Realty Corp., landlord for several New Jersey houses operated by Fox Met, it was disclosed at a court hearing yesterday.

George C. Levin, attorney for the Layton company, advised Judge Mack of the filing of the application for an

(*Continued on page* 3)

Newman Supervises In Northwest Pool

SEATTLE, July 8.—Frank L. Newman, head of Evergreen States, will continue to supervise operations of the pooled John Hamrick and Evergreen houses here and in Portland.

Hamrick on Aug. 15 assumes charge of the combined theatres here while Al Finkelstein will operate the Portland group. About 16 houses in all are involved.

Local 306 to Vote On 2% Assessments

Members of Local 306 will meet this week to vote on the two per cent assessment adopted at the recent session in St. Louis by the executive committee of the I. A. T. S. E. The date is contingent on return of Harland Holmden, in charge of the union

(*Continued on page* 3)

Film or Script

With two pictures definitely set, the Paramount deal with Ben Hecht and Charles MacArthur has a trick option which provides that the two writer-producers either deliver a third picture or a script. The deal, which is set, is expected to be signed within the next few weeks.

Realignment Being Made in U.A. Personnel

LOS ANGELES, July 8.—A number of important promotions are being made in the United Artists personnel, it was learned today as the company's sales convention opened at the Ambassador here. Harry Gold, eastern sales manager, who was reported slated for a promotion in MOTION PIC-

(*Continued on page* 4)

20th Century Sets First 8 With Fox

The first eight pictures to be produced by 20th Century under its merger deal with Fox, were set yesterday and start with "Metropolitan" starring

(*Continued on page* 3)

Hornblow Returns; Talked to Kipling

Arthur Hornblow, a Paramount associate producer, returned on the *Normandie* yesterday after a two months' vacation abroad. While in England

(*Continued on page* 21)

Try Pay As You Leave

Omaha, July 8.—"Honor system" previews are the latest wrinkles here. The box-office is dark, but the theatre doors are wide open when patrons go in at midnight. When they come out the exits are roped so they have to file past the box-office window.

The first program at the Orpheum consisted of "Ginger" and "Mr. Dynamite." Of 814 who attended 765 paid or were paid for as they filed out.

A cameraman had his lens focused on the outgoing patrons, but all he photographed was a couple of shots for advertising purposes. A group of college students decided to rush the line, but returned sheepishly a few moments later and paid.

Everet H. Cummings, district manager for A. H. Blank; Charles Schlaifer, advertising manager for Omaha, and Bill Miskell, Orpheum manager, originated the idea. Cummings intends to try it in other Blank houses at Hastings, Grand Island and Fairbury, Neb., and Sioux City and Des Moines, Ia.

Plan Center As Long Run In Radio City

Will Split Product with The Music Hall

Radio City is poising a plan which provides for a policy at the Center Theatre of extended run pictures beginning Sept. 1. Bookings will be spotted in from the product bought by the Music Hall which next season will draw upon Fox, RKO and Columbia as three of its principal sources.

It was reported last night that it was Sidney R. Kent who was the direct influence in the consideration now being accorded the plan. The Fox president, it is understood, refused to make a deal with the Radio City for the new season without some assurances that product contracted would play the theatre for which it was purchased and suggested a switch of the Center from its current stage policy to films as a practical method

(*Continued on page* 3)

SEC Arranging for More Para. Probes

WASHINGTON, July 8.—Officials of the Securities and Exchange Commission today were attempting to complete arrangements for new Paramount reorganization hearings in New York in the hope of starting them Wednesday morning. Actual starting time and place of the hearings have not yet been determined.

The principal witness to be heard

(*Continued on page* 3)

Code Angle Report Is Delayed Further

Because Austin C. Keough, chairman of the legal committee, was occupied in court, the voluntary industry committee yesterday delayed its meeting until later in the week or next Monday at the latest.

A report on legal angles of a voluntary code was to be discussed by the former Campi men and alternates.

Coast Independents Skeptical on Codes

HOLLYWOOD, July 8.—A voluntary code for the industry would not benefit small exhibitors in the opinion of Los Angeles independents.

"We have nothing to lose and nothing to gain through codes," Harry

(*Continued on page* 3)

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

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M-G-M Sets 11 for Summer, Fall List

M-G-M has set 11 pictures for release from August through November.

August releases will be: "China Seas," "O'Shaughnessy's Boy" and "Here Comes the Band."

September's: "Anna Karenina" and "Glamour."

October's: "Tale of Two Cities" and "Broadway Melody of 1936."

November's: "Mutiny on the Bounty," "A Night at the Opera," an untitled production starring Joan Crawford and Clifton Webb, and "Let Freedom Ring."

New Jersey Allied Picks Ritz Carlton

The Ritz Carlton in Atlantic City has been definitely set as convention headquarters for the Allied of New Jersey three-day meeting which starts Aug. 21.

Next Tuesday the local unit will meet at Asbury Park. Although it was first intended to hold a meeting between July 16 and Aug. 21, this plan may be dropped.

JACKIE COOPER
in
"DINKY"
WILLIAM MORRIS OFFICE

◀ Purely Personal ▶

BORIS SHUMIATSKY, head of the Soviet industry, and his aides, Friedrich Ermler and Vladimir Nielsen, who were scheduled to return yesterday from the coast, where they have been studying American production methods, will remain in Hollywood several more weeks. Vladimir Verlinsky, Amkino head, who accompanied the three west, was the only member of the party to return to New York yesterday.

•

R. E. Anderson, new Paramount vice-president, has established headquarters in Eugene Zukor's old offices on the ninth floor of the Paramount Bldg., adjoining John Otterson's new suite. The latter space is being extensively remodeled during Otterson's studio sojourn.

Quip of the Day

The Fox-20th Century contract, nicely printed not mimeographed, is so voluminous Darryl F. Zanuck may use it as his first continuity under the new deal.

Hearing the draft is now in its fourth printing caused Bob Goldstein to remark: "Gee, a best seller already."

He and Bill Goetz tried to get a statement from Rex, the "Talking Horse" at Playland over the weekend. It didn't work.

Bill, while there, tried his lung prowess on a physical training machine. "Look at him," declared Goldstein, "he's practising for a directors' meeting."

"Laudy" Lawrence, still troubled by a vertebra dislocated while on board ship New York-bound from Paris, is out of the Jewish Hospital and in the New Haven General Hospital for further treatment and observation.

•

Bob Weitman's daughter, Abbey, is rooting for a sister and she may be rewarded her desire any day now. Weitman, manager of the Paramount, leaves on his vacation July 19. He's making his summer home at Manhattan Beach.

•

Jack T. Knight, head of the maintenance department for Paramount theatres, was presented with the Distinguished Service Cross at Fort Totten yesterday afternoon.

•

Herbert J. Yates, both junior and senior, and Tom Geraty were listed among the week-end golf tournament prize winners.

•

Lou Diamond, Paramount short subjects head, leaves for the coast this week for studio conferences and to ferret out likely short product.

•

Gertrude Braunstein celebrates a birthday tomorrow; Joel Bezahler and Sidney Glaser on Friday. All M-G-Mers at the home office.

•

Jules Levy left for Toronto and Montreal yesterday to return here Friday. There's that week-end at Atlantic Beach which will be beckoning.

•

Fred Norman has left the Louis Shurr office for an executive post with Roger White Prod. He'll have charge of all the talent for future air programs.

•

Victor M. Shapiro, manager of the Hollywood Bureau of Quigley Publications, hits town Saturday via the air lanes. It's a vacation.

•

Willard C. Patterson, general manager of the United Detroit Theatres, is in New York.

•

Mack Gordon and Harry Revel, the songsmiths, are in town on a 10-day holiday.

•

Edna Ferber's "Come and Get It" has been acquired by Samuel Goldwyn.

•

Lou Nizer plans another trek to Europe. Next month is the time set.

•

Abe Waxman is back from a week's sojourn in Atlantic City.

•

. . . Cincinnati

Col. Arthur Frudenfeld, RKO divisional manager, accompanied by Mrs. Frudenfeld, have gone to Oxley Beach, Canada, for a brief vacation. Marc J. Wolf, general manager Theatre Managers, Inc., Indianapolis, and prexy of the Variety Club there, is with the Frudenfelds.

Max Stahl, United Artists head, has gone to the west coast for the company's convention.

Florence Kipp, "hello girl" at the RKO division office, sojourning in New York for her holiday.

Bill Hastings, skipper of RKO Lyric, returned from a visit with his parents in the east.

Cleveland Dual Ban Signers Stay at 70

Cleveland, July 8.—Signatures involving independent theatres of Greater Cleveland on the single feature agreement with one dual change a week during the coming season, still stand at 70 out of a possible 82. No new signatures have been affixed to the agreement since it was presented to the Cleveland M. P. Exhibitors' Ass'n last Tuesday. Among those who have not yet signed are one circuit and the rest are small theatre owners.

A follow-up general meeting of the association is to be held Tuesday.

Rowland, Brice Again

William Rowland and Monte Brice resume an old association with engagement of the latter to direct "Sweet Surrender," Broadway Prod. first picture which goes into work at Eastern Service Studio Friday.

As partners in Rowland and Brice Prod., the team made a number of musicals in the east a couple of years ago, including "Moonlight and Pretzels," which Universal distributed.

Film Board Group Meets

The executive committee of the New York Film Board of Trade yesterday held a special meeting at which various problems of the board and exchanges were discussed. Local branch managers will hold a regular meeting tomorrow night at the Film Board's headquarters.

Garrett Klement to Make Series of Six

By BRUCE ALLAN

London, July 8.—Garrett Klement Pictures, Ltd., plans six films at an outlay of £60,000 each. The first two will be "A Woman Alone" and "The Amazing Quest of Ernest Bliss," from the E. Phillips Oppenheim novel. In the former will be Anna Sten, directed by Fedor Otzep, her first Russian director. The Oppenheim tale will be directed by Alfred Zeisler, ex-production head of Ufa.

Both will be released in England by the Woolf Co., general distributors. The producer is understood negotiating with a major for American release.

A third director for the company will be Walter Reisch, author of "Masquerade."

The B. and D. studios are being used.

Report Lease Deal For Cleveland Spot

Cleveland, July 8.—It is reported that a deal is pending between Loew and local interests for a long term lease on the Ohio, 1,500-seat legitimate house that has been dark, with minor interruptions, for the past two years. It is the intention of the prospective lessees to convert the theatre into a Casino de Paris, with tables and chairs in the auditorium, stage presentations and a lobby cocktail bar.

RKO-M. & S. Hearing Off

Hearing of motions by RKO and Meyer & Schneider on the arbitration award recently granted the latter as a result of RKO operating policies at the Hollywood and Apollo, which were scheduled for yesterday in state court here, were postponed to July 17. RKO is endeavoring to have the court set aside the award while M. & S., lessor of the two houses, is seeking to have it confirmed. The award gives M. & S. a $40,000 financial judgment and directs numerous changes in operating policies at the two houses.

Jenkins Holders to File

Wilmington, Del., July 8.—Stockholders of the Jenkins Television Corp., other than those of the DeForest Radio Co., have been notified to file proof of their stock ownership in the corporation, properly verified with Clifton Edwards and John Biggs, Jr., receivers, on or before Aug. 15. Stock certificates must accompany each proof of claim. Exceptions of any or claims are to be filed within 15 days after Aug. 15.

Bryson Stages Return

London, July 8.—James V. ("Jimmy") Bryson, for years in charge of Universal here, plans to re-enter distribution with a series of features starring Josephine Baker, colored entertainer. The first will be "Princess Tom-Tom."

Rhoden Back to N. Y.

Kansas City, July 8.—Elmer C. Rhoden, head of the Fox Midwest Properties, plans to return to New York Tuesday night. When he returns here he will announce details of the new Fox setup in this area, he said.

New Lincoln Trust Charge Hits Majors

(Continued from page 1)

share basis, pursuant to the latter's program of harnessing the key Nebraska spots for exhibition of films and their control in this section, the petition says the other defendant film groups entered into conspiracy to furnish the organization with product. It is further claimed that the arrangement controlled 75 per cent of all the product and 90 per cent of the features, sending the bulk of the film to the five defendant houses and leaving the remainder for the four independents.

Previous to L.T.C.'s entrance on the exhibition scene here, it was the practice to keep several houses closed, since the three plaintiff houses were under the L.T.C.'s control then and by this arrangement not all the available pictures could play, and practically no second runs were used. After refusing to pay rent on the three houses in 1932, the allegation reads, the houses were taken back by the landlords and immediately the assets of the Delaware corporation were transferred to the Nebraska corporation with a view to removing credit claims of the latter, according to the petition.

When the organization was broken in April, 1934, and forced out of business, it had incurred $21,000 in debts, and valued the leases on the three houses at $100,000 for the Liberty; $200,000, Orpheum, and $130,000, Rialto. Seeking to recover the total amount of $451,000, tripled, as is provided in actions of this kind, $1,353,000 is the amount of suit. Former Attorney General Paul Good and City Attorney Loren Laughlin are appearing for the plaintiff.

Clevelanders Talk Clearance Changes

(Continued from page 1)

that if the present seven-day protection between these classifications were increased to 14 days, the general tendency would be to boost the 15-cent houses into the 20-cent classification.

Nothing has been done about it outside discussion. One difficulty is that such a change opens the way for first runs to ask for a greater differential between them and the first run subsequents.

Cleveland's present availability schedule is 35 days after first run, for Class A houses charging 25 cents; 56 days for Class B houses charging 20 cents; 63 days for Class C houses charging 15 cents and 100 days for Class D houses charging 10 cents.

Film Center Loss Up

Film Center Building reports a net loss of $25,344 for 1934 after expenses, taxes, interest, bad debts and other charges. This compares with a loss of $4,083 in 1933.

Al Cook Dies on Coast

SANTA MONICA, July 8.—Al Cook, star in the silent days, died here yesterday at the Santa Monica Hospital after a year's illness. He was 53.

Plan Center As Long Run In Radio City

(Continued from page 1)

of absorbing pictures which the Music Hall either did not want to play or for which it could not find dates.

The policy which the Music Hall has been pursuing generally calls for a cash payment to the distributor of $7,500 for each rejection, this to be applied against the deal secured by the distributor from another first run outlet, if any.

As the proposal now stands, the Center would become the home of extended run pictures, the Music Hall, in turn, maintaining a policy of week stands only. This angle, however, is susceptible of change.

If determined upon, the Center, therefore, will again swing back to its original policy. For almost a year "The Great Waltz," Max Gordon musical, believed financed originally by the Rockefellers, has been playing the house, thereby giving the Music Hall run of the 6th Ave. field insofar as films enter into it.

W. G. Van Schmus, now operating the Music Hall, is expected to run the Center as well. He could not be reached late yesterday for comment.

Coast Independents Skeptical on Codes

(Continued from page 1)

Chotiner, president of the I.T.O.A., said. Chotiner pointed out that appeals for adjustments under the NRA code lay in New York for a year without action. "They told us we wouldn't have to buy definite quotas of short subjects, but we found out we had to buy them anyway. We're just as well off without a voluntary code," said Chotiner.

The I.T.O.A. is now working on a zoning and clearance schedule of its own.

Although F.W.C. officials would not be quoted on the subject, it was learned that the organization was definitely favorable toward a voluntary code and felt that the adoption of regulatory measures were necessary.

Warner theatre men are passive, awaiting further developments.

Local 306 to Vote On 2% Assessments

(Continued from page 1)

under the international's supervision, from Chicago where he is managing the Windy City local's affairs.

There is considerable dissension between the unemployed members of Local 306, it is stated, which can only be adjusted at a general meeting of the organization. Several weeks ago the working card members were placed back on a five-day week and as a result of this move, it is expected the assessment fee will be increased in addition to the international's two per cent for the benefit of non-working members.

Ezell, Thurman Arrive

Claude Ezell and his attorney, Emmett Thurman, are in town from Dallas in connection with bank night. They will remain here until Thursday.

Wall Street

Warner Off on Big Board

	High	Low	Close	Net Change
Columbia, vtc	81	76¼	79½	+ ½
Consolidated	4⅛	4⅛	4⅛	.....
Consolidated, pfd.	16⅜	16	16	— ¼
Eastman	150⅜	149½	150⅜	+ ⅜
Eastman, pfd	157½	157½	157½	+ ½
Fox "A"	15½	15¼	15¼	— ⅜
Loew's, Inc.	43⅞	43½	43¾	+ ¼
Loew's, Inc., pfd.	108	108	107½	— ½
Paramount Publix	4⅛	4	4⅛	.....
Pathe	⅝	⅝	⅝	.....
RKO	2⅛	2	2	— ¼
Warner	4⅛	4	4	— ⅛
Warner, pfd	25½	25½	25½	—1

Technicolor Gains ⅝ on Curb

	High	Low	Close	Net Change
Technicolor	20	19	19⅝	+ ⅝
Trans-Lux	2½	2¼	2¼	.....

Bond Market Irregular

	High	Low	Close	Net Change
General Theatre 6s '40	12	11⅞	12	+ ⅛
General Theatre 6s '40, ctf.	12	11½	12	+ ¼
Loew's 6s '41 ww deb rights	103¾	103¾	103¾	— ¼
Paramount B'way 5½s '51	60¾	60¾	60¾	— ¼
Paramount F. L. 6s '47	95¾	95½	95¾	+ ¼
Paramount Publix 5½s '50	97⅜	97	97¼	.....
Warner 6s '39 wd	66⅛	65¾	65¾	— ½

(Quotations as at close of July 8)

20th Century Sets First 8 With Fox

(Continued from page 1)

Lawrence Tibbett. It was made clear that the eight did not necessarily mean Darryl F. Zanuck will make only this total for 1935-36, the plan providing for others to be divulged "from time to time." Set to go, however, are these:

"Metropolitan" from an original by Bess Meredyth and George Marion, Jr., with Richard Boleslawski directing.

"The Man Who Broke the Bank at Monte Carlo," starring Ronald Colman. This is to be based on a Russian play with Nunnally Johnston handling the script and John Ford directing.

"Sing, Governor, Sing" by Howard Smith and Johnston. Roy Del Ruth will direct the cast which will include Ann Dvorak, Fred Allen, Phil Baker, Paul Whiteman and his band, Ramona, the Yacht Club Boys and Rubinoff.

"Message to Garcia," based on the story by Elbert Hubbard and the book by General Rowan.

"Earthbound," by Basil King.

"Snatched" by Kubec Glassman, author of "Public Enemy."

"Shark Island," based on the life of Dr. Samuel Mudd, who innocently aided John Wilkes Booth on the night the latter assassinated Abraham Lincoln.

"John Barleycorn" by Jack London.

Zanuck starts production as soon as he returns to Hollywood which probably will be the end of this week. "Metropolitan" will be the first to go before the cameras, the starting date now being set for July 25. "The Man Who Broke the Bank at Monte Carlo" and "Sing, Governor, Sing" start the first week of August.

Another session last night brought formal signaturing of the Century deal closer. The expectancy is the transaction will be signed and delivered today. Whatever the day, S. R. Kent, Joseph M. Schenck, Zanuck and William Goetz will leave at once for the coast. They will travel by air.

Kent to Europe Later

LONDON, July 8.—The trade hears S. R. Kent will be over in September.

Leave Asked To Appeal in Fox Met Case

(Continued from page 1)

appeal after Judge Mack yesterday granted the petition of the Fox Met trustee for authority to disaffirm the circuit's leases on the Palace at Bergenfield, and the Dumont, Dumont, N. J., both of which are owned by Layton. Levin said that his client opposed the Fox Met reorganization plan because of its alleged inequities to the interests of theatre landlords. As the Circuit Court has adjourned for the term it is doubtful whether any action can be had on the Layton application before October.

In granting the Fox Met trustee permission to disaffirm the Layton leases Judge Mack, who leaves for a two and one-half months' European vacation tomorrow, stipulated that the Layton Company could file affidavits in opposition to his order with Federal Judge Francis G. Caffey, who could then reverse Judge Mack's ruling if the objections warranted it. It was testified that Fox Met had lost $70,069 on the Palace since the inception of the company's receivership and a comparable amount on the Dumont.

Permission to disaffirm the lease on the Queen Anne, also in Jersey, was granted Fox Met without objections. A loss of $61,000 was reported for this house since the Fox Met receivership, slightly more than three years ago.

Authority was granted for placing the Biltmore, Carlton, Stratford and Duffield into a new subsidiary company which would be permitted to cancel the leases on the first three in the event the new operating arrangement failed to correct losses now being sustained through them. Of four, the Duffield is the only one operating profitably.

Disaffirming of the leases yesterday reduces Fox Met's theatre holdings to 81 houses, as compared with 145 at the inception of the receivership.

Fox Hearing on Today

A hearing on an application by the receiver of Fox Theatres Corp. to continue the receivership for another six months, which was scheduled for yesterday, was postponed until today by Federal Judge Martin T. Manton.

SEC Arranging for More Para. Probes

(Continued from page 1)

will be John Hertz, who was chairman of the Paramount finance committee before the receivership and is now a member of the new board of directors.

Paramount officials here said yesterday they had not yet been advised of a resumption of the SEC hearings on the company's reorganization which were begun in Washington and adjourned about 10 days ago.

I. E. M. Meeting Today

BOSTON, July 8.—The next meeting of the Independent Exhibitors of Massachusetts, Inc., local Allied affiliate, will be held at the organization's general offices here Tuesday.

Realignment Being Made in U. A. Staff

(*Continued from page* 1)

TURE DAILY of June 24, will become general sales assistant to Al Lichtman, new head of the company, who will continue to function also as sales manager. Paul Lazarus will be Lichtman's inside assistant, Gold's work being concentrated more in the field. Jack Goldhar will function as western division manager with Lazarus' promotion, while Charles Stern, assistant eastern division manager, will succeed Gold.

Lichtman announced at the opening session that independent producers releasing through U. A. hereafter will not pass on individual contracts with exhibitors.

"This is the first time in our history," he said, "that our producers have agreed to eliminate the system of passing upon their individual contracts. They have placed their product in my hands as sole trustee."

It was added by Lichtman that United Artists "now is more important to the industry than ever before."

Arthur W. Kelly, in charge of foreign distribution, will address the convention on Tuesday on "World Distribution." Other speakers will be Maurice Silverstone, who will discuss the British market; Hal Horne, head of publicity and advertising; Harry D. Buckley, vice-president of United Artists Theatre Circuit, who will talk on "General Policy and Theatre Circuits"; Kay Kamen, whose topic will be "Exploitation of Disney Product." Stern and Haskel Masters, Canadian manager, complete the list of Tuesday's speakers.

In answer to reports he had not only signed with Paramount but would also produce two films for Mary Pickford for U. A. release, Walter Wanger let it be known today an announcement would be forthcoming at the end of the week. It is learned Miss Pickford will star in a minimum of two productions a year.

Signs Edna Ferber

Edna Ferber leaves for the coast tomorrow to do a script for a forthcoming Miriam Hopkins vehicle for Samuel Goldwyn.

Sparks from the Rails

HOLLYWOOD, July 8.—AL LICHTMAN received a tremendous ovation from the boys at the opening of the first day's session. This was AL'S first opportunity to greet the men from the field.

✣

HARRY GOLD, eastern sales manager, came in for some kidding on those suede shoes. Probably got the idea the last time HARRY RICHMAN made a picture for U. A.

✣

JACK GOLDHAR, assistant to PAUL LAZARUS, insists on living in Detroit and thinks that city ought to be the capital of United States.

✣

HARRY GOETZ, president of Reliance, got no thrill out of his coast trip; he takes 'em so often. He was glad to hear some of the pleasant remarks the various men made about his product, however.

✣

JAMES MULVEY, of the Samuel Goldwyn office, just can't seem to forget the Brooklyn Dodgers. Some of the boys tried to sell him the local high school nine.

✣

N. A. THOMPSON, sales controller, greeted many of his old friends. He's traveled around the territories and there are few salesmen he doesn't know.

✣

ALBERT MARGOLIES, publicity department, handled things on the special and all local stops made sure local inhabitants knew the U. A. train was passing through.

✣

LEN DALY of the foreign department represented SAM COHEN. Oh, if Sammy now in London, only knew!

✣

CLARENCE EISEMAN of Atlanta is so proud of his son that it's already set that he will be one of the best presidents United States ever had.

✣

LOU WECHSLER, selling out of Boston, first worked for RKO.

✣

JOHNNY BYKOWSKI of Buffalo is proud of that ball team of youngsters he has. He's tall and blonde and so are most of the kids.

✣

GENE DYER, office manager in Charlotte, is well liked by local showmen. His wife is a reporter on a Washington paper.

✣

H. DUDELSON, selling in Cincinnati, is a swell guy—has a nifty smile that gets you.

✣

"JEFF" JEFFERY, sales manager in Montreal, regrets the fact that his French won't help him one bit in Hollywood.

Five Men in a Row

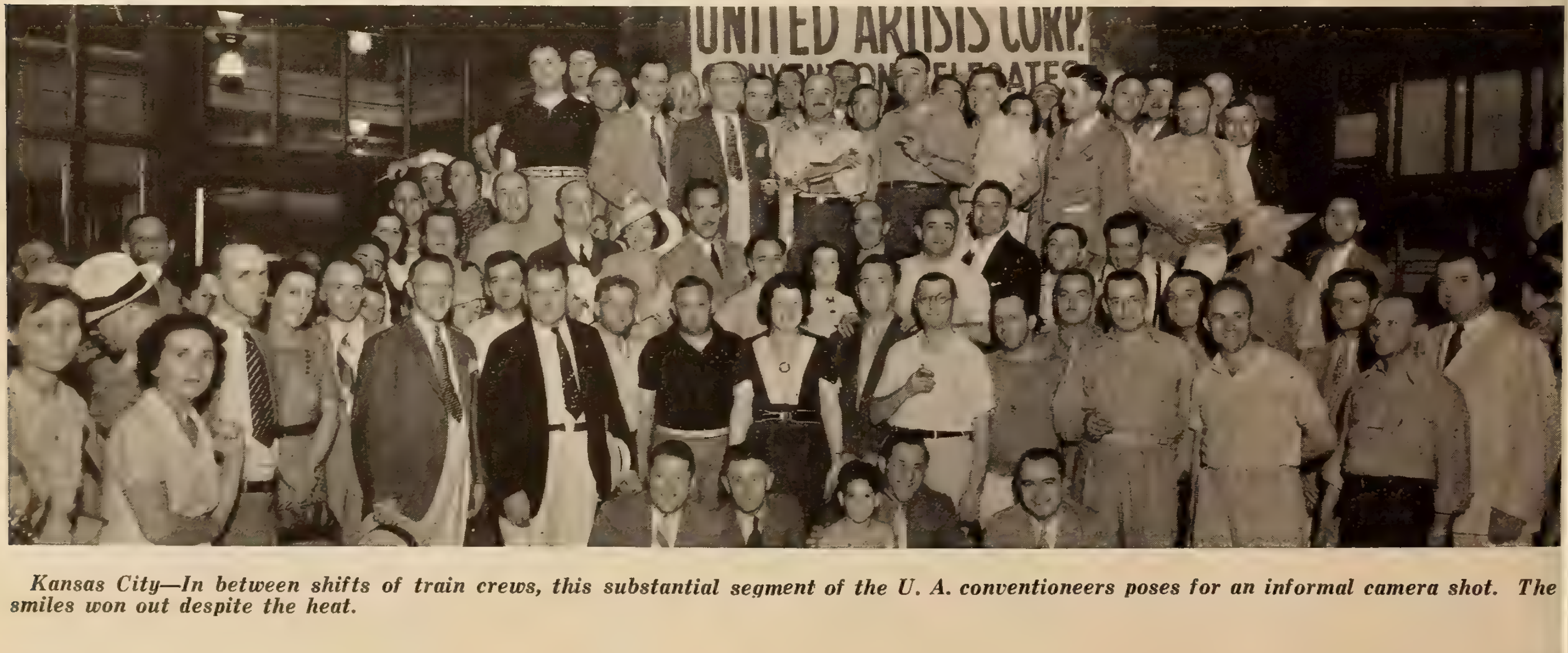
Hollywood—Maurice Silverstone, Hal Horne, Nathan Burkan, Al Lichtman and Harry D. Buckley take time out from U. A. convention detail to satisfy the insistent lens snapper.

W. J. Dusenbury Missing

COLUMBUS, July 8.—Will J. Dusenbury, 70, is believed to have jumped from a bridge into the Scioto River here late yesterday. A hat and coat found by police proved to be his. The body has not yet been recovered. Dusenbury, who has been in ill health for the past three years, owned the Grand with his brother, Joseph W. J. Real Neth was operating the house until it was damaged by fire last summer.

N. H. Sunday Bill Dies

CONCORD, N. H., July 8.—The New Hampshire Legislature has closed after a session of record length. Theatremen were unsuccessful in attempts to advance the hour for Sunday openings to 4:00 P.M. The houses must still remain dark until 6:00 o'clock.


UNITED ARTISTS CORP.

Kansas City—In between shifts of train crews, this substantial segment of the U. A. conventioneers poses for an informal camera shot. The smiles won out despite the heat.

PARAMOUNT PICTURES

First Quarter

1935-1936

Paramount
Pictures

August 2

Paramount Begins the New Season With a Bang . . . .

CECIL B. DeMILLE'S

"THE CRUSADES"

with

LORETTA YOUNG
HENRY WILCOXON

Ian Keith Katherine De Mille C. Aubrey Smith Joseph Schildkraut Alan Hale C. Henry Gordon George Barbier Montagu Love . . The magnificent adventures of Richard, the Lion-Hearted . . . set against the spectacular background of the world's first great war . . . "The Crusades" is Cecil B. De Mille's most pretentious and dramatic spectacle. Its fame is nation-wide, for already over 256,000 lines of publicity on this picture have appeared in the newspapers and magazines of this country . . . **Production Highlights . .** The Siege of Acre . . . mightiest battle yet filmed . . . 10,000 soldiers . . . 3500 horses . . . giant catapults . . . sets covering 1,000,000 square feet, embracing the wonders of Jerusalem, the scented seraglios of Saladin.

August 2

Food for the Box Office

"SOUP TO NUTS"

with

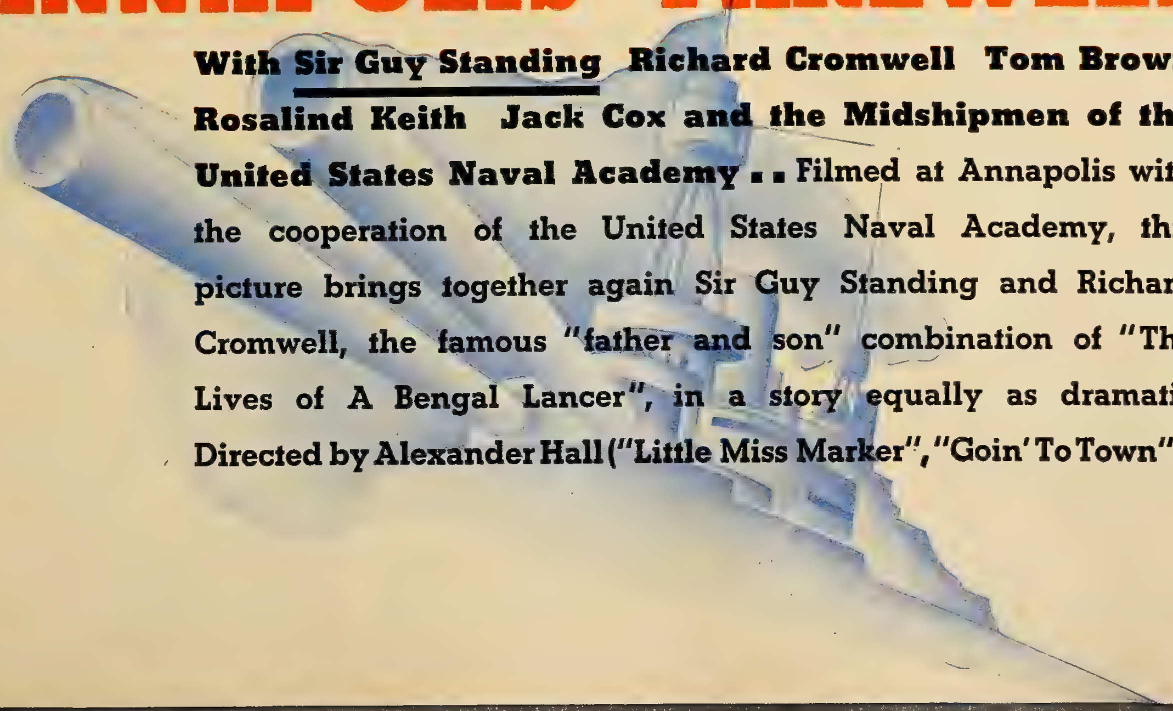
George Burns and Gracie Allen

Jack Powell and a large supporting cast . . Directed by Norman McLeod . . "Let the quips fall where they may" . . . let Gracie fiddle while George burns. The No. 1 radio comics in a riot of fun in which Gracie haunts the ghosts of a haunted house . . . Writers, humorists John P. Medbury and Walton Farrar; Director, comedy-minded Norman McLeod ("Horse Feathers", "Mama Loves Papa").

August 9

The "Bengal Lancers" of the United States Navy

"ANNAPOLIS FAREWELL"



With Sir Guy Standing Richard Cromwell Tom Brown Rosalind Keith Jack Cox and the Midshipmen of the United States Naval Academy . . Filmed at Annapolis with the cooperation of the United States Naval Academy, this picture brings together again Sir Guy Standing and Richard Cromwell, the famous "father and son" combination of "The Lives of A Bengal Lancer", in a story equally as dramatic Directed by Alexander Hall ("Little Miss Marker", "Goin' To Town").

August 16

Two Outstanding Attractions

1 GARY COOPER ANN HARDING

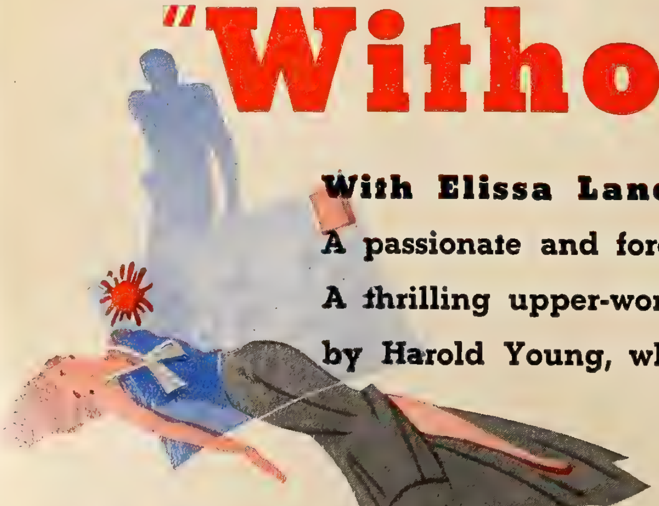
"Peter Ibbetson"

With Ida Lupino John Halliday Douglass Dumbrille Virginia Weidler Dickie Moore Directed by Henry Hathaway

One of the great classics of all time. Read by millions as Du Maurier's famous novel . . . seen by millions as the celebrated stage play . . . heard by thousands more as Deems Taylor's opera. Henry Hathaway, directed Gary Cooper in "The Lives of a Bengal Lancer" and "Now and Forever" . . . Script by Vincent Lawrence and Waldemar Young, who did "The Lives of a Bengal Lancer."

2

"Without Regret"



With Elissa Landi . . Kent Taylor . . Frances Drake

A passionate and forceful story of blackmail and deliberate death. A thrilling upper-world melodrama fascinating in plot . . . Directed by Harold Young, who directed "The Scarlet Pimpernel."

August 23

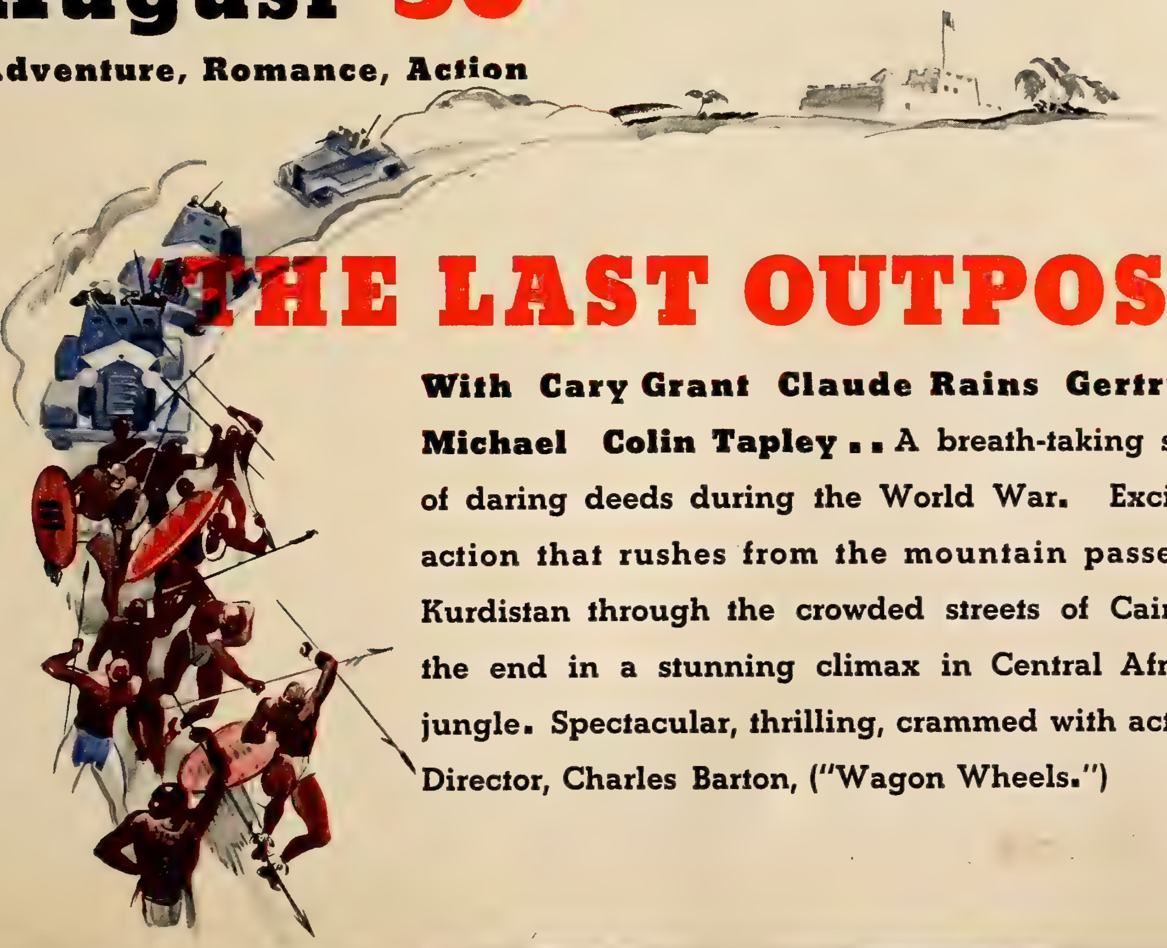
The ACE of Westerns . . .

Zane Grey's "WANDERER OF THE WASTELAND"

Directed by Otto Lovering . . "Wanderer of the Wasteland" as a silent film in 1924 was a box office clean-up everywhere. It will be a fitting counterpart to Paramount's 1934-35 Western successes, "The Last Round-Up" and "Wagon Wheels."

August 30

Adventure, Romance, Action



"THE LAST OUTPOST"

With Cary Grant Claude Rains Gertrude Michael Colin Tapley . . A breath-taking story of daring deeds during the World War. Exciting action that rushes from the mountain passes of Kurdistan through the crowded streets of Cairo to the end in a stunning climax in Central Africa's jungle. Spectacular, thrilling, crammed with action! Director, Charles Barton, ("Wagon Wheels.")

September 6

In PARAMOUNT WEEK Comes One of Year's Biggest Pictures

"THE BIG BROADCAST OF 1935"

With * BING CROSBY * AMOS 'N' ANDY * ETHEL MERMAN JACK OAKIE BURNS and ALLEN LYDA ROBERTI * MARY BOLAND * CHARLIE RUGGLES * JESSICA DRAGONETTE * SIR GUY STANDING

* GAIL PATRICK WENDY BARRIE HENRY WADSWORTH * BILL ROBINSON * INA RAY HUTTON & HER BAND * RAY NOBLE & HIS ORCHESTRA * RUTH SLENCYNSKI

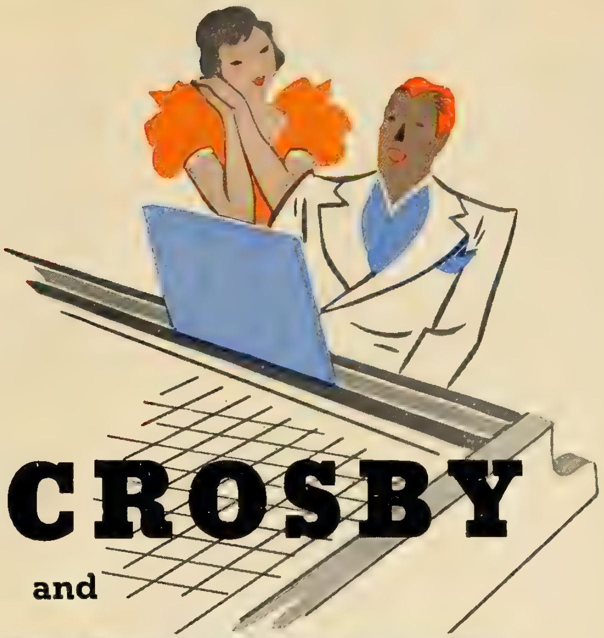
Directed by Norman Taurog . . Music by Ralph Rainger and Leo Robin, Dick Whiting, Carlos Gardel and Ray Noble, whose songs, "I Wished On The Moon," "Why Dream," "Double Trouble" and "Cheating Muchachita," will be among 1935-36's outstanding hits . . . Director Norman Taurog ("We're Not Dressing") ("Mrs. Wiggs") ("College Rhythm")

The amazing array of talent in this picture speaks for itself.

* Specialties by these people

September 13

FRIDAY the 13th . . A Big Black Ink Day for the Nation's Box Offices

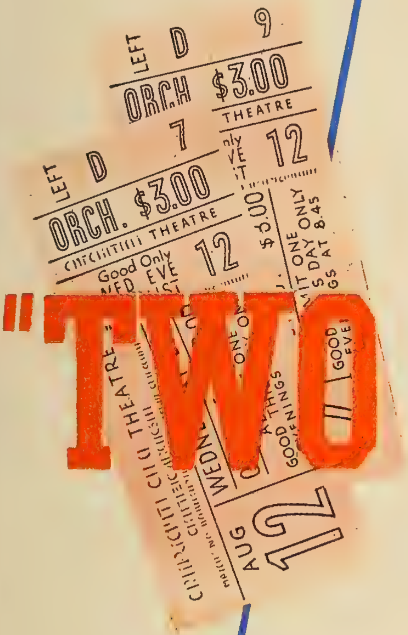


BING CROSBY

and

JOAN BENNETT

in


LEFT D 9
ORCH $3.00
THEATRE
12
LEFT D 7
ORCH. $3.00
THEATRE
Good Only
WED EVE
12
$3.00
ONE
DAY ONLY
AT 8.45
THEATRE
WEDNE
GOOD
EVE
AUG
12

"TWO FOR TONIGHT"

With Mary Boland Frances Drake Lynne Overman Benny Baker . . Louder and funnier than "She Loves Me Not". . . more tuneful than "Here Is My Heart". . . faster, flashier than "Mississippi," this is a Crosby musical comedy with all the zip in the world . . . Bing is a penniless song writer who crashes to success with a million dollar musical and croons back the gal somebody stole from him . . . Music by Gordon and Revel, composers of "Did You Ever See a Dream Walking," "Stay As Sweet As You Are," "With My Eyes Wide Open" . . . Directed by Frank Tuttle, who directed Bing Crosby in "Here Is My Heart" and "The Big Broadcast of 1933."

September 20

Two Box Office Bulls-Eyes . . . .

1

George Raft • Alice Faye

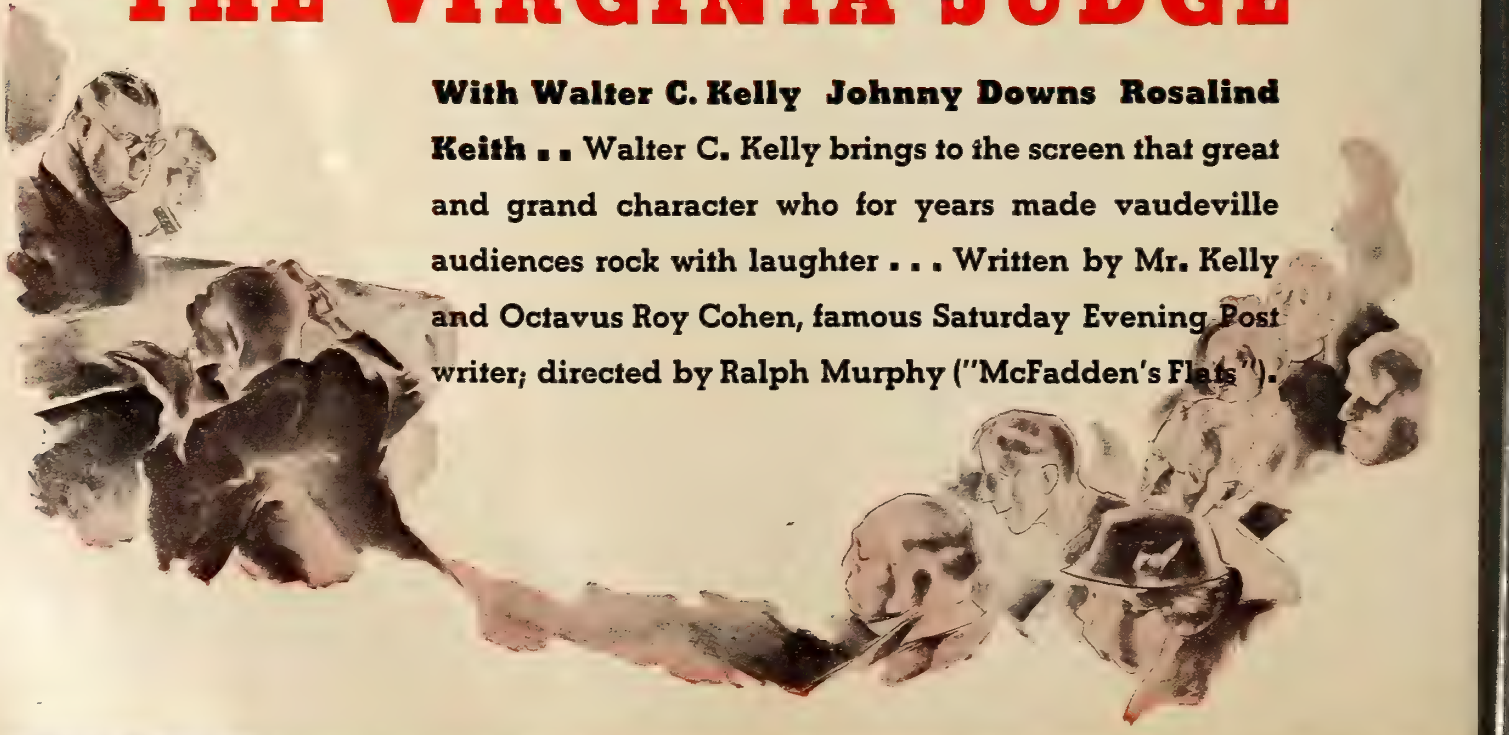
"EVERY NIGHT AT EIGHT"

With Frances Langford, Patsy Kelly, The Three Radio Rogues . . . Directed by Raoul Walsh The first motion picture about the currently popular "amateur" radio hours . . . Raft as a Master of Melody in a merry, musical story of the Three Sweet Singing Swanee Sisters . . . three gals, not even cousins, who croon their radio way from Amateur Hours to Art . . . Directed by Raoul Walsh ("The Cock-Eyed World," "The Bowery"). Music by Fields and McHugh, who wrote "I Can't Give You Anything But Love, Baby," "Lost In A Fog," "Thank You for a Lovely Evening".

A Walter Wanger Production

2

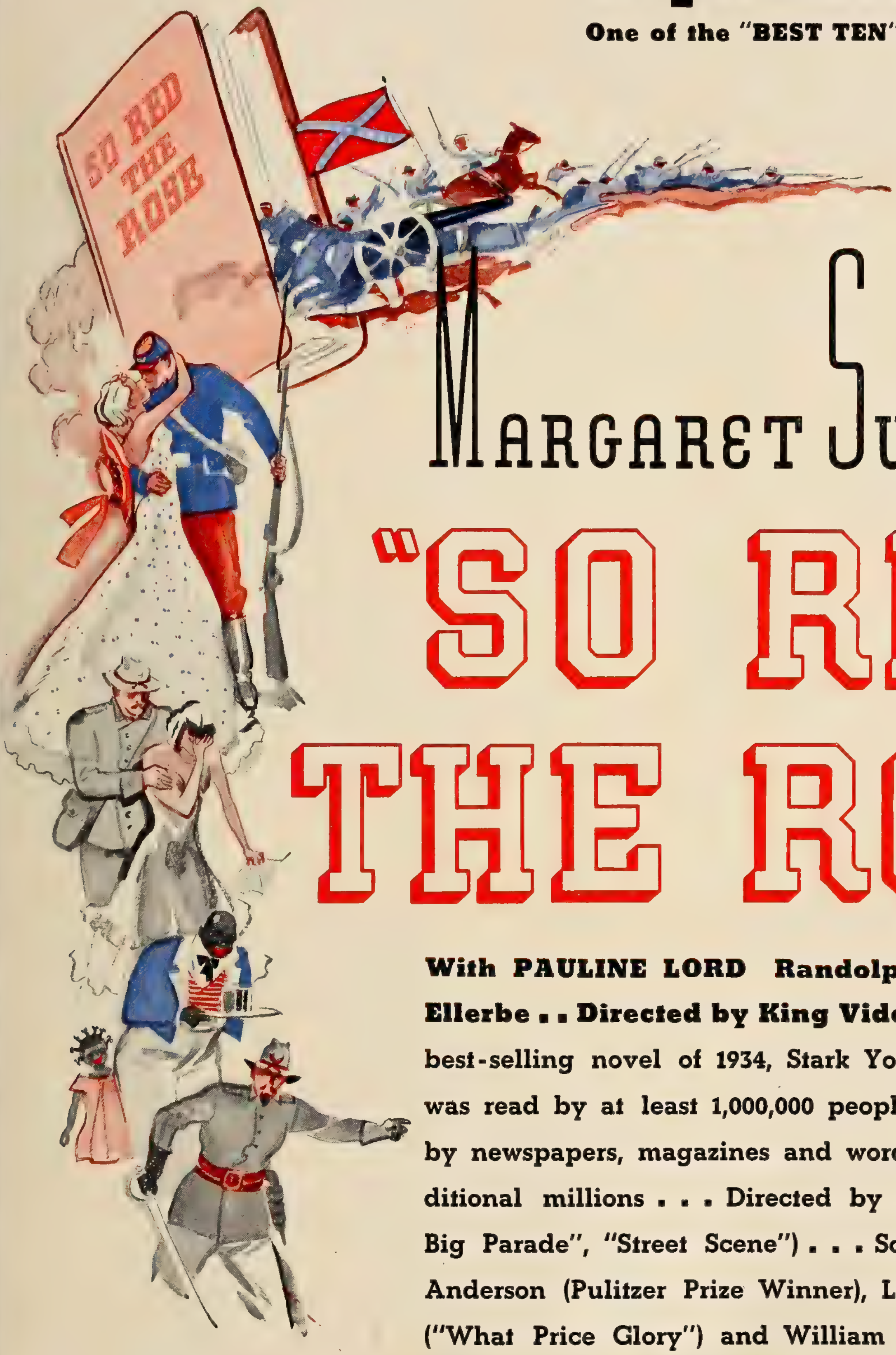
"THE VIRGINIA JUDGE"



With Walter C. Kelly Johnny Downs Rosalind Keith . . Walter C. Kelly brings to the screen that great and grand character who for years made vaudeville audiences rock with laughter . . . Written by Mr. Kelly and Octavus Roy Cohen, famous Saturday Evening Post writer; directed by Ralph Murphy ("McFadden's Flats").

September 27

One of the "BEST TEN" Pictures of 1935



MARGARET SULLAVAN

"SO RED THE ROSE"

With PAULINE LORD Randolph Scott Harry Ellerbe . . Directed by King Vidor . . As the No. 1 best-selling novel of 1934, Stark Young's great story was read by at least 1,000,000 people and publicized by newspapers, magazines and word-of-mouth to additional millions . . . Directed by King Vidor ("The Big Parade", "Street Scene") . . . Script by Maxwell Anderson (Pulitzer Prize Winner), Laurence Stallings ("What Price Glory") and William Slavens McNutt, outstanding writer of short stories and scenarios.

September 27

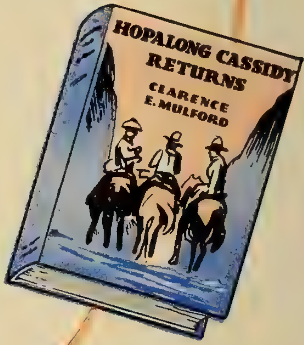
A Grand New Series of Westerns

"Hopalong CASSIDY"

MESQUITE JENKINS
Tumbleweed
CLARENCE E. MULFORD

With James Gleason as "Hopalong Cassidy" Paula Stone [Fred Stone's lovely daughter] **James Ellison Kenneth Thompson Robert Warwick Charles Middleton...**

Clarence Mulford's famous novels have sold over 3,000,000 copies and have been read by at least 20,000,000 people. They should prove the basis for a great series of box office Westerns... **In addition** to "HOPALONG CASSIDY," there will be five other pictures made from Mulford's novels. These will be "THE MAN FROM BAR-20" "HOPALONG CASSIDY'S PROTEGE". "MESQUITE JENKINS". "BAR-20 RIDES AGAIN". "HOPALONG CASSIDY AND THE EAGLE'S BROOD"


HOPALONG CASSIDY RETURNS
CLARENCE E. MULFORD

HOPALONG CASSIDY AND THE EAGLE'S BROOD
CLARENCE E. MULFORD
Hopalong Cassidy
CLARENCE E. MULFORD
Corson of the JC
BY CLARENCE E. MULFORD AUTHOR OF HOPALONG CASSIDY, ETC.
CASSIDY'S TEGE
ENCE LFORD

October 4

Two for the Box Office . . .

1

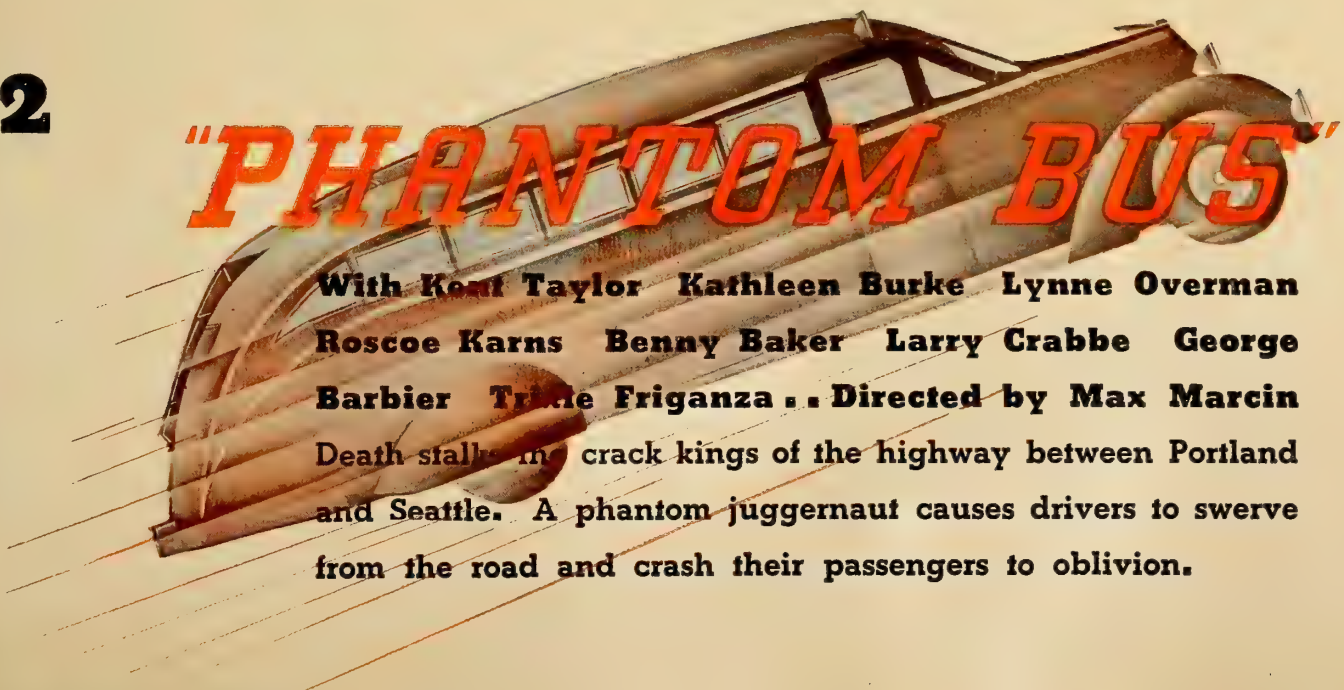
CAROLE LOMBARD

in

"Hands Across The Table"

With a Cast of Prominent Players . . A glorious story of young love by Vina Delmar, whose novels and magazine stories boast of an amazing popularity; presenting Carole Lombard as a big city manicurist who holds hands professionally with the world and his brother, but who yearns to hold hands romantically with someone, tall, dark and handsome . . . Directed by Mitchell Leisen ("Murder at the Vanities.")

2



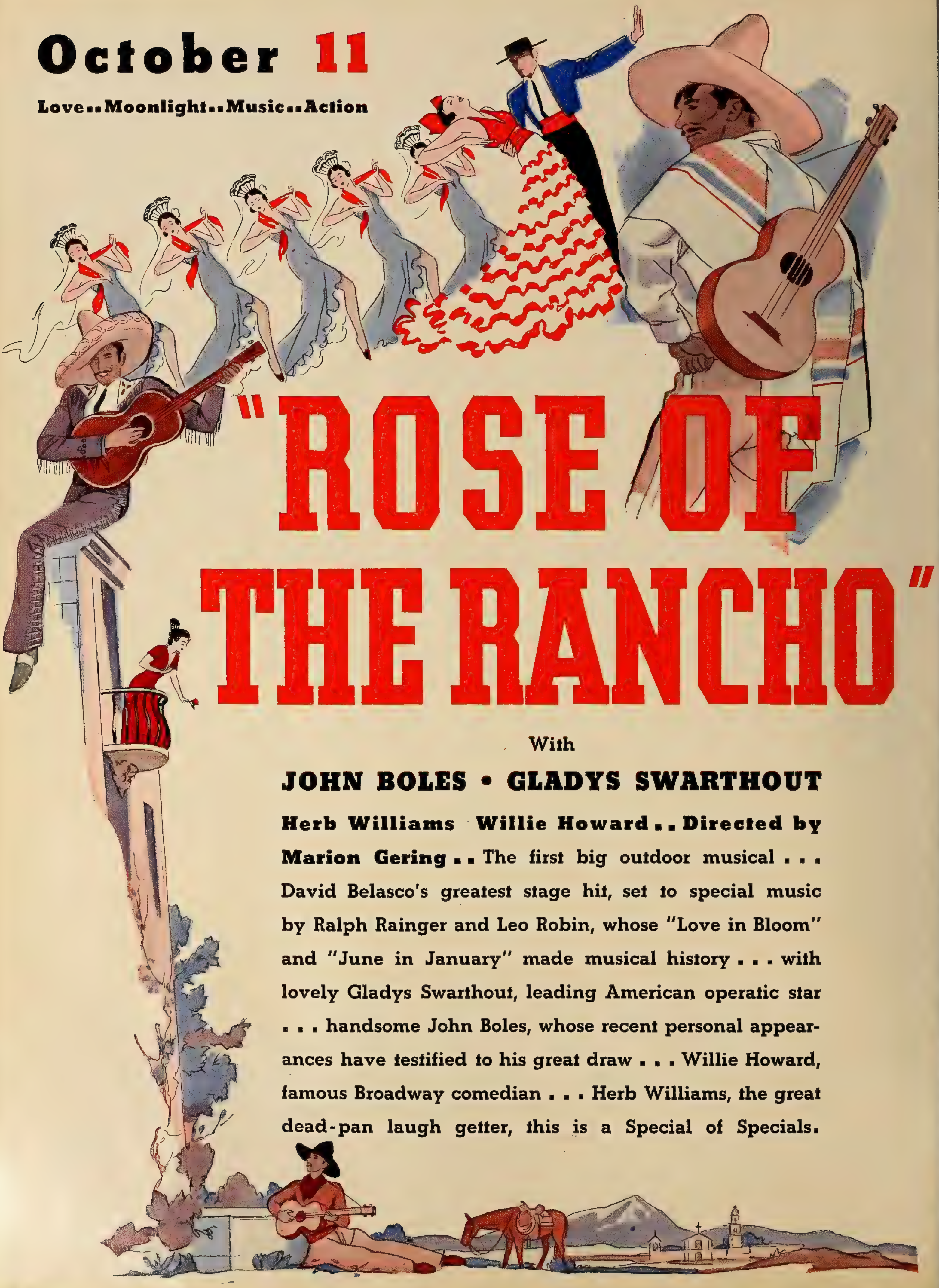
"PHANTOM BUS"

With Kent Taylor Kathleen Burke Lynne Overman Roscoe Karns Benny Baker Larry Crabbe George Barbier Trixie Friganza . . Directed by Max Marcin

Death stalks the crack kings of the highway between Portland and Seattle. A phantom juggernaut causes drivers to swerve from the road and crash their passengers to oblivion.

October 11

Love .. Moonlight .. Music .. Action



"ROSE OF THE RANCHO"

With

JOHN BOLES • GLADYS SWARTHOUT

Herb Williams Willie Howard .. Directed by Marion Gering .. The first big outdoor musical . . . David Belasco's greatest stage hit, set to special music by Ralph Rainger and Leo Robin, whose "Love in Bloom" and "June in January" made musical history . . . with lovely Gladys Swarthout, leading American operatic star . . . handsome John Boles, whose recent personal appearances have testified to his great draw . . . Willie Howard, famous Broadway comedian . . . Herb Williams, the great dead-pan laugh getter, this is a Special of Specials.

October 18

Two Comedies . . . One Musical . . . One Marital

"PLEASURE BEACH"

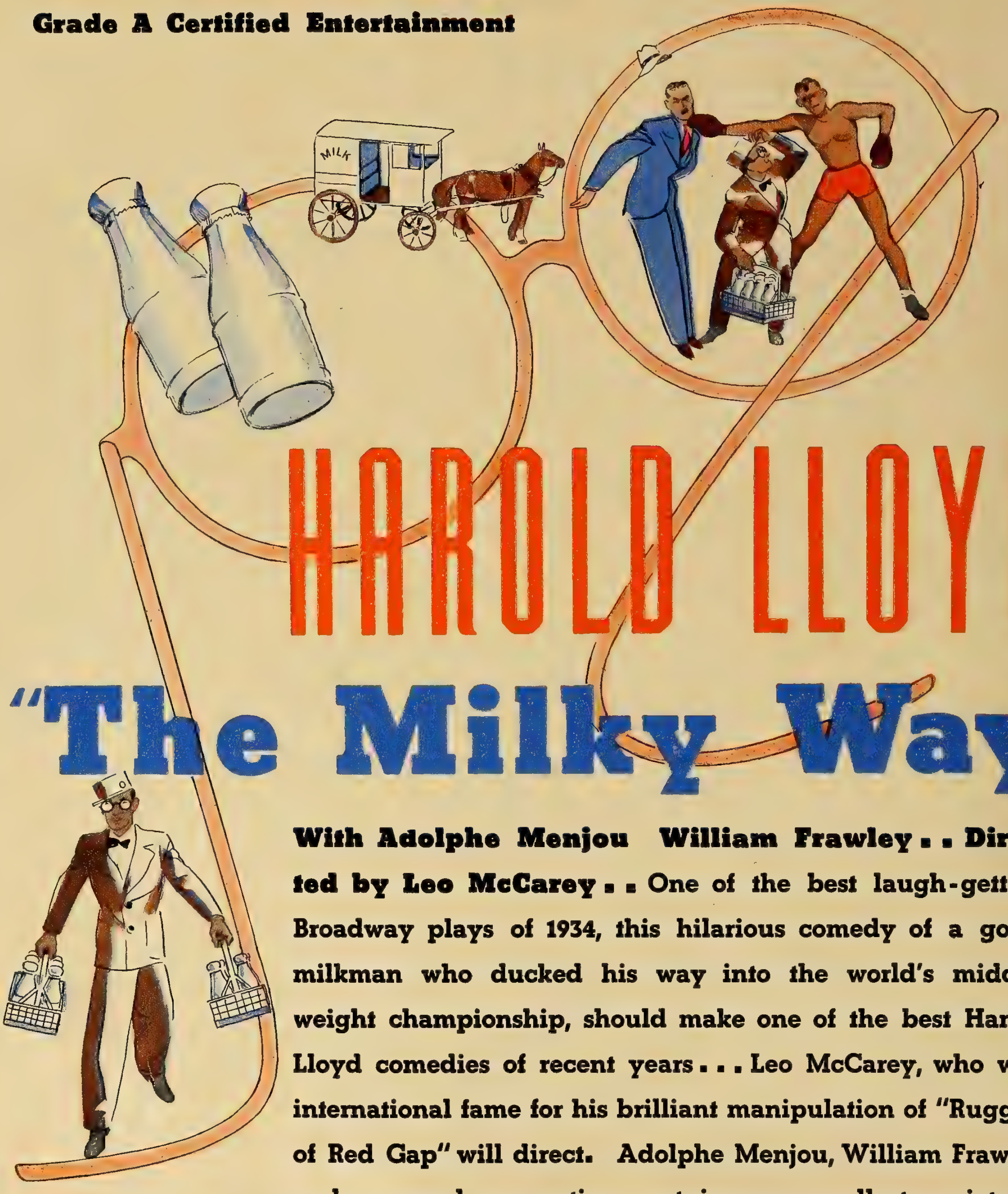
With Johnny Downs Lynne Overman George Barbier Alison Skipworth Gail Patrick . . Directed by Norman McLeod . . The most original musical idea in years — with more color, glamor and action than a three-ring circus! . . . **The Locale** — Coronado Beach . . . **The Music** by Gordon & Revel . . . **The Dances** by LeRoy Prinz, featuring "The Coronado", newest dance sensation . . . **The Background** San Diego's great Pacific International Exposition and North Island, world's largest naval base . . . **The Romance** between a girl who lives in Coronado's colorful tent city and a boy from its millionaire hotel.

"THE IMPERFECT HUSBAND"

With Mary Boland Edward Everett Horton Lynne Overman . . A new "Mr. and Mrs." combination in an hysterical, hilarious down-to-earth comedy. The battery for this game is Mary Boland as "Dizzy" Dora, the pitcher, and Edward Everett Horton, the catcher . . . just a punch-drunk husband, imperfect in many ways but perfectly screaming in others.

October 25

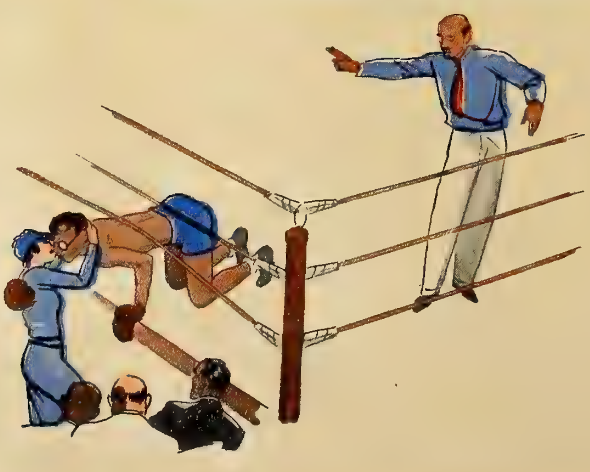
Grade A Certified Entertainment



HAROLD LLOYD

"The Milky Way"

With Adolphe Menjou William Frawley . . Directed by Leo McCarey . . One of the best laugh-getting Broadway plays of 1934, this hilarious comedy of a goofy milkman who ducked his way into the world's middleweight championship, should make one of the best Harold Lloyd comedies of recent years . . . Leo McCarey, who won international fame for his brilliant manipulation of "Ruggles of Red Gap" will direct. Adolphe Menjou, William Frawley and a grand supporting cast insure an all-star picture.



LAST MINUTE *flashes*

"THE CRUSADES"

will be withdrawn from release in August and given long runs in such major cities as New York, Chicago and Los Angeles in order to build it up for general release.

TITLE CHANGE

The title "Pleasure Beach" will be changed to "CORONADO".

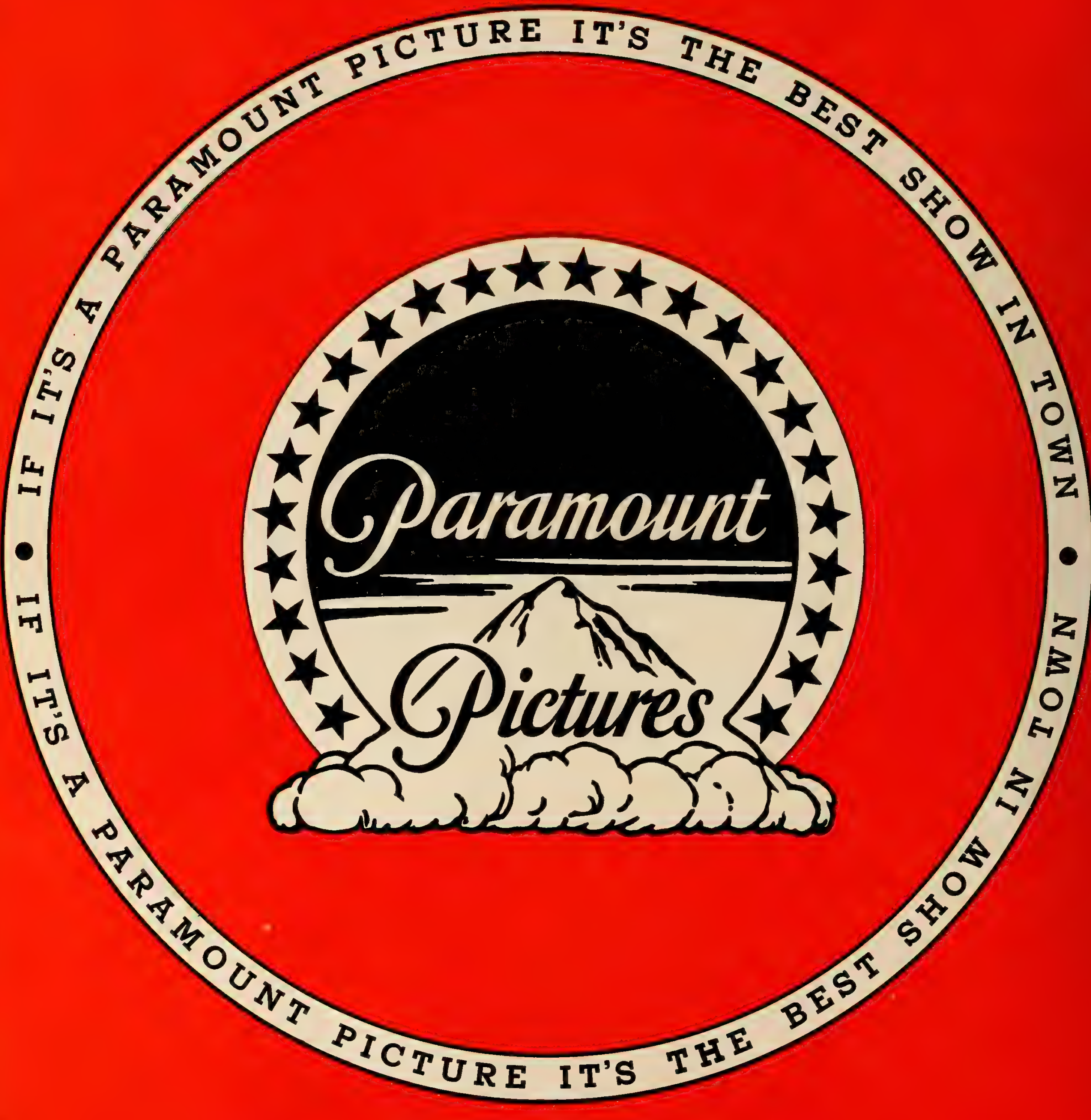
PICTURE CHANGES

In order to take advantage of the current craze for amateur hours, the picture, "AMATEUR HOURS", with Ida Lupino, Ray Milland, Benny Baker, George Barbier and Willie Howard, will be released in October instead of "Phantom Bus".

In the same month, "ROUGH ON DAMES", with Carl Brisson and Lyda Roberti, will be released instead of "The Imperfect Husband", which will come in the second quarter.

PICTURE ADDED

It will probably be possible to include another picture in October release schedule. This will be SYLVIA SIDNEY in "LET'S GET MARRIED".


IF IT'S A PARAMOUNT PICTURE IT'S THE BEST SHOW IN TOWN
IF IT'S A PARAMOUNT PICTURE IT'S THE BEST SHOW IN TOWN
Paramount
Pictures

Hornblow Returns; Talked to Kipling

(Continued from page 1)

he conferred with Rudyard Kipling on the Sidney Howard script of "The Light That Failed," which Hornblow will make as the first of six under a one-year contract signed prior to his departure from the coast.

Hornblow stated Kipling was satisfied with the changes in the Howard script and that Gary Cooper will be starred. He plans to remain here 10 days before returning to Hollywood. While abroad he visited, in addition to England, Budapest, France and Spain.

Luigi Pirandello missed the boat, but his collaborator, Saul Colin, arrived on the liner to begin conferences with M-G-M on a contract with the company.

Lillian Messinger returned after a year in various foreign countries searching for talent and literature for Radio.

David Sussman of the Paramount News also was a passenger on the French liner. He said he had been on a nine-month inspection tour in France and England. He added that the News office at the Joinville studios in Paris had been enlarged.

Polly Moran, although not on the passenger list, was among the travelers. She said she did not plan to look a camera in the face for the next six months. Miss Moran intends to fly to the coast today.

Joseph Hazen, Warner attorney, Sheila Barrett, actress; Austin Parker, playwright; Hazzard Short, producer; and Jack Curtis, agent, were among the long list of *Normandie* arrivals.

Sees $120,000,000 For New Production

(Continued from page 1)

The Wall Street Journal. Figures compiled by the author, Linn Unkefer, show that fewer and better films will be turned out at an expenditure larger than last season, when the industry's production budget totaled "approximately $110,000,000."

Unkefer's compilation discloses 486 features and approximately 1,000 shorts slated for production this season, as compared with 541 features and 1,000 shorts turned out during 1934-35.

While production costs will be larger the new season than the old, they will be under those of the five seasons preceding 1934-35, it is revealed.

The article asserts that "the improved type of pictures announced for the coming year, together with the feature of Technicolor, is expected to do much toward restoring the threatened prestige of American films in the foreign market."

May Take Fight to SEC

That contending stockholders in the suit brought by E. B. Derr against Pathe may carry their fight to the SEC in Washington was indicated yesterday. Derr's suit comes up for hearing today in Supreme Court here.

Hurley Gets New Pact

Hollywood, July 8.—Harold Hurley has been signed to a new contract as an associate producer at Paramount.

Looking 'Em Over

"Reckless Roads"

(Majestic)

Regis Toomey has his hands full playing Romeo to Judith Allen and keeping her brother out of trouble in this fair melodrama which is suited for dual bill programs. Lloyd Hughes is seen as a villain in a minor role. Ben Alexander, Louise Garter, Gilbert Emery and Matthew Betz are in the supporting cast.

Virtually destitute and on the verge of being dispossessed when Toomey comes to their aid, Miss Allen and her mother find Alexander a problem. Toomey decides to get the boy a job, but he gets into trouble the day before he is to start. Miss Allen lands a job with a former sweetheart of her mother's and subsequently gets her brother set also. When it is discovered a $1,000 bond is missing, Miss Allen is fired. She thinks her brother is responsible, but all the while it is Hughes.

Alexander bets $200 on Hughes' horse, the money having been lent to the boy's mother by Toomey. On the day of the race Alexander listens in on a telephone conversation between Hughes and a bookmaker. It has to do with a frameup on Hughes' horse, which is the favorite. Toomey and Alexander try to cancel the bet, but are too late. Something goes wrong on the track and Hughes' entrant wins, much to the glory of Alexander and his clan and much to the discomfort of Hughes and his cohorts.

Production Code Seal No. 943. Running time, 50 minutes. "G."

"Now or Never"

(Ajax)

Fans that go for a lot of action in pictures should like this. But the picture won't stand close examanation as to plausibility of story and quality of performances by most of the cast.

Dick Talmadge has a well-established name for this type film and exhibitors would do well to play up his feats and athletics, for in this one he runs up and down mountains, over practically all the roof-tops of Los Angeles and fights, in hand-to-hand combat, all the gangsters on the coast.

The story, which serves as an excuse rather than a frame around which to build the action, has Talmadge mistaken for a diamond "fence" whom he closely resembles. After introducing himself to the crook Talmadge proceeds to try and save a fortune in stones for his double and finds himself involved with a gang. The last half concerns itself with his battle and victory over the villains.

B. B. Ray directed and the photography by J. H. Kruse is fair. Others in the cast are Janet Chandler, Robert Walker, Eddie Davis and Otto Metzetti.

Production Code Seal, No. 840. Running time, 60 minutes. "G."

"Peter Vinogradov"

(Amkino)

A picture of the life of the Soviet youth painted on a broad canvas, this Soyuzkino production proclaims its message with considerable exuberance. The film reveals the activities of young Russia in all their phases. Though the story is a fictitious one, it is so convincingly realistic that it does not seem to be a staged effort. Exalting the youth of the Soviet, the production teems with life.

Yet in spite of all this the picture is likely to prove a bit of a bore to American audiences. The producers have allowed their enthusiasm for their subject to blind them to the need for a coherent story structure. As a result, "Peter Vinogradov" is a rambling affair.

Through the film stalks B. N. Livanov, as a youthful technical genius, apparently intended to personify the machine worship typical of the Soviet philosophy. It is a robust character nicely played. Among the other actors are V. Tsishevsky, K. Gradopolov, G. Pashkova and N. Ardi.

A. V. Macheret is listed as the director. There are English subtitles aplenty. No production code seal. Running time, 86 minutes. "G."

Jeannette Meehan Wed

Los Angeles, July 8.—Jeannette Porter Meehan has become the bride of Swanton Dorse Dalton. Upon their return from a motor trip the couple will make their home here. Mrs. Dalton is the granddaughter of the late Gene Stratton Porter, the novelist.

Rubenfeld to Marry

Seattle, July 8.—Mac M. Rubenfeld, M-G-M salesman, will be married July 14 to Eve Blatt, M-G-M office manager. They will go to New York on their honeymoon. Dr. Sidney Rubenfeld, a brother, who is here on a visit, will accompany them.

Hub Takes Slip as Heat Sweeps City

Boston, July 8.—Grosses hit the toboggan despite the presence in town of a big crowd of Moose for a convention. Hot weather and outdoor competition hurt, with the result that no first runs reached average. The best comparative showing was made by "Stranded" at the Metropolitan with a take of $18,000.

Total first run business was $48,000. Average is $68,500.

Estimated takings for the week ending June 28:

"LOVES OF A DICTATOR" (G. B.)
"BLACK SHEEP" (Fox)
FENWAY—(1,382), 30c-50c, 7 days. **Gross:** $2,500. (Average, $4,500)

"BECKY SHARP" (Radio)
KEITH'S MEMORIAL—(2,907), 25c-65c, 7 days, 2nd week. **Gross:** $8,500. (Average, $12,000)

"SANDERS OF THE RIVER" (U. A.)
"UNKNOWN WOMAN" (Col.)
LOEW'S STATE—(3,537), 25c-55c, 7 days. **Gross:** $7,500. (Average, $12,000)

"STRANDED" (Warners)
METROPOLITAN—(4,332), 35c-55c, 7 days. Stage: "The Summer Frolic" with big cast of stars. Elida Ballet, and Fabien Sevitsky. **Gross:** $18,000. (Average, $22,000)

"LOVES OF A DICTATOR" (G. B.)
"BLACK SHEEP" (Fox)
PARAMOUNT—(1,793), 25c-50c, 7 days. **Gross:** $4,500. (Average, $7,000)

"THE RAVEN" (Univ.)
"THE HEADLINE WOMAN" (Mascot)
RKO BOSTON—(3,246), 25c-50c, 7 days. **Gross:** $7,000. (Average, $11,000)

Milliken Tells of Film War on Crime

Atlantic City, July 8.—A new public attitude that should do much to aid the anti-crime crusade which the nation is conducting and uphold the interest of law enforcement is reflected in the emphasis which producers are placing upon current crime problems, according to Carl E. Milliken, secretary of the M.P.P.D.A., in an address here today before the annual meeting of the International Ass'n of Chiefs of Police.

"The screen of the nation has made good," he said, "in its promise to cooperate to the utmost in focusing public attention upon the problems of crime detection and law enforcement. The apprehension of the criminal has come to have news value equal to the commission of the crime. And the public which admires true courage has come to sense the vast difference between this quality and the acts of desperation and false courage of the machine-gun gangster."

Higher Screen Aims Lauded

Hollywood, July 8.—That "successful adventure into new high standards by the entertainment motion picture during the past decade has resulted in many plus values on the screen" was the opinion expressed by Dr. Mark A. May, head of the Institute of Human Relations at Yale University, at a luncheon given for him here by Will H. Hays. His audience consisted of leading film executives.

"Among the plus values on the screen today," Dr. May said, "we might include information, because the studios go to great lengths to make pictures historically and biographically accurate. We certainly can include dramatization of many human problems that come to all of us, stimulating thought. We can further include a vast outreaching into new fields of literature and musical appreciation."

The Most Exclusive
Organization in the World

THE HIT-OF-THE-SUMMER CLUB

Announces Its Annual Performance

1—DICK POWELL
2—JOAN BLONDELL
3—ADOLPHE MENJOU
4—LOUISE FAZENDA
5—TED FIORITO & his Band
6—FOUR MILLS BROS.
7—WILLIAM GARGAN
8—THE CANOVA FAMILY
9—GEORGE BARBIER
10—GRANT MITCHELL

This select society has just one charter member—Warner Bros. For experience proves that year after year you get the Hit-of-the-Summer from the boys in Burbank. It's an established Warner Bros. habit to come through every season with a big attraction that turns out to be a godsend to sweltering box-offices. We did it two summers ago—we did it last summer—and we're happy to announce that we're all ready to do it again three weeks from today! Remember these historic dates—and book accordingly:

May 27, 1933

"GOLD DIGGERS OF 1933"

July 21, 1934

"HERE COMES THE NAVY"

July 27, 1935

"BROADWAY GONDOLIER"

With the stars of 'Gold Diggers of 1933' and five others—3 famous radio acts—Lloyd Bacon's sure-fire direction—the funniest story since '20 Million Sweethearts', by Sig Herzig, Hans Kraly, and E. Y. Harburg—and the hottest songs ever turned out by hit-writing Warren & Dubin, including today's radio 'best-sellers'—"ROSE IN HER HAIR"—"LONELY GONDOLIER"—"OUTSIDE OF YOU"

THE ROCKING STONE OVER THE BOTTOMLESS PIT!

Soldiers clinging . . . sliding . . . screaming as ten thousand tons of granite slowly slide toward the angry depths of a yawning Hell! . . . The adventurers' escape from the perilous palace of "SHE" . . . enchantress . . . who for half a thousand years retained her youth and beauty and allure! . . . Just ONE of the thousand terror-striking thrills in the picture whose world of bewildering wonders awes the beholder!

MERIAN C. COOPER'S fabulous dramatic re-creation of the weird and fantastic novel by **H. RIDER HAGGARD**

SHE

The love story of a woman incredible . . . told against a background unbelievable . . . Portrayed in spectacular scenes by a cast of 5,000.

RKO-RADIO PICTURE

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

OL. 38. NO. 8 NEW YORK, WEDNESDAY, JULY 10, 1935 TEN CENTS

ox Theatres Urged to Buy Half Fox Met

. A. Rogers Would Then Reorganize Former

The purchase by Fox Theatres orp. of a 50 per cent interest in Fox letropolitan Playhouses and the subequent reorganization of Fox Theres, now in receivership, under Secon 77-B of the bankruptcy laws, was dvocated yesterday by Gustavus A. ogers, counsel for Fox Theatres' reditors, at a hearing before Federal udge Martin T. Manton.

Under the Fox Met reorganization lan, Fox Theatres is privileged to urchase the 50 per cent stock interest Fox Met for $275,000 or to release e stock to United Artists Theatre ircuit for $150,000. Purchase of the ox Met stock by Fox Theatres was

(*Continued on page* 10)

etails of Fox Met Financing Are Aired

Details of the 1929 financing of Fox letropolitan Playhouses, revealed to e Sabath Congressional committee r the investigation of real estate reganizations by Ernest W. Niver, a ice-president of Halsey, Stuart & o., drew sharp criticism yesterday om members of the committee.

Under questioning, Niver, who later ecame chairman of the Fox Met ondholders' protective committee, tesfied that the $13,000,000 Fox Met

(*Continued on page* 10)

asky Not to Accept Offers from England

Hollywood, July 9.—Jesse L. Las says that he has received offers to roduce in England at the end of his ox contract, but he prefers to reain in this country.

"While the English offers are flatering," he said, "at present I am nly considering those here and am ot at liberty to announce my new ssociations as yet."

leveland Fails to Get Full Dual Pact

Cleveland, July 9.—The Cleveland I. P. Exhibitors' Ass'n. failed today get the 100 per cent of signatures ecessary to make binding an agreeent for single features with one dual hange weekly. Seven houses were cking.

Seventy-five signed. Another meetg is to be held next week.

Facts, Odd and Otherwise, Jam the New M.P. Almanac

Odd facts pop out of the 1202 pages of the new issue of *Motion Picture Almanac,* out today.

For instance: Page 97 says Kircher's Magia Catoptrica (magic lantern) was invented in 1640. Apparently the foundation of motion pictures was laid while the Pilgrims were still building log cabins around Plymouth. In 1824, the same page says, Roget's thesis, "Persistence of Vision with Regard to Moving Objects," came out, and so on down to 1934, when, the *Almanac* states, a tendency toward smaller theatres was apparent.

Nearly 300 years on one page is covering a lot of territory, but that's what the *Almanac* does.

On Page 6, almost casual in its completeness, the curious reader can learn

(*Continued on page* 10)

Decision Reserved On Derr Pathe Suit

Decision was reserved yesterday by State Court Justice Valente on E. B. Derr's application for leave to examine the books of Pathe Exchange, Inc., in connection with the Derr action charging mismanagement of the company.

Derr's petition was opposed by Frederick Coudert, Jr., counsel for Pathe, on the grounds that it was made for questionable motives and that, as a Pathe stockholder, Derr could obtain whatever relief was justified by joining in the action brought

(*Continued on page* 3)

Bank Night Halted By Ohio Court Stay

Youngstown, July 9.—A temporary injunction against bank night prizes at the State has been granted by Judge David G. Jenkins in Common Pleas Court on petition of other downtown houses which claim unfair competition.

The Palace, Warner, Dome, Park, Strand and Paramount claim their business has been hurt.

No date for a hearing has been set.

Oklahoma Sentiment For Voluntary Code

Oklahoma City, July 9.—Sentiment here veers toward a voluntary code, with some reservations. In some quarters exhibitors think hours should be lengthened and in others there is opposition to any regulation of giveaways and premiums by means of a code.

Morris Lowenstein of the Majestic is unreservedly for a voluntary code.

(*Continued on page* 10)

Wants 'Em Back

Philadelphia, July 9.—Norman Lewis has found his neighborhood so loaded with dishes as a result of the frequent giveaways hereabouts that he has gone into reverse and is now offering prizes to get them back again.

He advertises "Bring Back Night."

The gag is that he gives a dime for each dish returned in good condition, and he has an arrangement with a jobber who takes the crockery for use elsewhere.

Says British Require Hays Organization

By BRUCE ALLAN

London, July 1.—M. Neville Kearney, secretary of the Film Group of the Federation of British Industries, in a press statement provoked by the new Canadian five per cent tax on foreign remittances, states that England would be the better for a Hays organization to acquaint it with changes in world markets which affect film interests.

"The machinery of a Hays organization already exists in the F. B. I.," he said, "but . . . although the F. B. I.

(*Continued on page* 3)

St. Paul Anti-Trust Hearing Set, Aug. 5

St. Paul, July 9.—Hearing on an anti-trust suit filed against M-G-M, Fox and RKO by the Shubert Theatre Players Corp., operator of the Palace, Minneapolis, and the Lyceum, St. Paul, was postponed today in Federal Court until Aug. 5.

The Shubert firm charges that the contract restrictions of the majors stipulating 15-cent minimum admissions are a restraint of trade.

Sheehan Status as Is, Studio Roster Shows

Hollywood, July 9.—Winfield Sheehan's status as vice-president and general manager of production, was unchanged as of July 1, according to

(*Continued on page* 2)

Local Theatre Control Stays As Para. Plan

Most of Partnerships to Be Renewed Soon

Reorganized Paramount will continue the policy of local operation of the company's theatres which was inaugurated in 1932, an official of the company said yesterday.

In line with this policy, indications are that all or most of the partnership and operating agreements which were extended from June 27, last, to Sept. 27 will be renewed on a long-term basis in the near future.

Localized theatre operation for the approximately 1,000 Paramount holdings in all sections of the country has proved its value to the present Paramount management during the three years it has been in force to such an extent that no thought is being given now to a return to centralized operation, the company official declared. The conviction of the Paramount management is that large scale operation can be centrally administered on a successful basis only

(*Continued on page* 2)

Universal in Roxy Deal for 26 Films

A deal calling for a minimum of 26 Universal pictures at the Roxy during the coming season was closed yesterday. J. R. Grainger, general manager of distribution, represented Universal, while Howard S. Cullman signed for the Roxy. This is said to represent "the most important and extensive first run contract" ever secured by Universal in New York City and the biggest to be signed by the Roxy with an American producer.

Including the five Universal pictures still to play the Music Hall on

(*Continued on page* 2)

Crosby-Cohen Join In Producing Deal

Hollywood, July 9.—Bing Crosby and Emanuel Cohen have formed a partnership and will produce one picture yearly outside of Crosby's quota for Paramount.

John E. Otterson, new Paramount president, has consented to the arrangement and an agreement to this effect has been signed. Crosby and Cohen will share profits on the ventures. The source of their financing was not revealed.

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Allied Men Touring New England Towns

BOSTON, July 9.—Nathan Yamins, Walter Littlefield, Frank Lydon and Arthur K. Howard, officers of Independent Exhibitors of Massachusetts as well as national officers of Allied, begin a week's trip July 20 during which they will hold regional meetings of Allied with the affiliate organizations formed locally last week in Maine, New Hampshire and Vermont. Rhode Island will be taken in at a later date, it is now planned.

Harold Stoneman, William McLaughlin, Dick Rubins, other leaders of Allied here, are also expected to be present at some of the sessions.

FWC Will Construct New $100,000 House

LOS ANGELES, July 9.—F.W.C. will build a $100,000 theatre at Napa, Cal. Construction will start in the fall.

The Appleton at Watsonville will be renovated at a cost of $15,000, and the Vallejo and Boulevard here also will be improved.

The circuit is also making a survey of cities in Montana as well as northern and southern California for new theatre sites.

M-G-M Gets "Blossoms"

M-G-M yesterday signed contracts with Arthur Dent for distribution domestically of "Apple Blossoms," shown abroad as "Blossom Time." Richard Tauber is starred.

Insiders' Outlook

By RED KANN

AL LICHTMAN gets his administration off to a sane and sensible start with elimination of the well-known United Artists practice, years and years old, which made it possible for independent producers to approve contracts. That's what Lichtman was supposed to be taking care of and, of course, in great measure, has. Now he becomes the sole trustee and the ruler of their fate, a decision which at once denotes the confidence reposed in the recently chosen head of this distributing organization. The old system has given Al headache after headache and, from time to time, so many troubles it didn't matter much which one he dug into first. There is nothing to indicate just what is meant by "independent producers" and whether the change of front includes owner-members. Sam Goldwyn, above all others, has sorely taxed the U. A. home office on the contract score. If he has bowed to the new order along with the others, then the victory which is Lichtman's is a significant one indeed in his business scheme of things. . . .

▼

In this space on June 17:

> Typewriter keys going careless on a quiet Saturday and emerging with this:
>
> > That Dave Selznick might become United Artists' new Zanuck, particularly if he can shuffle the arrangement to allow the birth of Selznick Pictures. For Dave and Myron are proud of that name. Moreover, Dave does not regard his 4 G's a week from Metro sufficient reward. Especially when he looks over on his old lot, Radio, and sees "Pan" Berman doing almost twice as well on a percentage-of-profit basis. Of course, any contemplation of things that may be at U. A. must take into consideration Sam Goldwyn. That's plenty to consider in any man's company. . . .

Dave Selznick talking about his deal with U. A.:

> Since the old Selznick Pictures trademark went out of existence, it has been my ambition to re-establish the name—with the memory of my father, his training of and his plans for me as the driving force.

▼

The importance of keeping product flowing from first run to circuits to subsequent runs is emphasized substantially in Universal's deal with the Roxy for twenty-six of its first run dates next season. The normal routine of picture selling and picture playing will permit all dates after the Broadway dates to be met. While that is as it should be, often it works out otherwise. There is, for instance, the complaint of some distributors doing business with the Music Hall that failure to spot in contracted product leaves its mark on subsequent revenue because the distributors obviously cannot launch into general release until the Radio City booking is played off. No playdates mean no revenue; delayed playdates mean delayed revenue. Distributors cannot get along that way. . . .

▼

Distributors face an embarrassing situation and buying combines, appearing rapidly in many territories, are the cause of it all. New York's attitude at large frowns on any combination of theatre interests for buying purposes when purchases are cleared through an organization formed specifically for that purpose. That's all right enough, if distributors want it that way. What seems not to be quite all right, however, is the variations to which such a policy submits itself in different sections of the country. . . .

▼

If, for instance, Ray Moon, handling Co-Operative in Detroit, closes deals which he can and does, the same condition would seem logically applied to, let's say, Aaron Saperstein in Chicago. Yet Saperstein has been insisting for months now that he can't buy film for the theatres which pay his office a commission for that kind of a job. The point about all of this is that distributors thereby face the danger of a charge of discrimination when a firm, national policy, whichever direction it takes, would settle the issue for all time. . . .

Armour Gets Far East

Phil Reisman, vice-president of RKO Export Corp., has extended the duties of Reginald Armour, managing director for RKO in India, so that his territory will cover the entire Far East, including China, Japan, Straits Settlements, Borneo and the Malay States. The appointment takes effect immediately.

Armour's supervision will include Frank A. Kennedy, newly appointed home office representative in the Far East.

Mexican Strike Stopped

VERA CRUZ, July 9.—The general strike of all theatre employes that has been threatening here for some time was averted yesterday when exhibitors granted the demanded increased wages and shorter hours along with new collective labor contracts.

Local Theatre Control Stays As Para. Plan

(*Continued from page* 1)

as regards highly mechanized facilities, and the vast Paramount theatre network is not regarded as coming within this classification, it was said.

New partnership contracts and management agreements of a minimum duration of one year are expected to be worked out with the present Paramount theatre operators prior to Oct. 1, it was learned. Indications are that no changes in theatre operators will be made where operating results are on a satisfactory basis, as is now the case in virtually all situations.

Universal in Roxy Deal for 26 Films

(*Continued from page* 1)

the current season's schedule, the deal gives the company a minimum of 31 first run weeks on Broadway.

The first picture to play the Roxy under the deal will be "Diamond Jim." Among others to be shown there will be "The Hunchback of Notre Dame," "The Phantom of the Opera," "The Great Impersonation," "King Solomon of Broadway," "Spinster Dinner," "Three Kids and a Queen," "Dracula's Daughter," "Her Excellency, the Governor," "The Invisible Ray," "His Night Out," "East of Java" and "Bluebeard."

Sheehan Status as Is, Studio Roster Shows

(*Continued from page* 1)

the official roster of the Fox studio personnel compiled on that date.

John J. Gain is listed as studio manager; George L. Bagnall, studio treasurer; Charles Woolstenhulme, production manager; John Zinn, assistant to Gain, and George Wasson, studio attorney.

Six units operate at Movietone City, these being Winfield Sheehan Prod., Robert T. Kane Prod., Jesse L. Lasky Prod., Edward W. Butcher Prod., B. G. De Sylva Prod., and Patterson McNutt Prod. At the Western Ave. plant are lodged Sol M. Wurtzel Prod. and John Stone Prod. with Joseph Engel and Edward T. Lowe, associate producers.

In the descriptive matter covering chief studio executives, this is said about Sheehan:

"This official is in charge of personnel and in authority over all departments and production."

Fox Signs Bogart Rogers

Bogart Rogers, who resigned recently as story editor for Paramount, has joined Fox-20th Century as a member of the editorial staff. He was signed by Thomas B. Costain, eastern story editor for Fox, and he will leave shortly for the coast to take part in conferences.

Maxwell Continues

LONDON, July 9.—John Maxwell of B.I.P. will head the Kinematograph Renters' Society for another year.

Kelly Predicts Big U. A. Gains Abroad

Los Angeles, July 9.—United Artists had its most profitable foreign business in the 1934-35 season in its history, Arthur W. Kelly, vice-president in charge of foreign distribution, declared today.

The impetus of this gain will be carried through the coming season, he said, and he predicted the 1935-36 totals would be 50 per cent higher than in 1934-35. Increased product assures this, he declared.

Kelly predicted Charlie Chaplin's forthcoming picture would play to more contracts all over the world than any other, for the reason that in addition to being great box-office Chaplin's films were adapted to both silent and sound theatres and had complete international appeal.

Others who addressed the convention today were Hal Horne, publicity and advertising chief; Harry D. Buckley, vice-president of United Artists Theatre Circuit; Kay Kamen, Walt Disney representative; Charles Stern, assistant eastern division manager; Haskel Masters, Canadian manager, and Maurice Silverstone, in charge of United Artists in England.

Wednesday's speakers will include Mary Pickford, Douglas Fairbanks, Charles Chaplin, Samuel Goldwyn, Charles Skouras, Eddie Cantor, Harry Goetz, Edward Small, David O. Selznick, Gunter Lessing and Edward Raftery, U. A. counsel. Alexander Korda will address the convention over the transatlantic telephone. An open forum will be held in the morning.

The business sessions will be brought to a close with a banquet in the evening at the Trocadero which will be broadcast nationally over the Columbia network. Cantor, Nick Parkyakakas and Benny Rubin will act as masters of ceremonies, while among the entertainers will be George Jessel, Harry Richman, Cliff Edwards and Alice Faye.

Goldwyn Signs Nugent

Hollywood, July 9.—Samuel Goldwyn has signed Elliot Nugent to direct "Splendor," Rachel Crothers' story, in which Miriam Hopkins will be starred with Joel McCrea in support.

Edward Small, Reliance producer, has signed George Houston for the co-starring role opposite Josephine Hutchinson in "The Melody Lingers On."

New U. A. Board Meets

Hollywood, July 9.—United Artists' new board of directors elected yesterday at a meeting of owner-producer members of the corporation held its first meeting today.

The new board includes: Mary Pickford, Charles Chaplin, Douglas Fairbanks, Samuel Goldwyn, Al Lichtman, James Mulvey, Dennis F. O'Brien, Nathan Burkan and Edward C. Raftery.

Denies Paley Is Financing

Hollywood, July 9.—David O. Selznick today denied that Jay Paley is financially interested in his unit for releasing through United Artists.

"My financing has never been identified with sources close to the industry," Selznick said, "and I would rather not reveal its source."

Purely U. A. Personals

Hollywood, July 9.—Max Stahl, sales manager in Cincinnati, finally admitted to most of the fellows that he liked Zinzinnati better than Yinneapolis.

✚

Ed ("Specks") Hays, office manager in Atlanta, has quite a family of youngsters and is just as proud of his work at U. A. as he is of the family.

✚

Doak Roberts, Dallas sales manager, hails his home state. Once a professional ball player, a ranger, been in the big war and handles a gun as you handle a pencil.

✚

Next to Ben Fish, Matt Goodman of Cleveland is the worst golfer in the contingent.

✚

Joe Cantor, sales manager in Indianapolis, gets the biggest kick out of the Disney productions.

✚

Fred Creswell, handling sales out of Atlanta, is thoroughly sold on California. Maybe he'll ask for a transfer.

✚

"Homicide" Matt Sullivan, who handles exhibitors in the Buffalo sector, once was associated with M-G-M. Or maybe it was twice.

✚

R. M. Boovy is doing a swell job for Manager Rohrs in the Charlotte exchange.

✚

Morris Dudelson, Detroit sales manager, was formerly a booker in his home town. Morris has a brother selling U. A. in Cincinnati.

✚

Milton Dureau, selling out of New Orleans, is a brother to Gaston Dureau of the Saenger circuit.

✚

Lou Brown of New York is a new man with the outfit but is rapidly finding his stride.

✚

Charlie Kranz, Washington sales manager, has one great hobby—getting publicity for his attractions. All Washington newspaper men know him.

Producers' Men Status in Doubt

Los Angeles, July 9.—Elimination of the long-standing system at United Artists under which representatives of producers approved sales contracts raises the question of the future status of such representatives in New York.

Emanuel Silverstone currently is American representative of London Films empowered to pass on contracts in this market.

James Mulvey, general representative for Samuel Goldwyn in the east, also has been approving his producer's deals.

Says British Require A Hays Organization

(Continued from page 1)

has its representatives all over the world, it has none who are there especially to watch the interest of the British film."

He suggests that "branches might be established with this special objective not only in Canada but throughout Germany, France and Italy" in order to cope with the situation that "laws relating to film imports are changing almost every week."

Steuve Has Birthday

Canton, O., July 9. — R. C. Steuve, veteran eastern Ohio exhibitor, now owner and manager of the Lyceum and Royal in Findlay, O., recently celebrated his 70th birthday.

Pinanski in New Post

Boston, July 9.—Abner Pinanski has been named manager of the Modern, downtown, by M. & P.-Publix.

3rd Week for "Love Me"

"Love Me Forever" starts a third week at the Music Hall tomorrow.

Big 'U' Salesmen to Stage Abrams Drive

In recognition of Leo Abrams' fifth anniversary as general sales manager of the Big "U" exchange, Max Cohen, sales manager, is inaugurating a six weeks' sales drive starting July 29.

Abrams celebrates his fifth year as head of the local Universal exchange on July 29.

No Date for Hub Outing

Boston, July 9.—No date has yet been set for the annual outing for the Boston Film District sponsored by the Lieut. A. Vernon McCauley Post of the American Legion. The event, which is a yearly affair for which exchanges grant half holidays, will probably be booked for the latter part of this month, according to Charlie Heath.

Speece at Canton

Canton, July 9.—R. C. Speece, formerly with Paramount in the south and at one time a district manager for Warners in the Philadelphia territory, is acting as relief manager at the Loew house here.

Elliott Runs for Mayor

Youngstown, July 9.—John R. Elliott, father of Wallace Elliott, Warner Alhambra manager, and for many years an exhibitor himself, is a candidate for mayor in the August primaries.

Feldman Closes Bijou

The Bijou, operated by Nat Feldman as an exclusive short subject theatre, is closed. The house is in back of the Astor and in the hands of receivers.

1st Div. Meeting Today

Directors of First Division will meet today to discuss several important deals which are on tap.

Wallach Wins Case On Paramount Pact

Maxwell J. Wallach, operator of the Orpheum, on 2nd Ave., yesterday won a complaint against Paramount for fulfillment of contract at a voluntary arbitration hearing. Sitting on the board were Jack Bowen, M-G-M; Edward Schnitzer, Columbia; Louis Geller and Irving Brieman, independent exhibitors.

Although the complaint involved a Paramount contract, a 10-picture deal between Wallach and Fox was used as the basic argument by Louis Nizer, representing Paramount. The defendant dated "Love in Bloom" into Harry Brandt's St. Marx for three days, starting July 13.

Nizer introduced evidence by Bell Theatres, half owner in the Orpheum, to the effect that if the circuit split product with any of the major companies Paramount would have the right to do likewise at the Orpheum. Wallach contended that the Fox deal was for 10 pictures only and not a split of the output with Brandt.

Moe Sanders, office manager of Fox, said that when Wallach bought the films there was an oral understanding that the Orpheum would take nine others, but this was denied by Wallach. Harry Suchman represented the Orpheum.

During the heated deliberations, the independent exhibitors held their ground against the distributor men. Nizer received a phone call while the arbitrators were arguing that Brieman was a brother-in-law of Wallach. He immediately challenged Brieman. Inasmuch as a unanimous decision was necessary before a verdict could be handed down, to avoid prolonging the case, Suchman and Nizer got together and agreed that the Orpheum would continue to get the Paramount pictures in accordance with his contract and the Brandt dates would be canceled.

In addition to Wallach and Sanders, Charles Steiner, vice-president, and Elias Mayer, general manager of Bell, and Brandt testified.

The complaint of Paramount against the New Echo, Brooklyn, for breach of contract, was postponed.

Brandt Adds Three; Circuit Now at 38

Harry Brandt has added three theatres to his circuit, making a new total of 38. They are the Park, formerly the Cosmopolitan, which he plans to reopen about Aug. 15 with a dual policy; the Queensboro, Queensboro, L. I.; and the Pastime, on 2nd Ave., which he will close Sunday for alterations.

Incidentally, Brandt has been allowed approximately $15,000 by the FHA for remodeling the Pastime. This is the first local loan granted by the FHA.

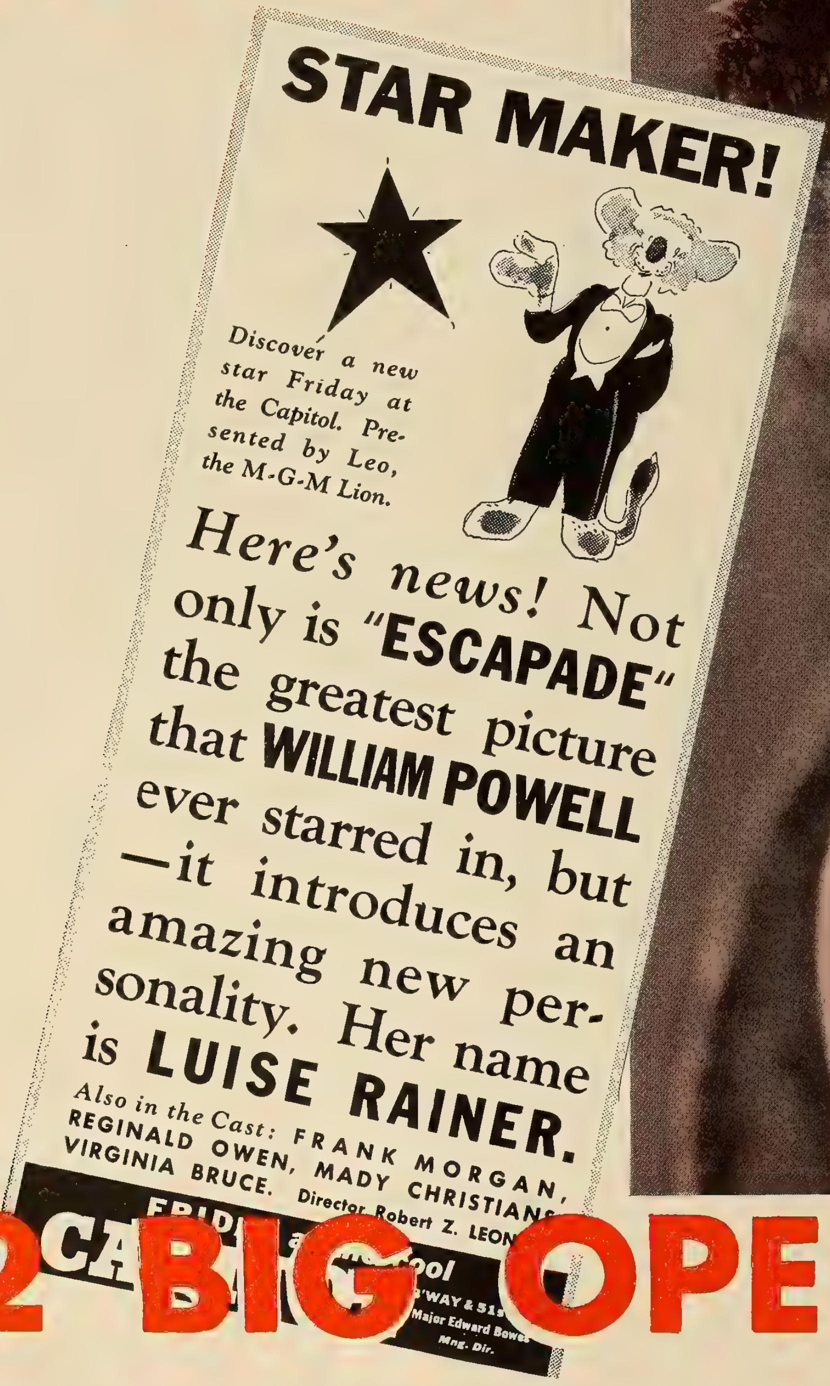
Decision Reserved On Derr Pathe Suit

(Continued from page 1)

earlier by Pat Casey against officers and directors of Pathe. Martin King, attorney for Derr as well as Casey, was given until today to submit answering affidavits to the Pathe objections to Derr's petition.

King said yesterday that he proposed to apply to the court soon for permission to examine defendants in Casey's action before trial.

AS PREDICTED!



STAR MAKER!

Discover a new star Friday at the Capitol. Presented by Leo, the M-G-M Lion.

Here's news! Not only is **"ESCAPADE"** the greatest picture that **WILLIAM POWELL** ever starred in, but—it introduces an amazing new personality. Her name is **LUISE RAINER.**

Also in the Cast: FRANK MORGAN, REGINALD OWEN, MADY CHRISTIANS, VIRGINIA BRUCE. Director Robert Z. LEON

FRID

CA

ool

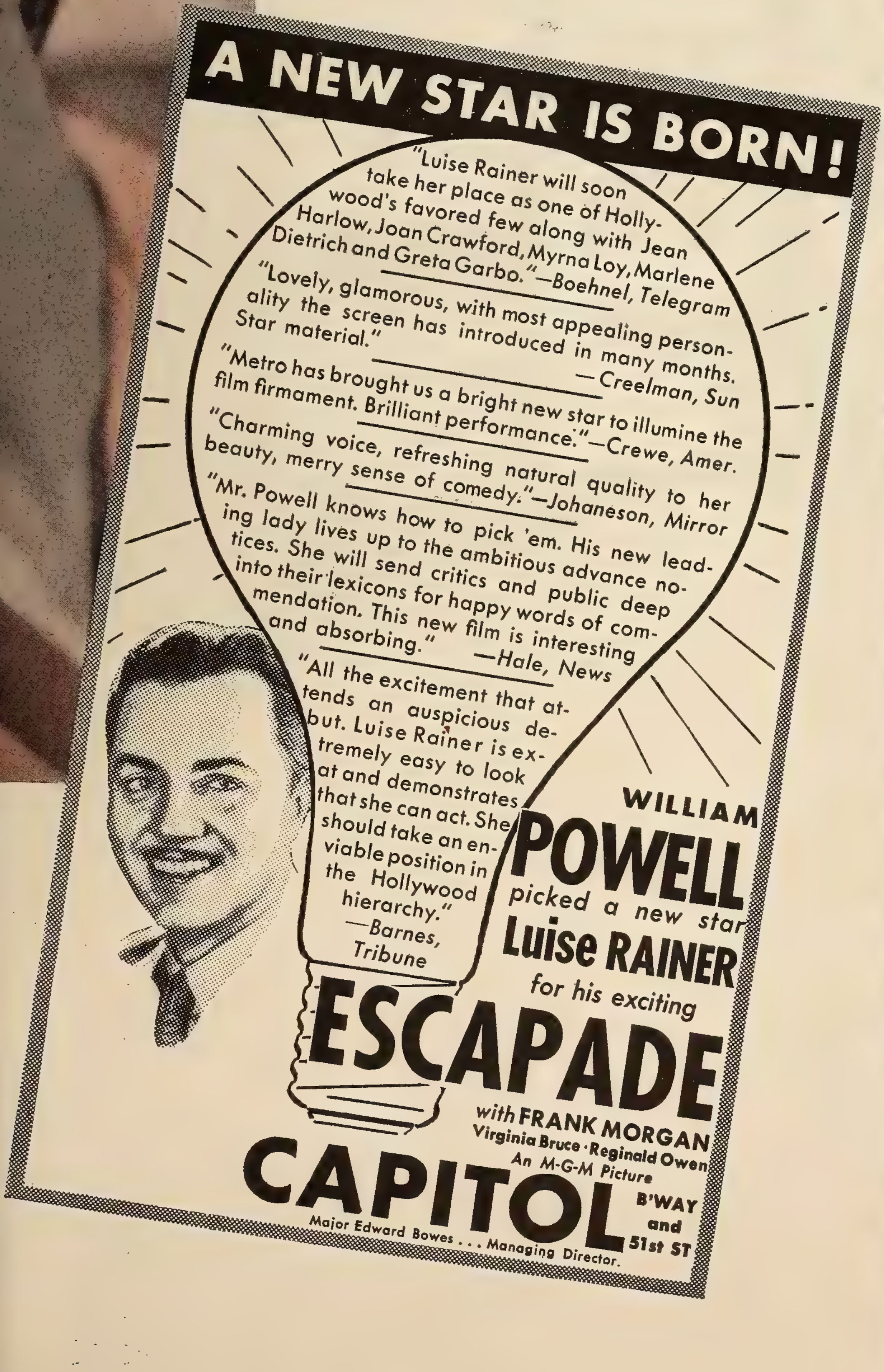
'WAY & 51

Major Edward Bowes

Mng. Dir.

22 BIG OPENINGS FOR "ESCAPADE"!

From Coast to Coast (*Held Over 2nd Week, Capitol, N. Y.*) it's another life-saver from your *all-year-'round* friend Leo. Beating the heat! "Public Hero No. 1", "No More Ladies" and now "ESCAPADE", with a new STAR for the fans!



A NEW STAR IS BORN!

"Luise Rainer will soon take her place as one of Hollywood's favored few along with Jean Harlow, Joan Crawford, Myrna Loy, Marlene Dietrich and Greta Garbo."—Boehnel, Telegram

"Lovely, glamorous, with most appealing personality the screen has introduced in many months. Star material."
—Creelman, Sun

"Metro has brought us a bright new star to illumine the film firmament. Brilliant performance."—Crewe, Amer.

"Charming voice, refreshing natural quality to her beauty, merry sense of comedy."—Johaneson, Mirror

"Mr. Powell knows how to pick 'em. His new leading lady lives up to the ambitious advance notices. She will send critics and public deep into their lexicons for happy words of commendation. This new film is interesting and absorbing."
—Hale, News

"All the excitement that attends an auspicious debut. Luise Rainer is extremely easy to look at and demonstrates that she can act. She should take an enviable position in the Hollywood hierarchy."
—Barnes, Tribune

WILLIAM
POWELL
picked a new star
Luise RAINER
for his exciting

ESCAPADE

with **FRANK MORGAN**
Virginia Bruce · Reginald Owen
An M-G-M Picture

CAPITOL B'WAY and 51st ST
Major Edward Bowes . . . Managing Director.

NEXT WEEK
IN THIS MAGAZINE!

1935 AUGUST 1935
1935 SEPTEMBER 1935
1935 OCTOBER 1935
1935 NOVEMBER 1935

4 BIG MONTHS!

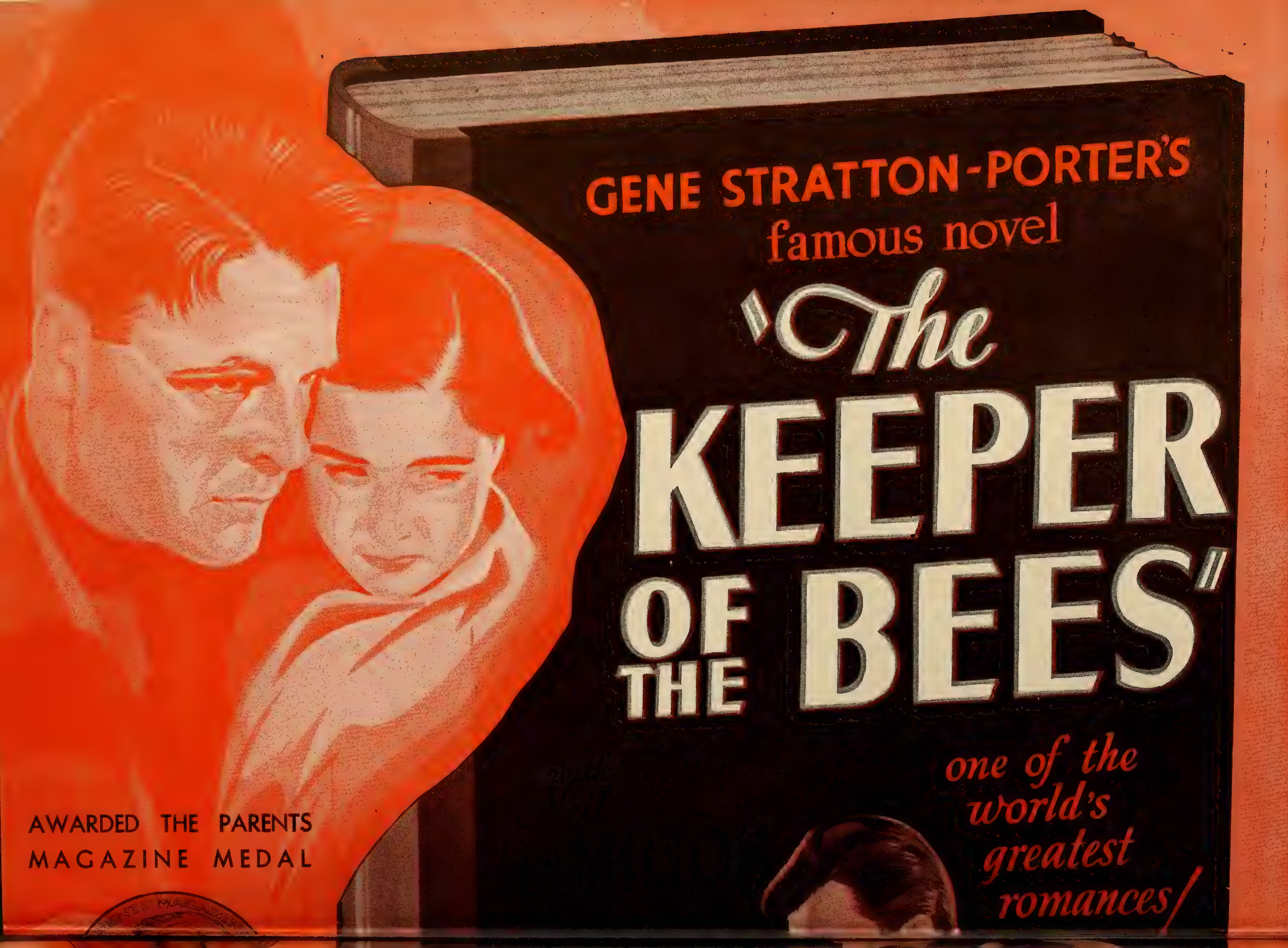
Complete M-G-M line-up starting the new season. Watch for it!

AMAZING INSIDE STORY!

M-G-M Fall Releases not only *scheduled* but —

COMPLETED!
PREVIEWED!
ACCLAIMED!
NATIONALLY
ADVERTISED!

1935-36 YOUR BIGGEST M-G-M YEAR!


GENE STRATTON-PORTER'S
famous novel
"The KEEPER OF THE BEES"
one of the world's greatest romances!
AWARDED THE PARENTS MAGAZINE MEDAL

MONOGRAM PICTURES

And the Boys' and Girls'
Newspaper Scroll of Honor

"NOT ONLY A WORTHY SUCCESSOR TO 'GIRL OF LIMBERLOST,' BUT A 100% BETTER PICTURE."

—HOLLYWOOD REPORTER

Directed by Christy Cabanne

A Wm. T. Lackey Production • Screenplay by Adele Buffington • Additional dialogue by George Waggner

IN THE NEWS AND

HEADLINE HITS GIV

COMING EVENTS AT W

July 20th

"FRONT PAGE WOMAN"

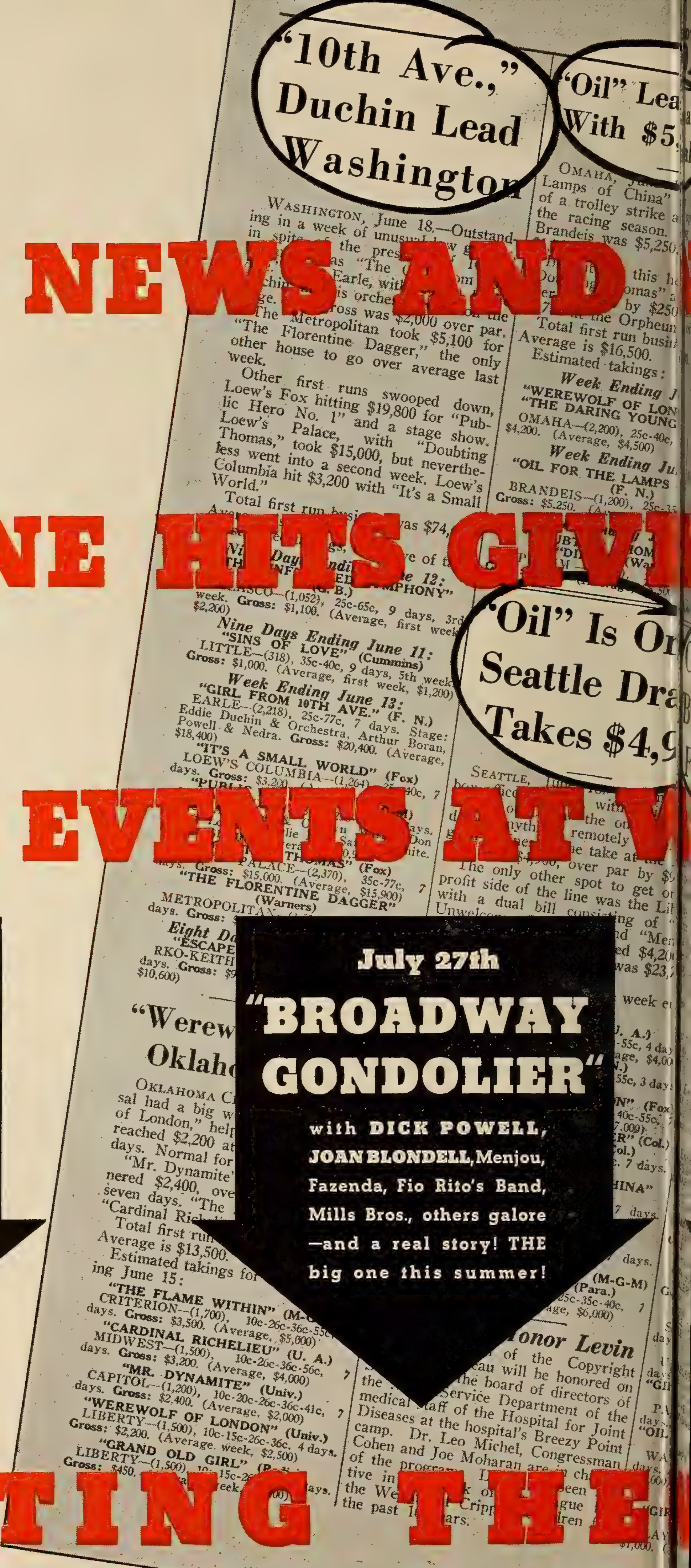
BETTE DAVIS and **GEO. BRENT** top '5-Star Final' for thrills in the show which first preview flash from St. Louis Post Dispatch calls 'a great picture!'

July 27th

"BROADWAY GONDOLIER"

with **DICK POWELL, JOAN BLONDELL,** Menjou, Fazenda, Fio Rito's Band, Mills Bros., others galore —and a real story! THE big one this summer!

..POINTING THE



"10th Ave.," Duchin Lead Washington

WASHINGTON, June 18.—Outstanding in a week of unusual low g... in spite of the pres... was "The ... Earle, with ... his orchestra ... The gross was $2,000 over par. The Metropolitan took $5,100 for "The Florentine Dagger," the only other house to go over average last week.

Other first runs swooped down, Loew's Fox hitting $19,800 for "Public Hero No. 1" and a stage show. Loew's Palace, with "Doubting Thomas," took $15,000, but nevertheless went into a second week. Loew's Columbia hit $3,200 with "It's a Small World."

Total first run busi... was $74,...

Nine Days Ending June 11:
"SINS OF LOVE" (Cummins)
LITTLE—(318), 35c-40c, 9 days, 5th week. Gross: $1,000. (Average, first week, $1,200)

Week Ending June 13:
"GIRL FROM 10TH AVE." (F. N.)
EARLE—(2,218), 25c-77c, 7 days. Stage: Eddie Duchin & Orchestra, Arthur Boran, Powell & Nedra. Gross: $20,400. (Average, $18,400)
"IT'S A SMALL WORLD" (Fox)
LOEW'S COLUMBIA—(1,264), 25c-40c, 7 days. Gross: $3,200.
"THE FLORENTINE DAGGER" (Warners)
METROPOLITAN
"Oil" Lea... With $5,...

OMAHA, ... "Oil for the Lamps of China" ... of a trolley strike a... the racing season. ... Brandeis was $5,250, ...

Total first run busi... Average is $16,500.
Estimated takings:

Week Ending J...
"WEREWOLF OF LON..."
"THE DARING YOUNG..."
OMAHA—(2,200), 25c-40c, ... $4,200. (Average, $4,500)

Week Ending Ju...
"OIL FOR THE LAMPS..." (F. N.)
BRANDEIS—(1,200), 25c-35... Gross: $5,250.

"Oil" Is ... Seattle Dra... Takes $4,9...

SEATTLE, ... The only other spot to get on the profit side of the line was the Li... with a dual bill consisting of ... and "Men... ed $4,20... was $23,...

"Werew... Oklaho...

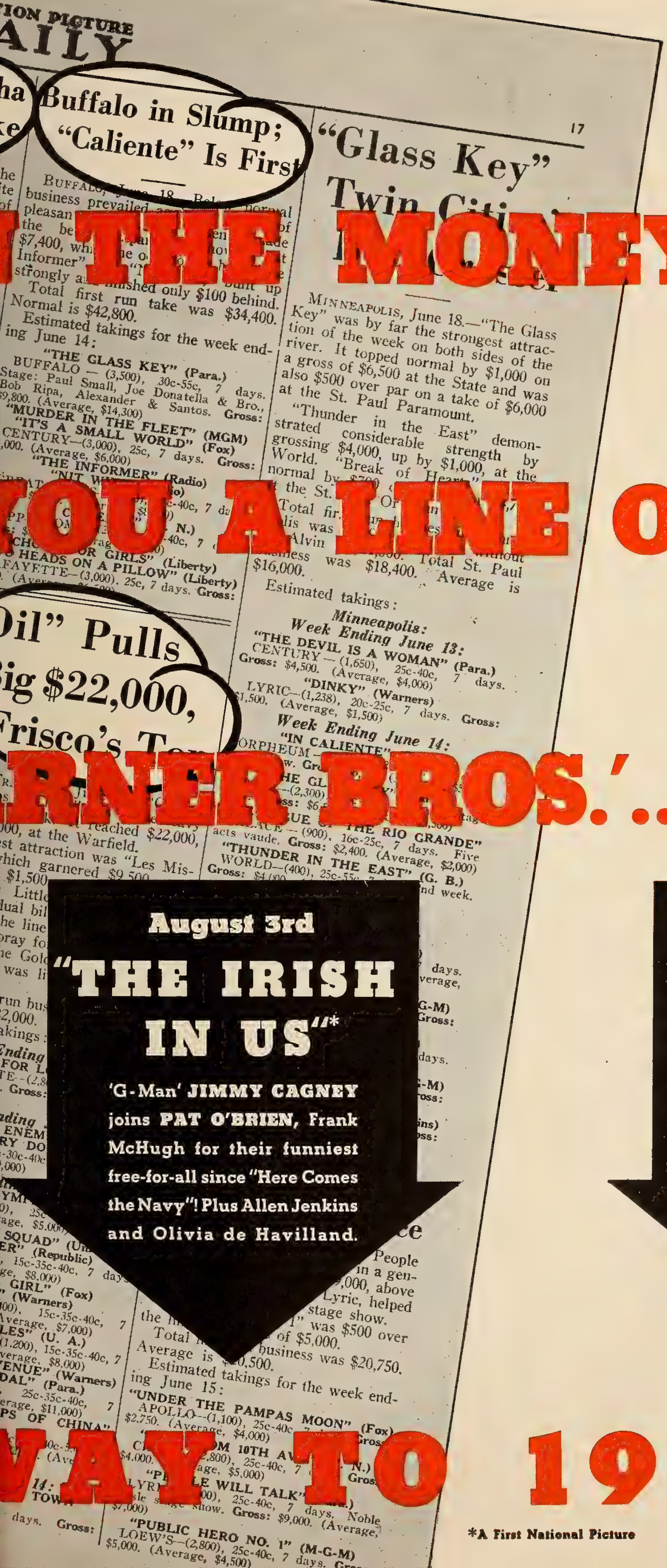
OKLAHOMA C... Universal had a big w... "Werewolf of London," help... reached $2,200 at ... days. Normal for ... "Mr. Dynamite" ... nered $2,400, ove... seven days. "The ... "Cardinal Ric...

Total first run ... Average is $13,500.
Estimated takings for ... ing June 15:

"THE FLAME WITHIN" (M-G-M)
CRITERION—(1,700), 10c-26c-36c-55c, 7 days. Gross: $3,500. (Average, $5,000)
"CARDINAL RICHELIEU" (U. A.)
MIDWEST—(1,500), 10c-26c-36c-56c, 7 days. Gross: $3,200. (Average, $4,000)
"MR. DYNAMITE" (Univ.)
CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. Gross: $2,400. (Average, $2,000)
"WEREWOLF OF LONDON" (Univ.)
LIBERTY—(1,500), 10c-15c-26c-36c, 4 days. Gross: $2,200. (Average week, $2,500)
"GRAND OLD GIRL"
LIBERTY—(1,500), 10c-15c-2... Gross: $450.

...onor Levin

... of the Copyright ... will be honored on the ... the board of directors of the ... Service Department of the medical staff of the Hospital for Joint Diseases at the hospital's Breezy Point camp. Dr. Leo Michel, Congressman Cohen and Joe Moharan are in ch... of the program. ... the past ... years.



TION PICTURE
AILY

17

Buffalo in Slump; "Caliente" Is First

BUFFALO, June 18.—Below normal business prevailed pleasan the be $7,400, wh Informer" strongly a finished only $100 behind. Total first run take was $34,400. Normal is $42,800.

Estimated takings for the week ending June 14:

"THE GLASS KEY" (Para.)
BUFFALO — (3,500), 30c-55c, 7 days. Stage: Paul Small, Joe Donatella & Bro., Bob Ripa, Alexander & Santos. Gross: $9,800. (Average, $14,300)
"MURDER IN THE FLEET" (MGM)
"IT'S A SMALL WORLD" (Fox)
CENTURY—(3,000), 25c, 7 days. Gross: ,000. (Average, $6,000)
"THE INFORMER" (Radio)
"NIT W
-40c, 7 da
N.)
-40c, 7
OR GIRLS" (Liberty)
HEADS ON A PILLOW" (Liberty)
FAYETTE—(3,000), 25c, 7 days. Gross:

"Glass Key" Twin Citi

MINNEAPOLIS, June 18.—"The Glass Key" was by far the strongest attraction of the week on both sides of the river. It topped normal by $1,000 on a gross of $6,500 at the State and was also $500 over par on a take of $6,000 at the St. Paul Paramount.

"Thunder in the East" demonstrated considerable strength by grossing $4,000, up by $1,000, at the World. "Break of Hearts" normal by $700 the St.

Total fir lis was Alvin business was $18,400. Total St. Paul $16,000. Average is

Estimated takings:

Minneapolis:
Week Ending June 13:
"THE DEVIL IS A WOMAN" (Para.)
CENTURY — (1,650), 25c-40c, 7 days. Gross: $4,500. (Average, $4,000)
"DINKY" (Warners)
LYRIC—(1,238), 20c-25c, 7 days. Gross: $1,500. (Average, $1,500)
Week Ending June 14:
"IN CALIENTE"
ORPHEUM
w. Gr
HE GL
—(2,300)
ss: $6
UE OF THE RIO GRANDE"
ACE — (900), 16c-25c, 7 days. Five acts vaude. Gross: $2,400. (Average, $2,000)
"THUNDER IN THE EAST" (G. B.)
WORLD—(400), 25c-55c
Gross: $4,000
nd week.

Oil" Pulls Big $22,000, Frisco's T

reached $22,000, 00, at the Warfield. st attraction was "Les Mis- which garnered $9,500

ce

People in a gen ,000, above Lyric, helped the stage show. was $500 over of $5,000. Total business was $20,750. Average is $20,500.

Estimated takings for the week ending June 15:

"UNDER THE PAMPAS MOON" (Fox)
APOLLO—(1,100), 25c-40c, 7 days. Gross: $2,750. (Average, $4,000)
"C M 10TH AV N.)
,800), 25c-40c, 7 Gross: $4,000. age, $5,000)
"P E WILL TALK"
LYR 00), 25c-40c, 7 days. Noble le stage show. Gross: $9,000. (Average, $7,000)
"PUBLIC HERO NO. 1" (M-G-M)
LOEW'S—(2,800), 25c-40c, 7 days. Gross: $5,000. (Average, $4,500)

THE MONEY..THESE

YOU A LINE ON VITAL

RNER BROS.'..SUCH AS

August 3rd

"THE IRISH IN US"*

'G-Man' **JIMMY CAGNEY** joins **PAT O'BRIEN**, Frank McHugh for their funniest free-for-all since "Here Comes the Navy"! Plus Allen Jenkins and Olivia de Havilland.

August 17th

"WE'RE IN THE MONEY"

with **JOAN BLONDELL, GLENDA FARRELL**, Hugh Herbert, Ross Alexander—and he who laughs last is darned good for being able to hold out so long!

WAY TO 1935-'36

*A First National Picture

◂ Purely Personal ▸

DAVE RUBINOFF leaves for the coast this week to open in a stage engagement with Eddie Cantor in San Francisco. He will stay on the coast until production starts on "Sing, Governor, Sing," in which he will appear.

•

I. Robert Broder, attorney for Allen Rivkin, is off for the coast where he will attend the American Bar Ass'n. convention as well as visit with Rivkin. A month's junket all told.

•

Harry W. Leasim, general sales manager for Radio Pictures International, Ltd., who has been in this country for the past month, sailed last night on the *Rex*.

•

Dan Longwell has sailed for London where he will represent March of Time at the sales convention of Radio Pictures, Ltd., there late this week.

•

Edward A. Alperson had a birthday the other day. He celebrated by buying Bill Powers, F.W.C. attorney, three Corona cigars.

•

Emanuel Eisenberg has resigned from Howard Dietz's staff and gone to Mexico to complete a novel he is writing.

•

Dorothy Lee has been signed for a Vitaphone short. The deal was handled by Charles Morrison.

•

Willard C. Paterson returned to Detroit yesterday after a short visit here.

•

Joe Rivkin will take the air route to the coast tomorrow for a 10-day trip to the Hal Roach studios.

•

John D. Clark, general sales manager for Fox, is back from a coast trip.

•

Walter Eberhardt and Mrs. E. spent their last week-end in Vermont.

•

Col. Harry Wardell dined sumptuously at "21" last night.

•

Edward Sutherland, director, is stopping at the Warwick.

•

Jack Cosman sailed yesterday on the *Rex*.

•

Eddie Golden is a summer bachelor. His family is in California.

•

. . . Cincinnati

Alice M. Juergens, former secretary of the code boards, is vacationing in her old home territory of Duluth and Minneapolis which she has not visited since coming here 15 years ago.

Don Brodie, free lance player located at Hollywood, is visiting his mother here. He formerly was a newsboy for the *Cincinnati Enquirer*.

Eddie Dinerman and Joe Goetz, of the local RKO division office, motoring east for a vacation, expect to return after a week, then go to one of the nearby lakes for the remainder of their holiday.

Facts, Odd and Otherwise, Jam the New M.P. Almanac

(*Continued from page* 1)

that the approximate weekly world attendance at films is 200,000,000; that gross annual admissions in the United States run from $700,000,000 to $1-000,000,000; that world capital invested in pictures is $2,500,000,000; that total seating capacity in this country is 11,132,000; that 3,700 of the 14,500 sound theatres in the U. S. were dark when the book went to press.

The statistics go on and on. For those with a consuming curiosity about figures the volume is fascinating; for those who want to know about the screen's personalities there are 11,000 biographies, an increase of 1,000 or more over last year.

Production information is extended by inclusion of all of *Motion Picture Herald's* reviews on its box-office champions, with all the pictures made by all the principal companies also listed.

A couple of pages dropped in after the biographies gives a list of the All-Time Best Sellers among pictures, books and legitimate plays, road shows, radio programs and plays for amateurs.

An entire section has been devoted to bringing lists of corporations, their officers and financial statements, up to date. A swift survey of the year's movements in film stocks and bonds accompanies this.

The product lists cover both this country and Europe.

Producing organizations are listed as completely as distributing, followed by lists of laboratories, trailer distributors, film libraries, film delivery services and costume companies. Exchanges and bookers are included, with details on the territories covered.

The assorted information is varied —lists of theatres and circuits by states, details on the foreign film market, foreign organizations, theatre equipment companies, screen organizations, lists of stories and plays bought during 1934-35, trade and fan publications, contracts, and a summary of the year's news.

It's bigger and better, as the exploitation men say.

What anybody, either in or outside the industry, wants to know about is there.

Details of Fox Met Financing Are Aired

(*Continued from page* 1)

bond issue marketed by Halsey, Stuart in 1929 had been issued on 115 theatre leaseholds which cost $8,749,000 to acquire. In addition, a prospectus mailed out by Halsey, Stuart at the time of the flotation stated that the bond issue was based on a commercial value of the properties amounting to $19,500,000 as of April 25, 1929.

The appraisal, Niver said, was made by Ford, Bacon & Davis, an engineering firm, but was subject to certain restrictions and conditions on the acquisition of theatre leases and fee properties not held by Fox Met at the time of the bond sale. These restrictions and conditions, Niver admitted, were not mentioned in the prospectus and it later developed, he said, that Fox Met acquired possession or lease of only 30 per cent of the theatres.

Representative A. J. Sabath, chairman of the Congressional committee, directed I. Albert Levy, special counsel to the committee, to investigate the use of the mails by Halsey, Stuart in the distribution of the prospectus.

Niver said that Halsey, Stuart had bought the Fox Met bonds at a 7½ per cent discount and, in addition, received $243,000 for expenses incurred during the first year the bonds were in default, but was uncertain as to what the expenses involved. He related that a bondholders' committee was formed on Oct. 29, 1931, two days before the bonds were defaulted, following the receipt of a letter from W. C. Michel, financial vice-president of Fox Film, in which it was stated that the formation of such a committee in advance of the default was necessary to avoid demands for a receivership by the bondholders. If a receivership occurred, approximately 80 per cent of the Fox Met theatre leaseholds would revert to the landlords, it was explained.

It was brought out that A. C. Blumenthal had received a commission of $62,500 from Halsey, Stuart for "contacting" Fox Theatres Corp. for the investment house in advance of the Fox Met bond sale.

The reorganization of Fox Met may be completed within one week with the signing of new theatre leases with landlords and the transfer of Fox Met assets from the trustee to the new company and its directors, Milton C. Weisman, proponent of the reorganization plan, said yesterday.

Krellberg-Plunkett Open Astor Aug. 1

Samuel Krellberg and Joseph Plunkett will reopen the Astor on Aug. 1 with a two-a-day attraction at $2 top, it was stated yesterday. Under the long term lease, it is understood that the operators will pay an annual rental of $52,000 in addition to a percentage. William F. B. Drew and John J. Dietz are the receivers.

The opening attraction is expected to be set by the end of the week, Krellberg said yesterday.

In addition to the Krellberg-Plunkett offer, the receivers had submitted to them deals by 60 other interested parties. Among the offers was one sponsored by Chicago interests to convert the theatre into an automatic drug store and screen pictures to bring in the customers. Other offers included a restaurant theatre on the style of the Casino, a dance hall and a sportland where various games could be played. Harry Brandt also had an offer in on practically the same terms as the Krellberg-Plunkett deal. He was willing to put up a $10,000 check to bind the deal, $5,000 of which would be used to equip and remodel the house and the balance for the first five weeks' rent.

Reissuing "Back Street"

Universal is reissuing "Back Street" in the local area. About 200 bookings are already in, according to the Universal exchange. The picture opens at the Fox, Brooklyn, on Friday.

Fox Theatres Urged to Buy Half Fox Met

(*Continued from page* 1)

urged as a good investment by Rogers. The court indicated that it agreed with this viewpoint and also with the advantages of a 77-B reorganization for Fox Theatres.

Milton C. Weisman, receiver of Fox Theatres, told the court that a decision on purchase of the Fox Met stock had to be made within 60 days after completion of the Fox Met reorganization. This could be accomplished, he said, within one week and immediately thereafter he would apply to the court and creditors of the company for directions in connection with the purchase or relinquishing of the Fox Met stock.

On Weisman's application the court extended the Fox Theatres' receivership for another six months.

The annual report of the receiver filed with the court yesterday disclosed $645,410 cash on hand as of June 30, or an increase of $246,423 since Dec. 31, last. Of the increase, $160,000 was received from a receiver appointed for the Boylston & Tremont Co., Boston subsidiary of Fox Theatres, which resulted in the release of a $375,000 fund on deposit there by the subsidiary. The balance of the fund not paid to Fox Theatres was used in the settlement of claims aggregating more than $2,900,000.

Oklahoma Sentiment For Voluntary Code

(*Continued from page* 1)

C. Lyles of the Gem also is for the idea, but questions whether big circuits will live up to it. He is for a direct ban on bank nights and gifts.

W. P. Moran, Southwestern Theatres, Inc., says salaries should be maintained but that hours should be lengthened for employes. He favors a 10-hour day. George Y. Henger, city manager for Standard Theatres, says: "I favor a voluntary code for the industry, but at the same time I think such a code should embrace only salaries and working hours. I don't think it should control the giving of premiums. Any such provisions could not be enforced, as the NRA code demonstrated."

Diamond West Monday

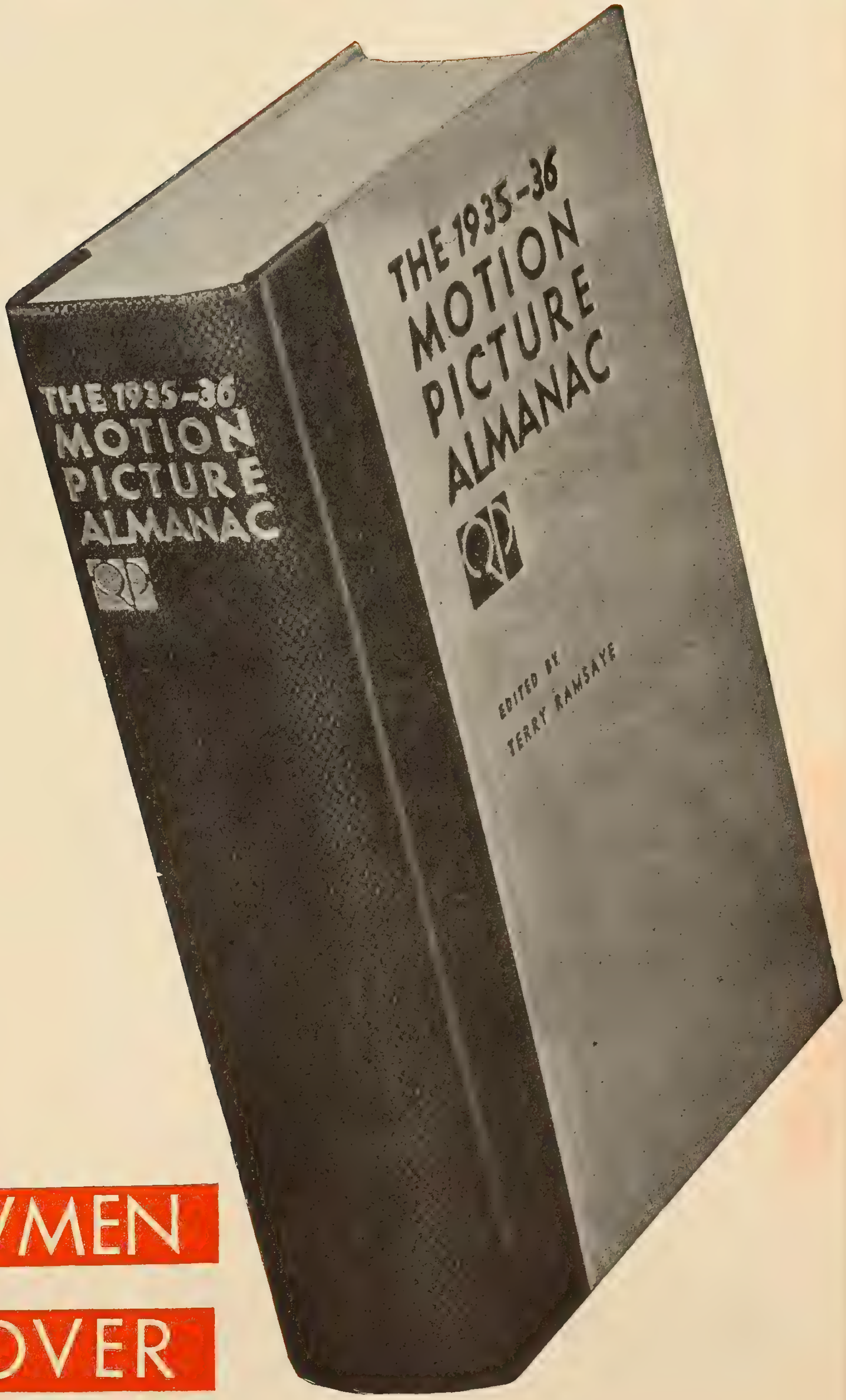
Lou Diamond, in charge of Paramount shorts, will fly to the coast next Monday to look over the music situation and also a number of new shorts in production. Although he contemplated leaving this week, Diamond has put off the trip until "The Big Broadcast" unit working in the east completes its various "takes" here.

Kill Bay State Ad Bill

Boston, July 9.—The House today killed the bill providing for appointment of an outdoor advertising director, 124-79. It had previously been reported adversely by a committee. Late today the House refused to reconsider the bill.

Joseph Brennan of the M. P. T. O. led the fight against the measure.

OUT TODAY


THE 1935-36 MOTION PICTURE ALMANAC
THE 1935-36 MOTION PICTURE ALMANAC
EDITED BY TERRY RAMSAYE

USED BY SHOWMEN THE WORLD OVER

"Public Hero" Frisco Smash; Gets $26,000

SAN FRANCISCO, July 9.—"Public Hero No. 1" went into the hit class in a big way at the Warfield last week. The take, $26,000, was over normal by $8,000.

"Calm Yourself" and "The Return of Bulldog Drummond," plus the Louis-Carnera fight film, garnered $12,000, above par by $5,000.

"Lady Tubbs" at the Orpheum, with Myrt and Marge on the stage, was in the money at $12,000. This is $5,000 over the line. "Doubting Thomas" took a big $9,000 at the St. Francis, and "Becky Sharp" was strong at $16,500 at the Golden Gate.

Total first run business was $104,100. Average is $77,800.

Estimated takings:

Week Ending July 2:

"BECKY SHARP" (Radio)

GOLDEN GATE—(2,800), 25c-35c-40c, 7 days. Stage, band. **Gross:** $16,500. (Average, $13,000)

Week Ending July 3:

"LADY TUBBS" (Univ.)

ORPHEUM—(3,000), 15c-35c-40c, 7 days. Stage: Myrt & Marge. **Gross:** $12,000. Average, $7,000)

"THE SCOUNDREL" (Para.)

"DON'T BET ON BLONDES" (Warners)

PARAMOUNT—(2,670), 25c-35c-40c, 7 days. **Gross:** $11,500. (Average, $10,000)

"ESCAPE ME NEVER" (U. A.)

UNITED ARTISTS—(1,200), 15c-35c-40c, 7 days. **Gross:** $9,000. (Average, $9,000)

Week Ending July 4:

"CALM YOURSELF" (M-G-M)

"RETURN OF BULLDOG DRUMMOND" (U. A.)

FOX—(4,600), 10c-25c-35c, 7 days. Carnera-Louis fight pictures. **Gross:** $12,000. (Average, $7,000)

"THE MAN WHO KNEW TOO MUCH" (G. B.)

EMBASSY—(1,200), 25c-35c, 7 days. **Gross:** $7,000. (Average, $7,000)

"DOUBTING THOMAS" (Fox)

ST. FRANCIS—(1,400), 15c-30c-40c, 7 days. **Gross:** $9,000. (Average, $6,000)

"PUBLIC HERO NO. 1" (M-G-M)

WARFIELD—(2,700), 25c-35c-40c-55c, 7 days. Stage, band. **Gross:** $26,000. (Average, $18,000)

Week Ending July 5:

"THE CONSTANT NYMPH" (Fox)

CLAY—(400), 25c-50c. **Gross:** $1,100. (Average, $800)

"College Scandal" Indianapolis High

INDIANAPOLIS, July 9. — Summer business was quite satisfactory with only one house under normal. "College Scandal" took a par $7,000 at the Lyric.

"Murder in the Fleet" and "Awakening of Jim Burke" were average at $4,500 in the Palace, and "Ginger" was even with the line on a take of $4,000 at the Apollo. "Oil for the Lamps of China" was the only weak attraction.

Total first run business was $20,000. Average is $20,500.

Estimated takings for the week ending July 6:

"GINGER" (Fox)

APOLLO—(1,100), 25c-40c, 7 days. **Gross:** $4,000. (Average, $4,000)

"OIL FOR THE LAMPS OF CHINA" (F. N.)

CIRCLE—(2,000), 25c-40c, 7 days. **Gross:** $4,500. (Average, $5,000)

"COLLEGE SCANDAL" (Para.)

LYRIC—(2,000), 25c-40c, 7 days. Vaudeville. **Gross:** $7,000. (Average, $7,000)

"MURDER IN THE FLEET" (M-G-M)

"AWAKENING OF JIM BURKE" (Col.)

PALACE—(3,000), 25c-40c, 7 days. **Gross:** $4,500. (Average, $4,500)

"Alibi Ike" Chicago Hit In Dull Week

CHICAGO, July 9.—In a week of terrific heat that sent customers scurrying to beaches "Alibi Ike" was the best draw in the Loop. It topped normal by $2,000 on a take of $7,000 at the Garrick.

"The Scoundrel," held for 11 days at the Apollo, reached $10,000, over a normal seven-day average by $2,000. The Oriental was the only other downtown house to reach the profit line. It had $15,000 on "Baby Face Harrington," accompanied by a vaudeville bill.

Total first run business was $115,000. Average is $125,600. Estimated takings:

Week Ending July 4:

"MURDER IN THE FLEET" (M-G-M)

CHICAGO—(4,000), 25c-50c-68c, 7 days. Stage: Cab Calloway and Harlem Revue. **Gross:** $30,000. (Average, $34,600)

"BABY FACE HARRINGTON" (M-G-M)

ORIENTAL—(3,940), 25c-40c, 7 days. Stage: Billy Grey, Jerry Bergen, Muriel Love, Trudy Davidson, Billy Dailey, Don Davis, Arlene and Norman Selby. **Gross:** $15,000. (Average, $15,000)

"BECKY SHARP" (Radio)

PALACE—(2,509), 25c-35c-50c, 6 days, 3rd week. Stage: Bob Hope's Revue. **Gross:** $14,000. Average, 22,000)

"PUBLIC HERO NO. 1" (M-G-M)

ROOSEVELT—(1,591), 25c-35c-50c, 7 days, 2nd Loop week. **Gross:** $8,000. (Average, $11,000)

"NO MORE LADIES" (M-G-M)

UNITED ARTISTS—(1,700), 30c-40c-50c, 7 days, 2nd week. **Gross:** $12,000. (Average, $17,000)

Week Ending July 5:

"CHINATOWN SQUAD" (Univ.)

STATE-LAKE—(2,776), 20c-30c-35c, 7 days. Stage: Hen Youngman, Fortunella & Cirillino, Ann Lester, Gray Family, Verne Buck. **Gross:** $9,000. (Average, $13,000)

"THE SCOUNDREL" (Para.)

APOLLO—(1,400), 25c-35c-50c, 11 days, 2nd week. **Gross:** $10,000. (Average, $8,000)

Week Ending July 3:

"ALIBI IKE" (Warners)

GARRICK—(900), 25c-35c-40c, 7 days. **Gross:** $7,000. (Average, $5,000)

Lincoln in Slump; "Raven" Gets $750

LINCOLN, July 9.—Short weeks due to a desire to open on July 4, with plenty of heat, sent grosses tumbling to new lows. "Silent Valley" and "The Raven" on a dual were the only two to come anywhere near average. At $750 the bill was $100 under par in the Colonial.

A combination of "The Healer" and the Louis-Carnera fight film eked out $1,000 in four days at the Orpheum, and "Stranded," unannounced, took $2,100 in six days at the Stuart. This is $1,000 under a seven-day normal.

Total first run business was $5,650. Average is $7,850.

Estimated takings:

Week Ending July 2:

"HEALER" (Monogram)

"LOUIS-CARNERA FIGHT" (Ronny)

ORPHEUM—(1,200), 10c-15c-25c, 4 days. **Gross:** $1,000. (Average, $1,700 for 7 days)

"SILENT VALLEY" (Steiner)

"RAVEN" (Univ.)

COLONIAL—(750), 10c-15c, 6 days. **Gross:** $750. (Average, for 7 days, $850)

Week Ending July 3:

"GIRL FROM 10TH AVE" (F. N.)

LINCOLN—(1,600), 10c-20c-25c, 6 days. **Gross:** $1,800. (Average, $2,200)

"STRANDED" (Warners)

STUART—(2,000), 10c-25c-40c, 6 days. **Gross:** $2,100. (Average for 7 days, $3,100)

Wall Street

Col. Off 1½ on Big Board

	High	Low	Close	Net Change
Columbia, vtc	79½	77½	78	—1½
Consolidated, pfd.	16¼	16	16¼	+ ¼
Eastman	152	150	150	— ⅜
Eastman, pfd	157½	155½	155½	—2
Fox "A"	16⅜	15¼	16	+ ¾
Loew's, Inc.	44⅛	43¾	43¾	.....
Paramount Publix	4⅛	4	4⅛	.....
Pathe "A"	8¾	8¾	8¾	+ ⅛
RKO	2⅛	2	2⅛	+ ⅛
Warner	4⅛	4	4	.....
Warner, pfd	25½	25	25	— ½

Technicolor Sole Curb Issue

	High	Low	Close	Net Change
Technicolor	20⅜	19½	19⅝	.....

Keith Bonds Decline Point

	High	Low	Close	Net Change
General Theatre 6s '40	12¼	12	12	.....
General Theatre 6s '40 ctf	12	12	12	.....
Keith B. F. 6s ' 46...........	80⅝	80¼	80¼	—1
Loew's 6s '41 ww deb rights..	104	104	104	+ ¼
Paramount F. L. 6s '47	95¾	95½	95¾	+ ¼
Paramount Publix 5½s '50	97⅜	97¼	97¼	.....
Warner 6s '39 wd	66	65¾	65⅞	+ ⅛

(Quotations as at close of July 9)

Gluckman to Be Host

Herman Gluckman will stage an office warming today at 630 9th Ave. in honor of the opening of the New York Republic exchange. The party will run from 1 o'clock to 6 o'clock, with a number of New Yorkers and Philadelphians invited.

"My Heart," "Brewster's" Lead Denver

DENVER, July 9.—Grosses received no benefit from the National Education Ass'n convention. The nearest approach to average was the Broadway, which split its week with "My Heart Is Calling" and "Brewster's Millions" and closed the house to films for one day so it could be used for a convention. "My Heart" took $600 in four days, and "Brewster's Millions" reached $700 in two days.

"Werewolf of London" grossed $3,500, within $500 of normal, at the Paramount.

Total first run business was $17,800. Average is $23,000.

Estimated takings for the week ending July 4:

"ESCAPE ME NEVER" (U. A.)

ALADDIN—(1,500), 25c-35c-50c-60c, 7 days. **Gross:** $2,000. (Average, $2,500)

"MY HEART IS CALLING (G. B.)

BROADWAY—(1,500), 25c-40c, 4 days. **Gross:** $600.

"BREWSTER'S MILLIONS" (U. A.)

BROADWAY—(1,500), 25c-40c, 2 days. **Gross:** $700. (Average for week, $1,500) House was used for convention one day.

"THE SCOUNDREL" (Para.)

DENHAM—(1,500), 25c-35c-50c, 7 days. **Gross:** $3,000. (Average, $4,000)

"IN CALIENTE" (F. N.)

DENVER—(2,500), 25c-35c-50c, 7 days. Stage show. **Gross:** $4,500. (Average, $6,000)

"HOORAY FOR LOVE" (Radio)

ORPHEUM—(2,600), 25c-35c-40c, 7 days. **Gross:** $3,500. (Average, $5,000)

"WEREWOLF OF LONDON" (Univ.)

PARAMOUNT—(2,000), 25c-35c-40c, 7 days. **Gross:** $3,500. (Average, $4,000)

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Film Studio Equipment

A company erecting additional sound stages covering 100,000 sq. ft. requires immediately tenders of new or second-hand studio equipment, as follows:—

Complete lighting equipment, including incandescent lamps, arcs, spider boxes, trucks, cables and usual film studio gear, studio cameras, dollies and other accessories.

All cutting-room editing and laboratory equipment. Latest type back projection, camera cranes, playback, and other equipment useful for up-to-date sound film production.

Quotations for new equipment must include delivery dates, and for second-hand equipment a guarantee of efficiency—no junk wanted. *Lowest prices essential for cash.*

Full particulars of all offers in writing stating year of manufacture, with photographs of equipment if possible, to Box 572, MOTION PICTURE DAILY, 1790 Broadway, New York.

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VOL. 38. NO. 9 NEW YORK, THURSDAY, JULY 11, 1935 TEN CENTS

Talent Nights Are Sweeping K. C. Houses

Fox Circuit Ties in with Big Drug Store Firm

Kansas City, July 10.—Amateur ights in various forms are sweeping his territory in the wake of bank ights, screeno and other box-office timulants.

Fox, working with the Katz Drug Co., is the largest promoter of these, with the first run Fox Uptown doing Saturday "Midnight Jamborees" with the best of the talent from the suburban and territory houses. Presented with a picture preview at the Uptown y Stanley Chambers, they have done practically capacity business in spite f successive Saturday night rains,

(Continued on page 8)

Bank Nights Spread In Omaha Territory

Omaha, July 10.—Theatres, both ndependent and circuit-operated, are going for bank night in this territory n increasing numbers. The three major circuits, A. H. Blank's Tri-States, Harry Weinberg's Central States and Fox, have all resorted to the practice.

Two major cities—Omaha and Lincoln—alone remain free of the stimulator. In Grand Island, third largest

(Continued on page 8)

Loew Sets Screeno, Bank for 9 Houses

Loew's has definitely decided to go n for screeno and bank nights with nine theatres in the local area set o adopt the chance games starting the week of July 22.

Both the screeno and bank night agents are putting on advance campaigns in the Loew houses. If the games are successful, they will be extended to other circuit units, Loew

(Continued on page 8)

Croupier Doob

Oscar Doob has inherited a new title at Loew's.

In addition to being publicity and advertising director, he's now "in charge of gambling." He will supervise screeno and bank night operations in various of the circuit's houses.

Fox-20th Century Deal Seen Signed; Principals Start West

The Fox-20th Century deal is understood to have been formally signatured some time between 10 P. M. Tuesday and 5 P. M. yesterday afternoon at which time S. R. Kent, Joseph M. Schenck, Darryl F. Zanuck and William Goetz left by air for Hollywood.

No statement from any of the interested groups was forthcoming and, therefore, official confirmation was lacking yesterday.

However, the principals have had bookings on 'planes out of Newark Airport daily for about 10 days and had agreed among themselves to leave for the Fox studio on the very day the contracts were closed. There has been nothing in the extended negotiations to indicate a change of schedule.

Latter day aspects of the deal have centered in the law offices of Hughes, Schurman and Dwight at 100 Broadway, where day and night sessions have been the rule. The principals went into what was the beginning of the final session at 10 o'clock Tuesday evening, having been at it until 6 A. M. Monday.

Legal phraseology and meticulous attention to technical detail delayed consummation and not any differences of opinion on vital points, which had been agreed upon before Schenck sailed for London.

With the return of Zanuck to Hollywood, actual production on "Metropolitan," first under the merger with Fox, will get under way.

Say Zukor's 1932 "Coup" Upset Move to Oust Him

Adolph Zukor, at the climax of a contest to retain his executive authority as head of Paramount, which had been challenged in 1932 by John D. Hertz, had threatened to resign from the company and apply for a receiver for Paramount unless Hertz was removed, the former chairman of Paramount's finance committee testified yesterday at the resumed hearing on the Paramount reorganization conducted by the Securities and Exchange Commission.

Hertz said that the specific charge made against him was that he had exceeded his authority as chairman of the finance committee in ordering Zukor to hold no conferences with departmental heads in Paramount without first consulting Hertz and to refrain from telephonic communications with the Paramount studio. Hertz said he resigned when he was advised to do so by attorneys and Paramount bankers whom he had consulted.

His resignation disclosed the significance of Zukor's successful coup in the light of testimony given yesterday by Robert T. Swaine of Cravath, de Gersdorff, Swaine & Wood, former counsel for Paramount and Kuhn, Loeb & Co., who revealed that the Paramount bankers desired at the time to elevate Hertz to the presidency of Paramount and to place Zukor in a "decorative" position.

The testimony completed a graphic picture of the executive conflict within Paramount at a time when its greatest financial difficulties were coming to a head and which, less than one month after the resignation of Hertz, forced the company into receivership. The story detailed what Hertz described as "a race against the depression" to save Paramount from bank-

(Continued on page 6)

Missouri Sale Tax Will Apply to Ads

St. Louis, July 10.—Missouri's new one per cent sales tax will apply to advertising and accessories, according to a letter from G. H. Bates, supervisor of the sales tax, to Fred Wehrenberg, head of the M. P. T. O.

Wehrenberg had asked for an interpretation. The tax becomes effective Aug. 27.

Erpi Delays Taking Stand on Servicing

No action will be taken by Erpi during the summer on the establishment of its contemplated theatre engineering service, it was stated by a company official yesterday.

Preliminary tests of the new service which have been and are being conducted in various types of the-

(Continued on page 6)

Theatres Hit Hard in Flood Areas Upstate

Film Deliveries Resumed By Truck on Tuesday

Theatres were hard hit in widely scattered flood areas across southern and central New York, valley areas in the anthracite region of Pennsylvania and as far south as Elkton, Md. Few of them were actually flooded, reports indicate, but in many instances power was cut off. In others film deliveries were interrupted for a time, but this situation was corrected by wide detours.

South of the Finger Lake region and in the Susquehanna Valley where the river bends around Binghamton were hardest hit. So many people are homeless and crops are so badly damaged in this area that exhibitors

(Continued on page 8)

U.A. Needs Younger Blood, Says Goldwyn

Los Angeles, July 10.—United Artists needs younger blood, Samuel Goldwyn said today at the closing business session of the company's convention. He saw as another need the

(Continued on page 6)

Expect U. A. to Get Crosby-Cohen Film

The outside picture which Bing Crosby is permitted to make each year under his Paramount contract is expected to be handled through the United Artists distributing machine.

Hollywood, July 10.—The Crosby-Emanuel Cohen partnership, formed to make the star's annual outside picture, will operate as Major Prod., a privately owned company to be incorporated under Nevada law. Cohen maintains his plans are only for the Crosby picture.

Irwin La. Censor Boss

New Orleans, July 10.—Ellis Irwin, lawyer and Huey Long adherent, has been named chief of censors of the state of Louisiana.

Ellis Irwin is a brother of Lou Irwin, well known booking agent along Broadway.

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Ray Long's Funeral Will Be Held Today

HOLLYWOOD, July 10.—A brief funeral service for Ray Long will be held here Thursday following instructions of his widow, Mrs. Lucy Bovie Long, who is ill in Greenwich, Conn.

Long, who committed suicide here late yesterday, was formerly the leading magazine editor in the country and president and editor-in-chief of the International Magazine Co. This gave him editorial supervision over *International-Cosmopolitan, Good Housekeeping, Harper's Bazaar, Motor* and *Motor Boating.*

In 1931, however, he resigned from International and after a trip to the South Seas returned here to join the Fox writing staff. He was working under the Fox banner when, under a spell of despondency, he shot himself yesterday.

Rites for W. J. Dusenbury

COLUMBUS, July 10.—Funeral services were held here today for Will J. Dusenbury, whose body was discovered Monday in the Scioto River. Burial was at Greenlawn Cemetery.

With his brother, Dusenbury controlled several houses in this territory for a number of years. In 1923 he built the State here. He owned the Grand at the time of his death.

54 "Dream" Deals Closed

Fifty-four major contracts have been closed to date for roadshowing of "A Midsummer Night's Dream." A. W. Smith and Gradwell Sears signed the deals for Warners.

Purely Personal

JIM SHARKEY, who has been on the Radio Detroit sales staff, is now firmly ensconced in the local sales office of the company as special representative in charge of March of Time sales. He started his new job Monday.

•

NORMAN TAUROG will be here another week shooting scenes for "The Big Broadcast of 1935." Slavery to his art kept JACK MINTZ, writer with the unit, from stepping out with ART JACOBS Tuesday evening.

•

"DEAC" AYLESWORTH, HERB YATES, WILLARD MCKAY, CHARLIE PAINE, HERMAN ROBBINS, COLVIN BROWN, PHIL REISMAN, SAM DEMBOW, SOL ROSENBLATT and FELIX FEIST among the lunchers at "21" yesterday.

•

GRADWELL SEARS, in charge of Warners' southern and western distribution, and his assistant, CARL LESERMAN, have gone to Chicago on a business trip.

•

E. D. LEISHMAN, managing director for Radio Pictures International, Ltd., who came here for the sales convention, will sail today on the *Aquitania*.

•

CLARK and MRS. GABLE will arrive in town shortly. They plan to motor across the continent and after a short visit here sail for Europe.

•

JULES LEVY, vice-president and general sales manager for RKO Distributing Corp., is on a five-day visit to the Montreal and Toronto branches.

•

HARRY WARDELL, the international colonel, left for Hollywood yesterday in the JOE SCHENCK-SID KENT-DARRYL ZANUCK party.

•

ZITA JOHANN and JOHN MCCORMICK, who were married Tuesday, leave town for the coast tomorrow.

•

HERB BERG's apartment was almost cleaned out the other night. Case of old-fashioned robbery.

•

ARTHUR LOEW is expecting to leave for the coast any day now.

•

BARNEY BALABAN is in town from Chicago.

•

E. B. HATRICK will arrive from the coast the latter part of the week.

•

. . . Pittsburgh

SALLY STARR, stage and screen actress, is here visiting her family and will sail in the fall for London and picture work.

HARRIETT PETTIT, BILL SCOTT, BEN STEERMAN, DONN WERMUTH and BEN KALMENSON are vacationing from the Warner office.

GUS DAVIS and MARY COOK, both of Warners' contact department, are honeymooning at Geneva-on-the-Lake, O.

JOE E. BROWN, with MRS. BROWN and their two sons, JOE and DON, spent the Fourth here with the JOHN H. HARRISES.

GENE MURPHY, the Penn's press agent, has gone to Chicago for a 10-day rest.

PETER SMALTZ, JR., one-time reviewer for the *Sharon* (*Pa.*) *Herald*, has joined the International News Service office in Pittsburgh.

Wall Street

Col. Drops 2 on Big Board

	High	Low	Close	Net Change
Columbia vtc (C1)	77½	76	76	—2
Consolidated	4⅛	4⅛	4⅛	.....
Consolidated Film Ind. pfd (1¼v)..	16½	16¼	16¼	.....
Eastman (5)	151¼	150	150½	+ ½
Fox "A"	17	16⅛	16¾	+ ¾
Loew's, Inc.	44⅛	42⅝	43⅞	+ ⅛
Paramount Publix	4⅜	4	4¼	+ ⅛
Pathe	⅝	⅝	⅝	.....
Pathe "A"	8¾	8¾	8¾	.....
RKO	2⅛	2⅛	2⅛	.....
Warner	4¼	4	4⅛	+ ⅛
Warner, pfd	26½	25¼	25¼	+ ¼

Technicolor Loses ¾ on Curb

	High	Low	Close	Net Change
Technicolor	19½	18	18¼	— ¾

Warner Bonds Advance 1⅜

	High	Low	Close	Net Change
General Theatre 6s '40	13	12⅜	12¾	+ ¼
General Theatre 6s '40 ctf........	13	12½	13	+ ½
Keith B. F. 6s '46	80⅛	80	80	— ¼
Loew's 6s '41 ww deb rights...	103⅞	103¾	103¾	.....
Paramount B'way 5½s '51	62	62	62	+1¼
Paramount F. L. 6s '47	96	95¾	96	+ ¼
Paramount Publix 5½s '50	97¾	97¼	97¼	.....
Warner 6s '39 wd	67	65½	66⅞	+1⅜

(*c*) *Plus stock extras.* (*v*) *Paid this year.*

(Quotations as at close of July 10.)

"Informer" Is Voted As Best June Script

HOLLYWOOD, July 10.—In a poll participated in by more than 50 per cent of the members of the Screen Actors' and Screen Writers' Guilds Dudley Nichols' screen play for "The Informer" has been voted the best of 38 exhibited in Los Angeles during June.

Victor McLaglen's portrayal in the same picture also was voted the best for the same period.

Laird Doyle won second honors for his screen play for "Oil for the Lamps of China." Carl Zuckmayer and R. J. Cullen received third rating for their work on "Escape Me Never."

Honorable mention for acting went to Elisabeth Bergner for her role in "Escape Me Never" and to Pat O'Brien for his part in "Oil for the Lamps of China."

Bowes Lines Up Talent

Major Edward Bowes has picked seven of his radio amateurs for his first two-reel short to be produced by Biograph. They are: Vivian Barlow, impersonator; Vincent Mundi, one man band; Meyer Goldberg, novelty whistler; Phil Stuart, Philadelphia hitch hiker; Frank Branna, singing barber; John Jewel, automobile mechanic who taught himself banjo playing, and the Oklahoma Mustang Wranglers, who never got further west than Atlantic City.

Waldemar Young Signed

HOLLYWOOD, July 10.—Waldemar Young, writer, has been signed to a three-year contract by Paramount.

Conquest Plans Six Shorts, 2 Features

A program of six one-reelers and two features is announced by Conquest Pictures for the coming season.

Two of the shorts, each depicting an episode in the lives of the American Indians, have been completed. They are "Running Wolf's Moose" and "Cheeka's Beavers." Richard Carver is responsible for the story treatments. The series is being scored by Massard Kur-Zhene.

The two features are "The Desert Strikes" and "The Battalion of Death," a war spy story. The first will be released in October.

Although the pictures are intended for release in the state rights market, Conquest will endeavor to handle distribution where possible, according to Pierre Arnaud, head of the company.

Tichenor Calls for Talks on Picketing

Frank Tichenor has called an open meeting this afternoon at City Hall of representatives and members of Allied, Local 306 and Empire unions in an effort to settle the local picketing situation. The session will start at 2 P. M.

Harland Holmden, supervising Local 306 under I. A. T. S. E. control, will not attend. He is in Chicago handling the operators' local, which is also under the international's jurisdiction. Arrests of pickets on 42nd St. have ceased.

IEPA Convention Set For Early in August

MILWAUKEE, July 10.—The first annual convention of the I. E. P. A. is slated to be held here Aug. 6 and 7, The event will wind up with a picnic on Aug. 8 at Tom Saxe's summer home at Hales Corners.

Ross Baldwin has been named general chairman of the picnic committee, while Paul Langheinrich and George Fischer constitute the entertainment committee.

M-G-M Coordinates Scenario Work Here

M-G-M has coordinated the scenario department at the home office. Nina Lewton, who is in charge of books and magazines, has moved her staff from the sixth to the 14th floor where Bertram Block, in charge of plays, is ensconced.

The legal department has taken over the space vacated by Mrs. Lewton on the sixth floor.

Solis Back to Havana

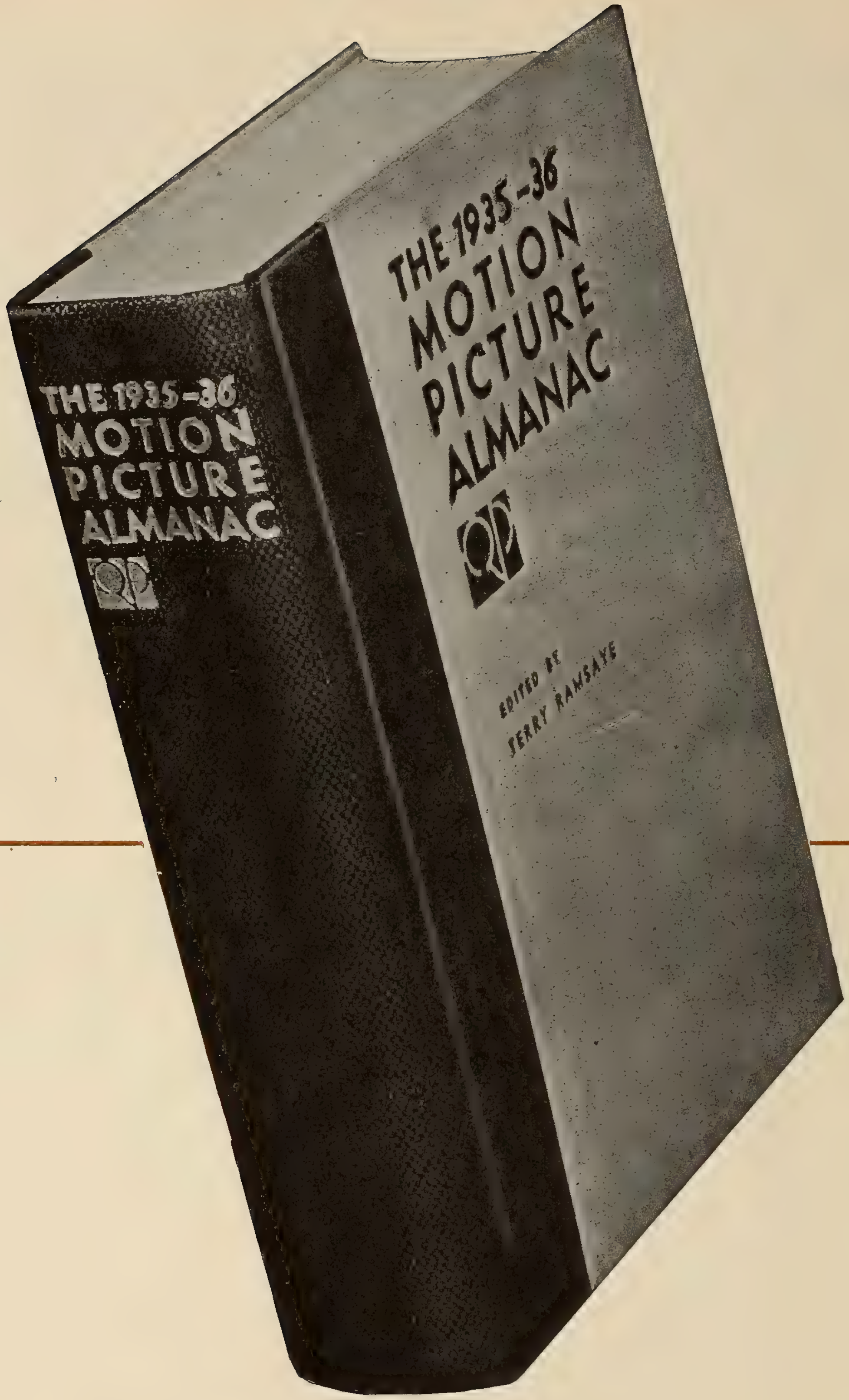
Manuel Solis returned by plane to Havana last night after completing arrangements for a Western Electric Wide Range installation in the new 2,000-seat theatre that the Solises, father and son, will open Sept. 1. It has been tentatively named the Teatro Alhambra. The Solises also operate the Capitol in Havana.

Gluckman Party Today

Herman Gluckman's party for the formal opening of the new Republic exchange at 630 9th Ave., takes place today instead of yesterday, as was stated. It goes on from 1 o'clock to 6 o'clock.

THE PICTURE OF THE WEEK

"You can bet on **'DON'T BET ON BLONDES'**. It's a winner!" says Motion Picture Daily's critic after preview establishes Warners' new comedy as the week's most entertaining screen fare. Suave Warren William, as the smart money plunger who would bet on anything from a horse race to a blonde beauty's heart, is invaluably assisted by Guy Kibbee, Claire Dodd, William Gargan, Vince Barnett, Director Robert Florey. Released July 13th.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EDITED BY TERRY RAMSAYE

Now In Circulation

The Almanac of the show year of 1935-36—the biggest of all the Almanacs, the most ambitiously comprehensive of the reference publications of the screen. Here are presented no less than eleven thousand personalities in the Who's Who section alone. The many changes and realignments on the corporate map of the industry are reflected in these pages. The financial and box office histories of the art are here to be found, presented in figures endlessly checked and cross checked.

1204 Pages

Assert Zukor 'Coup' Upset Ouster Move

(*Continued from page* 1)

ruptcy. The "race" became an orgy of "cost cutting," and haste in this procedure seemed to the chairman of the finance committee to be so essential that, he admitted on the stand, he "wasn't always overly careful" of its effects on others. The result was, it appeared from the record, and was substantiated in Swaine's testimony, that morale within the company ran to low ebb.

"The atmosphere was charged with uncertainty," Swaine said. "Everyone was afraid for his job."

In quick succession Jesse L. Lasky, production head; Sidney R. Kent, distribution head, and Sam Katz, theatre head, withdrew from the company. Eventually came the direct challenge to Zukor's authority as head of the company, which was met with the former Paramount president's ultimatum. Even then, Swaine revealed, had it been possible to obtain a majority of the Paramount board to take a stand against Zukor, which it was not, Hertz would have been elected to the presidency of the company.

Says Kahn Favored Hertz

Swaine testified that the late Otto Kahn, head of Kuhn, Loeb, wanted Hertz to be given supreme authority to finish his job of cutting costs in an effort to "outrace the depression" but that they could count on the support of only four directors. These were Sir William Wiseman, Maurice Newton, Gilbert Kahn and Felix Kahn.

"It is difficult to believe," interposed Irwin Langbine, SEC counsel, "that Zukor was ready to wreck his company in order to keep up his personal authority."

"It wasn't that," Swaine corrected him. "Zukor saw his three best men leaving him. He recognized an atmosphere of complaint throughout his organization and felt himself being forced out. All that of itself was a wrecking of the company to him, which he felt he ought to prevent."

Reduced Leases, Hertz Avers

Hertz detailed his entry into Paramount in 1931 at the urging of Katz, whom he had known in Chicago and who came to Hertz at Miami and told him that Paramount was in difficulties because of bad management and lack of control over personnel. Hertz said he next conferred with Sir William, Kuhn, Loeb partner, who told him the bank wanted him in Paramount as its representative and that thereafter he was elected to the board and made chairman of the finance committee with power to veto all disbursements and exercise a general supervisory authority over all of the company's finances. He said that during his regime operating costs were reduced from $133,000,000 in 1931 to $110,000,000 in 1932.

Hertz said he found other theatre companies had been obtaining reductions on leases in appreciable amounts during the depression, but that no effort had been made within Paramount to obtain similar adjustments. Under his direction, Hertz said, $5,900,000 was taken off theatre leases. He said that $600,000 of annual insurance premiums were reduced "25 or 30 per cent," that telephone and telegraph bills were cut from $800,000 to $400,000 annually and that the cost of the legal department was reduced from $800,000 per year to "a reasonable amount."

The inquiry was brought up to the time of the reorganization when Hertz was asked by counsel for the SEC whether he did not regard himself as being disqualified to serve as a director of the new company while a defendant in two suits brought by the trustees in bankruptcy of Paramount to recover from former officers and directors for sums used for the repurchase of Paramount stock at guaranteed prices which was issued in the acquisition of theatre properties and to recover on allegedly excessive salaries and bonuses paid by Paramount.

Hertz replied that when he had been invited by the so-called Fortington creditor group to become a member of the new Paramount board he discussed the question of his elegibility with H. A. Fortington, head of the group and himself a director, and said that Fortington put the question to the trustees and their counsel and was advised by Arthur A. Ballantine, of counsel, that not only was he not disqualified but that he would be a valuable addition to the new company because of his past knowledge of its affairs.

Hertz's transactions in Paramount securities prior to the receivership were explored by counsel and he was asked whether he thought it proper for a director and financial officer to deal in his company's securities. His reply was non-commital.

It was also brought out that Hertz, personally, had been offered and had accepted a one-third participation in 5,000 shares of new Paramount first preferred through the Atlas Corp., and that Lehman Bros., the investment firm in which Hertz is a partner, owns 25 per cent of the $6,400,000 of new Paramount second preferred. Questioned concerning the propriety of this, Hertz replied that he saw "nothing wrong" in it.

Purely U. A. Personals

Hollywood, July 10.—The last time Sam Horowitz, sales manager in Chicago, made this trip he was on his honeymoon. He married Sadie Feuerstein, Al Lichtman's former secretary.

◆

Ewen ("Dudie") MacLean, sales manager in Los Angeles, is the genial host. "Dudie" was in the Royal Air Force and still can handle a plane.

◆

Sid Bowman of Detroit doesn't object to this coast jaunt as it will give him a chance to see his brother who operates a theatre here.

◆

Bert ("Shorty") Stearn, Pittsburgh sales manager, hails from Ohio and is the shortest guy in the outfit—but long on sales.

◆

McAfee Robertson, Kansas City office manager, would like to make a date with Lawson Little. His golf is worrying him a bit lately.

◆

Leo Doty of Omaha is the vegetarian of the gang. Three carrots the size of a dime, a piece of lettuce the size of quarter and Leo had a feast.

Ernie Gibson of Salt Lake handles the Utah sector and knows the layout as well as you know your own kitchen.

◆

Sammy Glazer of Toronto after one look at those California chateaus regrets the mansion he recently purchased in Toronto.

◆

Ralph Cramblet of Minneapolis is one of the younger managers of the outfit.

◆

"Pete" Higgins and "Hank" Kloepper are called the Seattle terrors.

◆

Ollie Watson, San Francisco salesman, once sold adding machines, but likes pictures better.

◆

From the wheat field of Calgary comes A. Feinstein—a swell guy anywhere.

◆

Harry Barker of Omaha is one of the real veterans at selling.

◆

Joe Schorgl is the latest addition to the Kansas City staff.

S. C. Colin Here on Deals

Saul C. Colin, fiction writer and authority on D. H. Lawrence and Pirandello, arrived in New York on the *Normandie* to negotiate a number of pending deals for the Italian dramatist who is due in this country some time later this month.

Prior to becoming Pirandello's managing representative, translator and collaborator, Colin was active in the French film field. He was co-owner of "Raspail 216," a theatre in Paris and was associated with RKO in France as assistant general manager and Paramount's Joinville studio as scenario and casting executive.

Members Suing Empire

That the Empire State M. P. Operators' Union is being sued by 22 of its members for $26,000 on charges of conspiracy to defraud the membership of $50,000 in dues was revealed in Supreme Court here yesterday when the defendants asked for a more specific complaint. The plaintiffs assert the union failed to make good its promise of steady employment for those paying dues and other assessments. Arthur Farkash, head of the union, is named as a defendant.

Prepare for Allied Meet

Indianapolis, July 10.—Regional vice-presidents and other officers of Allied were here today for preparations for the administrative session and joint meeting of the directorates of the Indiana and Kentucky units at the Claypool tomorrow. A mass meeting will be held in the afternoon.

Cullman Back in Town

Howard S. Cullman, trustee of the Roxy, returned yesterday from a two-day trip to Washington. He denied having conferred with RFC officials at the Capital in connection with an application for a $750,000 loan to reorganize Roxy Theatres Corp.

U.A. Needs Younger Blood, Says Goldwyn

(*Continued from page* 1)

intensive selling of Alexander Korda product, holding that on the success of the London Films producer in the United States depended the success of our productions in Great Britain. Goldwyn stressed the importance of the British market in helping to recoup the extensive negative costs.

Goldwyn said Douglas Fairbanks would return to Hollywood permanently Jan. 1 and would go into production Feb. 1.

David O. Selznick, who was welcomed into the organization today, asserted that, while his first two stories for U. A. were set, he could not divulge details at this time.

Charles Chaplin stated September release of the film on which he is now at work would be guaranteed.

A banquet was held this evening at the Trocadero, with Cantor, Nick Parkyakakas and Benny Rubin as masters of ceremonies.

On Thursday morning the conventioneers will watch the shooting of "Dark Angel" and "Barbary Coast" at the U. A. studios. After lunch at Pickfair as the guests of Miss Pickford they will visit the Walt Disney studios. The day will end with a stag buffet supper at Goldwyn's home. Friday will be spent at Caliente. The delegates will visit the San Diego Exposition on Saturday. That afternoon they will pull out of Los Angeles.

Lichtman Gets Fund

Hollywood, July 10.—A fund of $1,000 to be called the Al Lichtman Endowment was raised today among delegates to the U. A. convention and presented to him at the business session in the Ambassador.

The fund will be administered by the *Film Daily* Relief Fund.

London Films Signs Two

London, July 10.—Laurence Olivier and Penelope Dudley-Ward have been signed to play the leading roles in "Natacha," formerly called "Moscow Nights," which London Films will make for United Artists release.

"Red Salute" Gets Under Way

Hollywood, July 10.—Its cast having been completed with the signing of Purnell Pratt, Reliance's "Red Salute," starring Barbara Stanwyck, has been placed in production.

Erpi Delays Taking Stand on Servicing

(*Continued from page* 1)

atres throughout the country are reported to be inconclusive so far as the establishing of the service as a permanent branch of Erpi activity is concerned. Present indications are that the experimental servicing will continue through the summer with a decision early in the fall on its adoption or abandonment. The new engineering service embraces maintenance of all theatre mechanical equipment.

F. D. Meeting Routine

First Division directors yesterday held a meeting at the company's home offices. It was described as "routine."

31 FIRST-RUN WEEKS ON BROADWAY FOR UNIVERSAL!

—which doesn't own a Broadway theatre!

Howard S. Cullman books **26** of Universal's 1935-36 productions for the N. Y. Roxy, the largest contract he ever signed with any company!

Radio City Music Hall buys **5** of Universal's Current Season's productions while they're still before the camera!

WATCH UNIVERSAL . . . ***because Universal***
WATCHES THE BOX-OFFICE!

Talent Nights Are Sweeping K. C. Houses

(Continued from page 1)

Chambers said. Chambers staged his fifth "jamboree" June 15. This leaves one to go and a grand finale June 25.

Loew's Midland wound up M-G-M's three-week "search for talent" here recently with a Wednesday elimination show and a show by the winners Friday night. A large part of a good Friday night house, had in spite of rain, was due to the show, according to John McManus, Midland manager.

McManus arranged a style show in the lower lounge from 7:30 to 9:00. There were four girls and five changes. Jones Store plugged the style show heavily in the Friday afternoon paper.

The Mainstreet is tied in with an amateur "search for radio talent" program being conducted by A-I-D drug stores. Finals will be broadcast from the stage of the Mainstreet, and the winner will be awarded a week's paid engagement on the stage of the Mainstreet or some other RKO house in this area, and four radio performances on CBS. One more contest is due before the final. Announcements of the Mainstreet attraction are being carried in the windows of each of the 60 drug store members of A-I-D from week to week. Druggists report the thing a tremendous success with 6,000 ballots cast in drug stores last week.

Dubinskys Have Friday Contests

Dubinsky Brothers have been sponsoring an amateur Friday night at the Electric, St. Joseph, six months, and were the first exhibitors in the area to cash in on the popularity of the amateur program idea.

Commonwealth Amusement Corp., is using amateur night at the Uptown, Columbia, Mo., and at the Granada, Lawrence, Kan. In both cases the programs are tied in with local broadcasting stations.

"We had the original theatre-radio hookup in this territory at the Granada," commented C. A. Schultz. "Every Saturday night at 9:30 we have an hour's show, which is broadcast from a stage hookup over WREN. We currently have 40 to 50 applicants waiting to participate.

"At Columbia the Uptown uses the amateur idea on Monday nights with very good results."

Jay Means, president of the I. T. O., is operating an amateur show every Sunday afternoon at the Oak Park because he found the kids like something Sunday afternoons. A trailer, run continuously, invites talented children to leave their names at the boxoffice. A woman handles the show, and Means pays the amateurs a little for their acts. The idea has built up Sunday afternoon attendance of children, Means said.

Bank Nights Spread In Omaha Territory

(Continued from page 1)

city, bank night is operated in Blank's two houses, and in the two independent houses managed by Harry Schiller and W. L. Youngclaus.

In Fairbury and in Hastings, Blank houses are using bank night. However, competitors have been invited to join in the stunt, Blank thus far refusing to acquire the stunt exclusively for any one situation.

E. R. Cummings, district manager for A. H. Blank at Omaha, said bank night would not be brought into Omaha or Sioux City.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Diamond Jim"

(*Universal*)

Hollywood, July 10.—On a sprawling canvas of the gay nineties covering the era of the nation's growing pains strides the almost legendary figure of one of America's most colorful personalities, Diamond Jim Brady. Bursting with the zest of living, this patron of the lovely ladies, disporter of diamonds, giant eater, racetrack fan, super-salesman and showman is here dramatically painted to recapture the heart and soul of a lavish spender who could buy anything but love.

Edward Arnold is Brady to the life, giving a performance again testifying to this sterling trouper's versatility. He imparts gusto and rainbow shading to the role. Binnie Barnes plays Lillian Russell, that glamourous lady of the period. Jean Arthur is the object of Brady's affections who later marries Cesar Romero. The cast, including George Sidney, Hugh O'Connell, William Demarest, Eric Blore and others, conveys the spirit of the era and fits the period's pattern.

The production spans the second phase of America's pioneering, railroading, and its effect on Jim's growth and the growth of the country.

Edward Sutherland directed with a feeling for detail and personal drama. Harry Clark and Doris Malloy did a difficult job of adaptation. The screen play is by Preston Sturges.

Eddie Grainger produced for a show that appeals to eye and heart.

Where Diamond Jim Brady's name is a box-office magnet exhibitors should do gratifying business. Smart exploitation may be needed where it is not so well known.

Production Code Seal No. 997. Running time, 97 minutes. "G."

"The Irish in Us"

(*Warners*)

Hollywood, July 10.—Here is one to raise the roof with audience mirth. Comedy and sentimentality mingle for a wild Irish hit.

Mary Gordon scores as the waddling, sweet, peppery mother of Pat O'Brien, James Cagney and Frank McHugh. Pat, a cop, falls in love with the police chief's daughter (Olivia de Haviland) and makes the mistake of boasting he is thinking of marrying her.

Cagney, hopefully trying to become a fight manager, falls for Olivia also. The brotherly battle is finished after Cagney takes a terrific beating as a substitute for his punch-drunk fighter in a match with the middleweight champion. Allan Jenkins draws howls as a dim-wit fighter who starts to slug every time he hears the bell.

McHugh, a fireman, causes three tidal waves of laughter. Cagney, in a smaller part than usual, turns in a sincere performance, as does O'Brien. Miss de Haviland looks like a coming bet. J. Farrell MacDonald, Thomas Jackson and Harvey Perry are excellent in support. The screen play of Earl Baldwin, from a story idea by Frank Orsatti, is sure box-office material emphasized for laughter and sentiment by Director Lloyd Bacon.

You can go the limit on this. It should keep 'em howling.

Production Code Seal No. 1049. Running time, 83 minutes. "G."

Loew Sets Screeno, Bank for 9 Houses

(Continued from page 1)

officials state. Oscar Doob, advertising and publicity head of the circuit, will be in charge of the games.

The seven theatres slated for screeno are: Ave. B, Victory, Burnside, Oriental, Boston Road, Burland and Premier. The Boulevard and Gates will play bank nights.

Each of the houses will put on the game one night a week. No decision has been reached on out-of-town houses in the circuit.

RKO does not intend to distribute giveaways or innovate chance games in any of its theatres.

Arrest Over Milwaukee Screeno

Milwaukee, July 10.—Local police have taken a hand in the premium craze and have issued a warrant for Milton H. Harmon, manager of Saxe's Garfield. He was charged with conducting a lottery. The house has been offering screeno with cash prizes.

The latest addition to the giveaway policy is Fox's Palace, which has announced a screeno carnival starting July 12 and running five days.

Screeno Reaches Cincy

Cincinnati, July 10. — Although none of the downtown houses heretofore have resorted to bank nights, giveaways, or similar business stimulants, the Strand, independent first and second run, has inaugurated a series of screeno nights.

Theatres Hit Hard in Flood Areas Upstate

(Continued from page 1)

fear the after-effects on business will be worse than the actual rain.

A long distance telephone call to Smith's Film Delivery Service at Syracuse yesterday disclosed that actual stoppage of film deliveries was confined to Monday night during the height of the storm, except in Marathon, Interlaken and Bath, where deliveries are still interrupted.

At 11 o'clock Tuesday morning Smith's resumed service by using detours. This makes earlier starts necessary, but trucks are getting through to Binghamton and its surrounding towns, and Elmira, Ithaca and the lake regions.

The flood went southward rapidly. The Perkomen Valley, Mt. Carmel, Mahonoy City, Collegeville, Pottsville and other Pennsylvania spots were hit. The Capitol at Pottsville was under eight feet of water for a time.

Train service on the Lehigh Valley, Lackawanna and other railroads was interrupted.

Elmira Area Recovering

Elmira, July 10.—The flood peak passed Monday night, with Hornell theatres closed Monday and Tuesday. Theatres in Bath and Addison were under water.

Ithaca, Corning, Elmira and other spots are open and doing better than normal business. Exhibitors are picking up film deliveries made by the Lehigh Valley Railroad at Sayre, 20 miles away. All other railroads were washed out.

The heaviest damage was done at Watkins Glen. Just how much damage was done to the theatres there is not known yet.

Crops have been damaged and money is scarce in the rural districts, so that the ultimate effects will be on week-end business.

Bath Completely Isolated

Bath, N. Y., July 10.—Bath was isolated from 3 A. M. Monday until Tuesday night. The power plant was submerged Monday morning and no shows were given from Sunday until Tuesday night when a temporary power hookup was allowed. One show was put on Tuesday.

There have been no film shipments in or out so far.

Water was six feet deep in the basement of the Babcock, managed by Harold C. Lee. Damage to the lobby was averted by Lee and his staff.

The power situation will probably be bad for a week and business may be affected throughout the locality.

Binghamton Houses Crippled

Binghamton, July 10.—Theatres here were crippled for a time and business has been hard hit. Many bridges are closed to automobiles and some have been washed out.

Rochester Hit Lightly

Rochester, July 10.—This section was out of the heaviest part of the storm area and theatres were kept in operation during the heavy rain Sunday.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 10 NEW YORK, FRIDAY, JULY 12, 1935 TEN CENTS

English Group Planning for Color Series

Raycol Process Will Be Used in Three Tones

By BRUCE ALLAN

London, July 2.—Associated Talk-ng Pictures, Ltd., plans a series of eatures in full color. The Raycol process will be used in the A.T.P. studios at Ealing Green, of which Ba-il Dean is director in chief.

J. and S. Courtauld, the rayon mil-ionaires, are on the boards of both A.T.P. and Raycol, Ltd., and will inance experiments to be conducted at Ealing in conjunction with Bellingam & Stanley, the optical specialists, o improve Raycol from a two-color o a three-color basis.

"Love Me Forever" $85,300 2nd Week

"Love Me Forever" in the second week at the Music Hall continued as a formidable competitor to all Broadway theatres. Grossing on an average of $12,000 a day, the final tally for the second stanza was $85,300. For the first ive days, the gross was $61,895. On Tuesday, the picture garnered around $13,000 and on Wednesday the intake was slightly under $11,000. The Grace Moore film is expected to get over $70,000 for the third week.

The first seven days of "The Raven" at the Roxy was good for $24,400. Because of the July 4 change of show, the film was held an eighth day. For the eight days, it was

(*Continued on page 2*)

Kung He Fa Toi

(*Whatizit?*)

The New York censor board refuses to issue a permit for the Lou Weiss picture, "Captured in Chinatown," until Principal Film Exchange, local distributor of the picture, finds a reliable Chinaman who can translate to the board's satisfaction the fragments of Chinese sprinkled throughout the dialogue of the picture. The board has indicated its approval of everything in the film that isn't Chinese to it.

S. S. Krellberg of Principal claims he has been hunting a week without success for a Chinaman who can do the translating.

Skouras Drops Four; Will Pool 7 Others

George Skouras tomorrow will drop four New Jersey houses from his Fox Metropolitan group. He also has a deal on with Warners to pool seven Jersey theatres, starting Sept. 1. Negotiations on the pooling arrangement are expected to be closed within the next few weeks.

The quartet to be dropped are the Pascack, Westwood; Queen Ann, Bogota; Palace, Bergenfield; Dumont, Dumont. Losses sustained during the last few months brought about the decision to cancel the leases.

The joint operating deal with Warners will take in the Fox, Oritana, and Eureka, Hackensack; Liberty, Ritz and Regent, Elizabeth; State and Stanley, Jersey City. The Fox, Liberty and State are Skouras units.

Ricketson Leaves; Contract Unsigned

Rick Ricketson yesterday left for Denver with his five-year contract as president and operating head of Fox Intermountain, formerly Fox Rocky Mountain, unsigned. He had been in New York for five weeks conferring with Spyros Skouras on the contract and product deals.

Upon his return to Denver, Ricketson will study the contract and probably sign it. He does not plan to come east again for some time.

Elmer C. Rhoden, who operates the Fox Midwest group, will not arrive from Kansas City this week, as expected. He will return in about 10 days when Skouras is due back from a flying trip to the coast.

U. A. Owner-Members Sign 10-Year Pacts

Hollywood, July 11.—United Artists owner-members today signed 10-year contracts binding them to produce films during that period exclusively for U. A. release. Independent producers, not bound by the 10-year pact, will sign exclusive contracts to produce for U. A. release only. Joseph M. Schenck, former U. A. head, Darryl Zanuck and S. R. Kent arrived today.

Detroit Pool Ending; RKO and Fox on Own

Detroit, July 11.—RKO and the Fox end their operating pool here shortly and on Sept. 1, the former circuit will reopen the RKO Downtown under its old policy of first run attractions, concentrating chiefly on RKO product. The Fox will draw upon Fox-20th Century, Universal and Columbia next season.

Katz' Para. Claim Banned by Referee

The $281,734 claim of Sam Katz against Paramount, based on a personal service contract, was disallowed in a report made yesterday by Special Master John E. Joyce which, film attorneys believe, may affect all personal service contracts similar to the one held by Katz while at Paramount.

Joyce's report is based on Section 60 of the stock corporation laws, which provides that the board of directors of a corporation can appoint men to office and remove them at will, even though the appointee is a contract employe, without incurring company liability for the unexpired portion of the contract.

Samuel Spring, attorney for Katz, and Root, Clark, Buckner & Ballan-

(*Continued on page 2*)

Stipulations Signed In Philco-RCA Suit

Wilmington, July 11.—Stipulations under which the Philadelphia Storage Battery Co. agrees to pay Radio Corporation of America royalties on the basis set forth in the first named company's injunction bill have been signed by counsel for both parties and filed in Chancery Court.

The Philadelphia company recently filed a bill to enjoin RCA from revoking a license agreement under which it is licensed to use the company's patents for manufacture of radio equipment.

The stipulations are to remain in effect pending final determination of that suit. If it is finally determined

(*Continued on page 2*)

"U" Sues Underwood, Texas Circuit Head

Universal yesterday filed suit in the New York Supreme Court against William G. Underwood, Texas circuit operator, for $15,150.22. The distributor alleges breach of contract and charges that Underwood is personally responsible for the amount sought.

Phillips & Nizer are representing Underwood and Willard C. McKay,

(*Continued on page 2*)

RFC Denies Refusal Of Loan to Cullman

Washington, July 11.—Officials of the Reconstruction Finance Corp. today denied that Howard S. Cullman's application for a $750,000 loan for the Roxy Theatre Corp. had been turned down, declaring that no formal application has ever been filed.

However, it was indicated, officials

(*Continued on page 2*)

Denies Lehman Seeks Merger Of Para.-RKO

So Hertz Says—Divulges More Para. Inside

By SHERWIN A. KANE

John D. Hertz

A denial that Lehman Bros., investment banking firm, which has two members on the RKO board and one on the new Paramount board, has any thought of the probabilities of effecting a merger between the two film companies was made by John D. Hertz, Lehman partner and Paramount director, when the hearing conducted by the Securities and Exchange Commission for the purpose of examining the reorganization of Paramount, was resumed after an all-day Wednesday session.

John D. Hertz's story of his regime at Paramount appears in detail on pages 3 and 8.

In addition to Hertz's presence on the Paramount board, Lehman is represented by Paul M. Mazur and Arthur Lehman on the RKO board. The investment bank is also affiliated with the so-called Fortington creditor

(*Continued on page 3*)

Well, Maybe!

Cleveland, July 11. — Leo Jones is lessee and manager of the Star, Upper Sandusky. Before becoming an exhibitor he was feature booker at the local M-G-M exchange. Recently Leo got married.

He had no problem making up his mind as to that. But what worried him was what picture to book into his theatre on the happy wedding day. For a while he vacillated between "The Nitwits" and "No More Ladies." but he finally decided on "Public Hero No. 1."

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Hertz Group Bid on CBS Para. Holdings

A syndicate formed by John Hertz in 1932 bid against Columbia Broadcasting System for a half interest in its own stock which was held by Paramount and netted the latter company $1,000,000 as a result, Hertz told examiners for the Securities and Exchange Commission at the resumed hearings here.

In 1929 Paramount had acquired the half interest in C.B.S. by issuing to the broadcasting company Paramount stock which was guaranteed for repurchase in 1932 for $4,100,000. When the agreement came due Paramount no longer wanted an interest in C.B.S., Hertz said, but felt that William Paley, C.B.S. head, would match any price bid for the stock in order to retain control of his broadcasting company. Hertz had a $2,000,000 participation in his syndicate; Otto Kahn, the late Kuhn, Loeb & Co. head, $2,000,000, and B. & K.. Chicago, $1,000,000. The syndicate bid $5,100,000 for the C.B.S. stock, which was matched by Paley, whereupon Paramount redeemed its own stock at the guaranteed price and deposited the $1,000,000 balance.

"Although we were prepared to make good on the bid," Hertz remarked, "we were pretty confident we wouldn't have to."

Meighan Reported Better

Thomas Meighan was reported in favorable condition yesterday following an operation at Doctors' Hospital for a congestion of the lung.

Katz' Para. Claim Banned by Referee

(*Continued from page* 1)

tine, counsel for the Paramount trustees, were given until July 20 to file exceptions to Joyce's report. Thereafter the case will be placed on the regular banruptcy calendar for hearing in the U. S. District Court here. The Root, Clark office said it probably would not file exceptions, as it was satisfied with the ruling. Spring could not be reached for comment.

"U" Sues Underwood, Texas Circuit Head

(*Continued from page* 1)

Universal counsel, is representing the distributor. No date for hearing has been set.

The seven Texas theatres involved are the New, Marshall; New, Port Arthur; New, Nacogdoches; New, Jacksonville; Dixie, Bryan; New, Sequin; New, Conroe.

Underwood was served with a summons by Universal some time ago when he was in New York which moves the jurisdiction of the suit from Texas to New York.

Stipulations Signed In Philco-RCA Suit

(*Continued from page* 1)

that the basis of the royalty payments is erroneous, the defendant is to refund to the complainant the difference between the amount paid and the amount determined to be due. The temporary restraining order issued on application of the complainant is to remain in force.

"Love Me Forever" $85,300 2nd Week

(*Continued from page* 1)

expected that the gross would approximate $28,000.

"In Caliente" at the Strand for a second week finished with around $12,000. The second week of "Sanders of the River" ended in the neighborhood of $9,000.

RFC Denies Refusal Of Loan to Cullman

(*Continued from page* 1)

of the RFC are not likely to look favorably upon a theatre loan. The organization has never gone into the theatre business, it was explained, and, it was informally added, does not believe it should do so.

Allied to Meet at Shore

Allied of New Jersey is set to hold its first monthly meeting at the Marine Grill, Boardwalk and Ocean Ave., Asbury Park, next Tuesday. Luncheon will be held from 1 to 2 P. M., to be followed by a business session which will break up at 5:30 P. M. At 6:30 a stag dinner and get together dinner will be held. Sidney Samuelson will preside.

"Dream" Set for Oct. 9

Opening of "A Midsummer Night's Dream," Max Reinhardt's production for Warners, has been set for the Hollywood Oct. 9. It will be run at $2 top with the understanding that no other New York house will get it for one year after the Broadway run.

Wall Street

Big Board Issues Dip

	High	Low	Close	Net Change
Columbia, vtc	76	74¼	75	—1
Consolidated Film	4	4	4	— ⅛
Consolidated, pfd.	16⅛	15⅞	16	— ¼
Eastman	150½	149¼	149¼	—1¼
Fox "A"	16¾	16	16½	— ¼
Loew's, Inc.	44	43⅛	43½	— ⅜
Paramount Pub...	4¼	4	4	— ¼
Pathe	⅝	⅝	⅝	.....
Pathe "A"	8¾	8½	8½	— ¼
Warner	4⅛	4	4	— ⅛
Warner, pfd	25⅛	25	25	— ¼

Curb Stocks Show Gains

	High	Low	Close	Net Change
Technicolor	18½	17⅝	18½	+ ¼
Trans-Lux	2⅜	2¼	2⅜	+ ⅛

Bond Market Is Off

	High	Low	Close	Net Change
General Theatre Equip. 6s '40....	12½	12	12½	— ¼
Loew's 6s '41 ww deb rights...	103⅝	103⅝	103⅝	— ⅛
Paramount F. L. 6s '47	96	96	96	.....
Paramount Publix 5½s '50	97¼	97¼	97¼	.....
Warner Bros. 6s '39 wd........	66⅞	65¾	66¾	— ½

(Quotations as at close of July 11)

Republic Exchange Opened with Party

More than 300 exhibitors and friends of Herman Gluckman and Jack Bellman yesterday attended the formal opening of the Republic Exchange in the Film Center Building. The new Republic branch is a combination of Gluckman's Majestic exchange and Bellman's Hollywood office. A buffet lunch was served while a Hawaiian string trio provided music.

Chaplin to Aim at New Film Technique

Hollywood, July 11. — Charles Chaplin aims at something "new and different" in the feature he will produce and direct for United Artists' 1935-36 program, he told the final session of the sales convention yesterday.

What he hopes to do, he said, is introduce a novel technique as he did in "A Woman of Paris."

Approve Sonotone Issue

Sonotone Corp. stockholders have approved an issue of 50,000 shares of cumulative preferred stock. Dr. Hugo Lieber, president, explained that the new issue was to give the company a strong working capital.

Sales for the first half of 1935, he said, were $870,000, a gain of 37 per cent over the same period last year. He predicted earnings for the second half of the year probably would equal all of last year.

Smith Gets Medallion

Boston, July 11.—Philip Smith, theatre operator, and a group of other exhibitors have organized a new independent exchange to be known as Medallion Pictures of New England. It will handle distribution of the eight pictures which Victor and Edward Halperin will produce for Medallion Productions, Inc.

Rites Held for Long

Beverly Hills, Cal., July 11.—Private funeral services were held here today for Ray Long, writer and editor, who killed himself Tuesday. Cremation followed.

Purely Personal

Freddie Schader, for years one of the best known theatrical reporters along Broadway, is back on a short holiday and for the first time in two years. **Rae**, or in other words, **Mrs. S.**, is with him. **Freddie** is the advertising and publicity chief for the Fox Detroit.

•

George Schaefer, Y. Frank Freeman, Bill Scully, Jack Bowen, John D. Clark, Charles McCarthy, Osgood Perkins, Martin Beck, George Skouras, Bill Powers and **Louis Weber** convened at Sardi's yesterday for a mid-day snack.

•

Morris Kinzler leaves for Brant Lake today for a two-week vacation. **William Boehnel** of the *World-Telegram* also quits the city today for a fortnight's layoff.

•

Rick Ricketson, Spyros Skouras, Albert Warner, George Weeks, Arthur Lee and **A-Mike Vogel** lunched at the Plaza Hotel grill room yesterday.

•

Ned Depinet and **Jules Levy** conferred with **Spyros Skouras** yesterday on an important product deal.

•

Spyros Skouras will take the birdies' route to the coast today.

Indiana Allied Backs Pettengill Measure

Indianapolis, July 11.—The Pettengill anti-block booking bill was endorsed by Indiana Allied at its joint meeting here today with the Kentucky unit. Block booking evils were discussed. Sentiment seemed to favor relief for the industry through modification of existing copyright laws.

Sidney Samuelson, Abram F. Myers, Walter Littlefield, H. M. Richey, P. J. Wood, Aaron Saperstein, Ray Branch and Ray Tesch were among the speakers. R. R. Bair, head of Associated Theatre Owners of Indiana, presided, with Charles R. Metzger, its general counsel, as chairman.

Price to Jacksonville

E. B. Price, who was recently elected to the 100 Per Cent Club for a third time because of his sales record at the Atlanta exchange, has been promoted to manager of the Paramount branch in Jacksonville. He succeeds Scott Chesnutt, who has resigned due to ill health.

New Danubia Subsidiary

Danubia Distributing Corp., a subsidiary of Danubia Pictures, has been formed here with Eugene J. Land and Bela Black as heads of the new company. The new concern, besides handling all the product of Danubia, will release Hungarian and English pictures in this country.

Cobb Gets Magnacolor

C. Lang Cobb has closed a deal with Consolidated Film Industries, Inc., giving him exclusive American distribution of Magnacolor. Developing and processing will be divided between Consolidated's New York and Hollywood laboratories.

DeniesLehman Seeks Merger Of Para.-RKO

(Continued from page 1)

group, which has three directors on the new Paramount board in addition to Hertz.

Denial also was made by Hertz, former chairman of the Paramount finance committee, that the Lehman firm is RKO's banker, or even considered such, or that Lehmans, together with the Atlas Corp. and Hallgarten & Co., which own 75 per cent of the new $6,400,000 issue of Paramount second preferred stock, can be regarded as "Paramount's new bankers." Mazur and Lehman, Hertz said, are inactive as members of the RKO board, "because the company is in the hands of receivers, has been for several years, and is likely to be for several more years."

In reply to a question put to him by Samuel C. Clark, Jr., special attorney for SEC, Hertz said that he regarded RKO as "only a smaller competitor of Paramount's at the most."

Procedure in Offering Issue

Testimony given at the hearing by Hertz and Edwin L. Weisl, of counsel for the Fortington group, disclosed that a definite program was followed in offering Paramount's new $6,400,000 issue of second preferred in order to prevent the issue from being offered publicly. The issue was underwritten by the Atlas Corp. and offered by the underwriter to members of the Fortington group with "a gentleman's agreement" among the subscribers that it would not be re-offered to the public. This was done, according to Weisl, because Atlas did not want to be identified with a public stock offering. The agreement implied, he said, that those to whom the stock was offered would retain it as a perment investment and, while no specific period of retention was designated in the agreement, he said he felt that any sale of the stock for immediate profit would constitute a breach of the agreement. Holders, however, would not be restrained from selling in a drastically declining market.

The agreement in connection with the offering of the stock appears to have some significance in that a cardinal point in the platform of the Fortington group, reiterated by its representatives inside and outside of court, has been that the owners of the company should control its management. The agreement, if maintained by the holders of the stock, would appear to continue members of the Fortington group as "owners" of Paramount and permanent factors in its management.

Atlas retained 25 per cent of the offering and made 25 per cent available to Hallgarten & Co. and another 25 per cent to Lehman Bros. and its affiliate, Lehman Corp. Goldman-Sachs was offered five per cent; Frederick H. Cassatt & Co., of Philadelphia, five per cent; White, Weldon & Co., two and one-half per cent, and the balance in smaller amounts to other firms. Atlas received a commission of one per cent, or approximately $64,000, for its underwriting, the costs of which would approximate $10,000, Weisl said.

Asked by SEC counsel whether he did not regard it as "unusual" for an underwriting firm to retain such a large amount of the issue it had undertaken to market, Weisl replied in the negative.

"No New Bankers," Says Hertz

"But the usual practice for an underwriter is to dispose of the entire issue, isn't it?" counsel commented.

Hertz was asked who Paramount's new bankers were, and replied that the company "has no new bankers." In reply to another question, he stated that he did not believe that the 75 per cent ownership of the new second preferred made Lehmans, Atlas and Hallgarten the "new Paramount bankers."

"Speaking for Lehmans," he said, "I know that firm has no thought of it."

It was also disclosed that on about May 10 Atlas had purchased 5,000 shares of new Paramount first preferred, of $60 par, on a when, as and if issued basis, at prices ranging between $50 and $60 per share. This stock is now quoted as $79 per share. Hertz testified that he was asked by Weisl if he, Hertz, cared to participate in this issue and had replied that he "would take all he could get." Hertz was then granted a one-third participation in the 5,000 shares held by Atlas. He said that while he thought that "a very nice favor had been conferred on him by Atlas," he felt in no way obligated as a result.

"It was a friendly gesture," he said. "We had worked together for months and grown to like each other."

Hertz was queried repeatedly by counsel for SEC on the ethics and propriety of his past and present position in the Paramount picture in the light of his present affiliation with the Fortington group, whose platform of corporate behavior and good manners for Paramount officialdom has been used by the group during the past six months in taking the measurement of more than one aspirant for a place in the new Paramount, and found them wanting.

Holds Stock Buying Not Wrong

The dalliance of former Paramount officers and directors with the company's securities has raised the collective eyebrows of the Fortington group. Asked yesterday whether he saw any impropriety in his or Lehman Bros.' buying of new Paramount securities at a time when he, Hertz, was a designated director of the new company, Hertz replied in the negative. Again, asked whether he knew if it was not an objective of the Fortington group to eliminate investment bankers from new Paramount financing, Hertz replied that he "never understood so."

At another point, his attention was called to a letter introduced at the SEC-Paramount hearings in Washington recently, which was written by Fortington to Lansing P. Reed, of counsel for the Vanderlip debenture holders' committee and which cited a number of acts of mismanagement attributed to the former directors and officers of the company. One of these cited the Film Productions Corp. transaction, under which negatives were pledged as collateral to creditor banks. Hertz, as a director at the time of the transaction, voted for this proposal, it was brought out yesterday.

The Fortington letter referred to the suits brought by the trustees in bankruptcy against former Paramount officers and directors to recover for amounts expended on the repurchase of the company's stock and for bonuses and salaries of alleged unreasonable amounts. Hertz is a defendant in both actions. The Fortington letter declares that if even a slight recovery could be had on these suits it would not be necessary for the new company to obtain any other new cash.

Hertz said he saw nothing inconsistent in his position, which, as a defendant, inclines him to hope that the suits cannot be won and, as a director, obligates him to aid in increasing the assets of the company. The recovery of several millions of dollars for Paramount is involved in the actions. Hertz explained that the trustees, not the directors, retain the causes of action in these suits, and that, therefore, the new board will have nothing to do with them. He added that he would be willing to pay damages to the company if a fair trial proved himself to be liable.

On the subject of the Fortington contention that "owners" of the company should control, Hertz, whose present holdings in Paramount securities date only from January, 1935, was asked if he understood this to apply "only to new owners or to the old ones, as well." Admitting that his holdings were of recent origin, Hertz said: "At least, I do own them. I can name several Paramount directors who probably don't own any."

Believed Para. Affairs "Chaotic"

Queried on his reintroduction to Paramount affairs, Hertz related that he had shied away from the situation all of last year because he believed the company's condition to be "chaotic," and referred to the Ralph Kohn and Emanuel Cohen resignations to explain his viewpoint. At the latter part of the year, he said, Frank B. Altschul, head of Lazard Freres, informed him that a reorganization was impending and asked him to join a creditor group then forming. Altschul introduced Hertz to Fortington, and he joined the latter's group on learning it was "the largest" owner of Paramount securities and that his ideas coincided with Fortington on reorganization procedure. He was also influenced, Hertz said, by his desire to "justify" his 15 months of "hard work" in Para-

(Continued on page 8)

Cook Will Await Court's Orders Upon Para. Fees

Objections to any of the applications for fees for services in the Paramount bankruptcy and reorganization will be made by Alfred Cook, of counsel for Paramount, only in the event he is directed to do so by the company, Cook told the resumed hearings of the Securities and Exchange Commission here.

The applications aggregate $3,222,000 and will be heard by Federal Judge Alfred C. Coxe on July 18. Cook asked to be excused from venturing an opinion as to whether any of the fees sought were "excessive," declaring that it was a matter which had not been passed upon by the court. He said, however, that he "would have an answer" if his opinion was sought by the court on July 18.

Cook's firm has an application in for $250,000, which he called a "very modest and reasonable sum." His firm was employed both as counsel for Paramount and for the stockholders' protective committee.

Questioned by SEC counsel as to whether or not he owned or dealt in Paramount securities during the reorganization, Cook replied that he did not and as senior partner of the firm of Cook, Nathan & Lehman "would discharge any partner of his who had."

Louis M. Loeb, partner in Cook's firm, was interrogated on the formation and activities of the committee. He admitted that the de-listing of stock of bankrupt corporations resulted in increased deposits by stockholders with protective committees, due to the fact that the certificates of deposit may be traded when the stock cannot.

Retention of protective committees under 77-B was urged upon the SEC examiner by Cook, who said that without them there would be 100 lawyers representing small interests and taking up endless time in court instead of one counsel representing a large consolidated interest.

Hertz's Way

Asked by counsel for the SEC examining the reorganization of Paramount, how he had succeeded in reducing theatre leases, John D. Hertz, former chairman of the finance committee, had this method to narrate:

"We played it catch-as-catch-can, mostly. One way that usually brought results was to threaten to close the theatre unless the rent was reduced. Most theatre buildings are occupied by stores, too, and if the theatre closed the stores would have to close, too, and it would result in a complete loss of income for the landlord."

The Camel's Back

"I had been pushing him (Zukor) around. I'd cut his son's salary from $50,000 to $25,000 and vetoed one of his (the son's) lump expense accounts. I refused for a month to okay a $1,000 phone bill of Zukor's which was for night calls to the studio, made from Zukor's home, when I learned that he was in the habit of calling up the studio manager and chatting with him for hours whenever he felt lonesome. That led to one of our most serious quarrels. I issued instructions that no more phone calls were to be made to the studio from his hotel."—John D. Hertz testifying on the Paramount reorganization before the SEC.

6,000 FLORISTS *will help you*

BONDED MEMBER
FTD
Flowers-by-Wire
— GUARANTEED —
"THE MERCURY WAY"

This emblem
guarantees
your tie-up

"ORCHIDS

YOU HAVEN'T A SHOW WITHOUT FOX

ELL IT WITH FLOWERS!

A gigantic national tie-up with 6,000 bonded members of the Florists' Telegraph Delivery Association. Already the Tri-State Florists have hailed the picture at their convention. Other screenings follow at forthcoming sectional conventions. See the FOX campaign book for details. Follow Hollywood Reporter's advice: "Give it both barrels . . . audiences will love it!"

TO YOU!"

JOHN BOLES
JEAN MUIR
CHARLES
BUTTERWORTH
RUTHELMA STEVENS
HARVEY STEPHENS
ARTHUR LAKE

Produced by Robert T. Kane

Directed by William A Seiter • Screen play by William Hurlbut and Bartlett Cormack • Original story by Gordon Rigby and Robert Dillon • Adaptation by Howard Estabrook

Remember
THIS YEAR'S
PROFITS
come from
THIS YEAR'S
PRODUCT

Warners

There's a great show coming!

Not next fall—not next year—but right smack-dab in the middle of this summer!

This is a friendly but urgent warning not to overlook this quick cash opportunity just because we haven't been yelling about it months in advance.

We've been so busy telling you the great news of "G-Men," "Lamps of China," "Girl from 10th Avenue," "In Caliente," "Alibi Ike" and "Stranded" that we haven't been able to get a word in edgewise about "BROADWAY GONDOLIER."

Here's a show that we had cast lavishly, with DICK POWELL, JOAN BLONDELL, Adolphe Menjou, Louise Fazenda, William Gargan and a load of others . . .

On top of that we had parts written in for a lot

Warn You

of famous radio acts, including Ted Fio Rito and his band, the Four Mills Brothers, and the Canova Family . . .

Then we turned the direction over to Lloyd (Sure-Fire) Bacon, and commissioned hit-writing Warren and Dubin to contribute six of their hottest songs.

But we still weren't sure what we had until last week's sneak preview in Hollywood.

That told us in unmistakable audience terms that we've got one of those show surprises that make picture business the most exciting game in the world.

Watch "BROADWAY GONDOLIER"...Watch your campaign on it! . . . And don't say Warners didn't warn you!

DeniesLehman Seeks Merger Of Para.-RKO

(*Continued from page* 3)

mount during 1931 and 1932, which he felt had not been "appreciated," and also "to make an opportunity" for himself and his company, Lehman Bros. In January he began his buying of Paramount securities, which continued through May.

Reviewing the narrative of the animosity which developed between Adolph Zukor and himself and eventually led to his resignation in January, 1933, Hertz elaborated on the policies he invoked to "outrace the depression" and save Paramount from bankruptcy. It was, to an industry mind, at least, a fascinating tale, with Hertz cast as the hero, and the depression and all who stood against him and his policies, in the role of villains who sought to throttle both himself and Paramount.

To give himself a foothold in Paramount at the outset, Hertz said, he sought through Sir William Wiseman, partner in Kuhn, Loeb & Co., Paramount bankers, to acquire stock in the company. Sir William was said to have endeavored to obtain some from Zukor and other officers of the company for Hertz but was unable to do so, at least at what was considered a "reasonable" price. Hertz, nevertheless, was elected a director and made chairman of the company's finance committee in November, 1931. Sir William had told him, Hertz testified, that Kuhn, Loeb wanted him, Hertz, in Paramount as the bank's representative because "Zukor was becoming an old man and had lost control over Paramount personnel."

Had Control Over Spending

As chairman of the finance committee, Hertz said he was given the power to veto expenditures anywhere in the organization with the exception of the studio and that at about September, 1932, following the resignation of Sam Katz, he was also given the veto power over studio disbursements. It was this veto, exercised by Hertz in small as well as large matters, that brought about what he described as his "most serious fight" with Zukor and which resulted in Hertz being forced to resign from Paramount. It was a $1,000 telephone bill, incurred by Zukor in studio calls, which Hertz said he refused for a month to approve, and the ensuing animosity between the two climaxed a personal antagonism which had been growing for a year as Hertz's "race against depression" more and more infringed upon Zukor's domain.

The influence of Kuhn, Loeb in Paramount affairs at that time was made manifest by Hertz's testimony.

"I made no move," he said, "without consulting with Sir William. I conferred with him daily, sometimes several times a day. And with Otto Kahn, too."

A comparable significance apparently attaches also to the influence in Paramount which rested with Cravath, de Gersdorff, Swaine & Wood, the Kuhn, Loeb and Paramount counsel, at the time. Hertz said that he had frequent conferences with Robert T. Swaine, whom he recognized as "general counsel of Paramount." Austin Keough, Hertz said, he regarded as "house counsel." Swaine, himself, while on the stand, told of the frequent occasions on which Paramount executives, in addition to Hertz and including Zukor and Katz, sought him out for advice, complaint and confession. The impression gained was that Swaine, during 1932, was an internal arbitrator at Paramount with an influence that bridged the animosity between two determined and aggressive executive camps. It was upon such a corporate setting that the depression and the accumulated bills for Paramount's boom years of expansion descended together, according to Hertz's account.

"When I entered Paramount," he related, "income was shrinking constantly. The problem was to cut costs faster than the shrinkage. It was a matter of outracing the depression. I cut the personnel in every department, reduced salaries $186,000 weekly, for a total of $9,300,000 during my regime. I found the telephone and telegraph bills running to $800,000 a year. I introduced a voucher system for long distance calls, and everyone who made a toll call had to fill out a voucher. I employed girls to check outgoing telegrams and eliminate unnecessary words. I reduced the annual bill in the end to about $400,000. I found that most of the toll calls were to Hollywood and that the wires to the studio were open for hours at a time. I took out phones by the hundreds in the home office and every place we had an office.

Overhauled Legal Department

"I found the head of the legal department," Hertz continued, "vacationing in Europe for three or four months at a time when the gravest problems were confronting the company. He was drawing a salary of $75,000 a year and had several assistants drawing $30,000 and $45,000. I called him home and asked for his resignation and his successor took the job at $35,000. Assistants were offered $12,000. I reduced the costs of the legal department from $800,000 annually to a reasonable amount."

Hertz detailed earlier how he had reduced Paramount's annual insurance premiums of $600,000 by "25 or 30 per cent" after advertising for bids, something, he said, that the company had never done before. He had also told of reducing theatre leases by $5,900,000, which he said the Paramount theatre department had made no attempt to do although other theatre companies had succeeded in obtaining lease adjustments during the depression. He said that he had reduced operating costs by $23,000,000 during 1932.

"That gave me only a little more than a year to work in," Hertz remarked, "and that isn't very much time."

Questioned on his reduction of personnel, Hertz said that Sir William had told him "Paramount was honeycombed with relatives" and asked him "to look that over."

"Did you find any relatives of Sir William's?" the SEC counsel asked.

"No," was the reply.

"Of anyone in Kuhn, Loeb?"

"One."

"Was he discharged?"

"I cut his salary in half and gave him four months' notice. He had been there 15 years and I couldn't find out what his job was."

"Did you find any relatives of Zukor's?"

"Yes. Most of them had their salaries cut and were given notice. I have always felt that relatives had no place in a corporate set-up, even efficient relatives. They're bad for an entire organization. Their presence discourages those who work with them. The only exception I made on relatives was that I agreed with Zukor I wouldn't insist on his son, Eugene, being discharged."

"Did you find any Lasky relatives?" counsel inquired.

"Yes."

"Katz relatives?"

"Plenty. They received the same treatment as the others."

"Any Hertz relatives in Paramount?" he was asked.

Hertz laughed and replied in the negative.

Counsel then explored Hertz's views on relatives in business by seeking to determine whether the fact that Hertz's son-in-law was a member of Lawrence Stern & Co., Chicago investment house, had any connection with the Paramount financing done by the firm while Hertz was chairman of the Paramount finance committee. Counsel also sought to determine whether Paramount's advertising account had been transferred to Lord & Thomas, which is headed by Albert D. Lasker, Hertz's closest friend, at the instance of the former chairman of the finance committee. A son of Hertz was employed by Lord & Thomas. The replies to both inquiries were in the nature of denials of influence having been exerted.

By implication more than by direct testimony, the impression became apparent to at least some of those in the hearing room that Hertz, in the exercise of his unusual powers in Paramount, reached out more and more into the realm of management, rather than confining himself to finance, and in so doing crossed swords with Zukor on numerous occasions. Even Hertz admitted this last at one point in his testimony concerning the animosity which grew up between them.

Tells of Call on Zukor

Hertz also admitted later that he had issued orders, which include Zukor, prohibiting management conferences without first consulting with the chairman of the finance committee. Despite the open animosity and perhaps moved by the holiday spirit, Hertz testified that just before leaving to spend the 1932 holidays at his Chicago residence, he called on Zukor at his home and "shook hands, showed him every indication of friendliness and co-operation and told him how much I had enjoyed the work during the year."

"He shook hands with me and cried copiously," Hertz said, "and told me he felt that Paramount would pull through."

"When I got back in New York about Jan. 1 or 2," Hertz resumed, "I found Sir William waiting in my office for me. He told me that Zukor had told him I had exceeded my authority as chairman of the finance committee and that either I would have to resign or Zukor would and would bring suit for a receiver for the company. I was shocked at being jockeyed into this position because I felt that I had done the best job of my life at Paramount."

Hertz recalled how he had consulted with Swaine and with Leo Spitz, Chicago attorney and former power at Paramount during the Hertz regime, both of whom advised him to resign. Next, he said, he went to the "15 bankers" who loaned Paramount $15,000,000, with one of the conditions of the loan being "that I would remain at Paramount," and asked their advice. They agreed that it would be best for him to resign.

"I felt that the situation was ridiculous," Hertz said. "I didn't know where I had exceeded my authority. All my policies were introduced at open meetings, approved by the board or in consultation with others. I knew someone wanted me out. I didn't learn why until much later through a friend whose integrity I trust implicitly. I was told that Otto Kahn had visited Zukor on Christmas Day had asked how I was getting along. Zukor replied, 'Alright, I guess.' Kahn then asked Zukor if he didn't believe I was too naive, too much of a country boy for the big city and its ways. Then Zukor said he thought I was. So I was told I'd exceeded my authority."

An entirely different version of the story was recounted on the stand by Swaine, who said that he had heard the story recounted by Hertz only three weeks ago and, because it seemed "so fantastic and contrary to what I knew of the situation intimately," had gone to Zukor and asked him about it. Zukor told Swaine that he had given a screening of "The Sign of the Cross" in his home on Christmas Day for Otto and Mrs. Kahn but denied the rest of the story.

Swaine then related how, at the crisis in the relations between Hertz and Zukor, he had gone from one to the other and found each "vitriolic" against the other. Next, Swaine said, he went to Kahn and learned that the late head of Kuhn, Loeb wanted Hertz to be made president of Paramount and endowed with supreme authority so that he could continue his job of overhauling the company. A "decorative" post would be found for Zukor, Swaine said he was informed. It developed after a careful analysis of the Paramount board, however, that not enough strength to displace Zukor could be marshaled by the Kuhn, Loeb forces. Swaine, warning of a "public row" should Zukor carry out his threat to resign and bring suit for a receivership, advised abandoning any move to displace Zukor and urged Hertz's resignation.

Zukor Pretty Sore, Says Swaine

"It is difficult to believe how wrought up Zukor was at the time," Swaine said. "He probably would have carried out his threat. Hertz, in good faith and sincerity, felt that he couldn't do his job unless he had supreme authority, but under the by-laws he didn't have it and it couldn't be given him. Kahn's approval to Zukor's continuance was given most reluctantly."

Swaine said that in his opinion Hertz had exceeded his authority in ordering Zukor not to hold departmental conferences without consulting Hertz and not to phone the studio.

The SEC hearings, which were begun in Washington two weeks ago and resumed here because of Hertz's inability to attend a Washington session, were concluded with testimony on organization and activities of the Paramount stockholders' protective committee, given by Alfred Cook and Louis Loeb, of counsel for the committee. The purpose of the hearings is to complete a study of the Paramount reorganization, the first large company to be reorganized under the new bankruptcy laws, in order to recommend to Congress the enactment of supplemental or corrective amendments to Section 77-B.

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Gov't's Case In St. Louis Holds to Fall

Judge Decides to Hop Hot Weather Hurdle

ST. LOUIS, July 12.—Definite decision today was reached by Federal Judge George Moore to put off hearing on the Government's anti-trust suit against Warners, Paramount and RKO until after the summer vacation. The clerk of the court dispatched notices to that effect to all parties involved. The trial will be docketed during the September term, which opens on Sept. 16, as a result of Judge Moore's decision.

Judge Moore is expected to start his vacation about Aug. 1. There is

(*Continued on page 2*)

IATSE Defense Fund Begins to Take Form

ST. LOUIS, July 12.—The local operators and stagehands unions on Monday start collecting the two per cent assessment unanimously voted at the recent meeting here of the general executive committee of the international for a $1,000,000 defense fund.

John P. Nick, vice-president of the I.A.T.S.E., is in New York conferring with George E. Browne, president.

George Browne could not be reached yesterday. Harland Holmden has returned from Chicago in connection with Local 306 activities. He, likewise, could not be reached.

Wanger to Stay with Para. for One Year

HOLLYWOOD, July 12.—Walter Wanger has signed a new contract with Paramount for one year, during which he will make six films on a $2,500,000 budget. Titles and players will be announced in two weeks. Wanger has Henry Fonda, Charles Boyer, Joan Bennett, Frances Langford, Peggy Conklin and Alan Baxter under personal contract.

Skouras Will Drop 4 N. J. Houses Monday

Taking advantage of the week-end business, George Skouras will drop the Pascack, Westwood; Queen Ann, Bogota; Palace, Bergenfield; and Dumont, Dumont, N. J., on Monday instead of today, as originally planned.

U.K. Newsreel Theatres May Be Step Toward Television

By BRUCE ALLAN

LONDON, July 5.—The association of Lord Beaverbrook with Will Evans in a British syndicate to exploit Trans-Lux patents in a circuit of British and Continental news theatres may indicate the development of these establishments into film and television theatres at the earliest practicable moment. On the inside it is generally believed that Beaverbrook has big interests in television, not publicly announced.

* * *

At the sixth annual meeting of Baird Television, Ltd. Sir Harry Greer, chairman, said experiments had been conducted with a large measure of success for the production of large screen pictures of high definition tele-

(*Continued on page 3*)

Toronto, Ace Theatre City In Dominion

TORONTO, July 12.—While Montreal is the Dominion's largest city, Toronto led the country as its ace theatre city, official figures divulged here today reveal.

Local revenue ran to $4,744,000 for 1934, or an increase of 1.8 per cent over 1933. On the other hand, Montreal revealed a decrease of 3.2 per cent with a total of $3,950,000 for 1934. Vancouver stood third in the list with $1,575,300, while Winnipeg was fourth with $1,423,800 and Ottawa next with $836,900.

As compared with the previous year, revenue increases were noted for 1934

(*Continued on page 3*)

Katzes Open 'Change In Atlanta; Plan More

ATLANTA, July 12.—M. C. Katz and Ike Katz, the latter president of GFTA Independent Theaters' Ass'n, will open an exchange here to be called Paragon Film Company. It is understood 52 Western and action pictures are on the company's list. Ike states the company will later open in Charlotte and New Orleans. M. C. Howard, former distributor of First Division here, has been named sales manager.

"Time" Will Receive Wider Radio Tieup

With the release of its fifth issue Aug. 2 by RKO "The March of Time" will enter a period of wider radio activity, it is disclosed by Roy E. Larsen, its president. Beginning in August "The March of Time" will go on the air over a CBS hookup

(*Continued on page 2*)

Canada Shows Confidence in Building Rush

TORONTO, July 12.—A sign of renewed confidence on the part of exhibitors in Canada is found in a wave of theatre building operations. A. J. Casselman is erecting an entirely new house at Williamsburg, Ontario, to which centre thousands of people are being attracted by the cures of Dr. M. W. Locke, noted Canadian physician. At Timmins, Ont., in the heart of the prosperous mining districts, the new Mascioli, a deluxe house seating 1,400, is nearing completion. David Rubin, former Ottawa theatre manager, is erecting a new theatre to be known as the West-

(*Continued on page 3*)

Army Dep't Seeking More Post Theatres

WASHINGTON, July 12.—Construction and improvement of more theatres at Army Posts is planned by the War Dep't with the use of Public Works funds, it was disclosed today by the Division of Applications and Information of the Works program.

Applications for allocations filed by the department ask for $40,000 for a theatre at Selfridge Field, Mich.; $30,000 for one at Fort Totten, Long

(*Continued on page 2*)

Keough May Preside At Code Discussion

Austin C. Keough, chairman of the legal committee, will probably preside at the next meeting of former Campi men and alternates. J. Robert Rubin was slated to preside at a session scheduled for last Monday, but which was called off because Keough was

(*Continued on page 2*)

RKO Position Is Improved, Trustee Says

Fixed Indebtedness Is Cut—Claims Down

RKO has cash on hand of more than $4,659,000, has reduced its fixed indebtedness during the past two years by over $2,600,000 and has paid out approximately $3,000,000 in interest on indebtedness, it is disclosed in the first report filed by the trustee of the company with the U. S. district court here yesterday.

In addition, the report shows that of the total claims filed against the company by creditors, amounting to $55,104,000, eliminations or reductions totaling more than $21,000,000 have been made and large amounts of the balance of the claims are subject to further reductions by the court.

Consolidated RKO operations, it is shown, resulted in a net unaudited profit of $388,002 after all charges, for the 21 weeks ending last May 25. The cash profit for the same period is estimated at over $1,050,000. The company's annual report, issued recently, showed a net loss of $310,574 for 1934, after all charges, including interest on secured indebtedness and provision for Federal income taxes. The comparable improvement during the first 21 weeks

(*Continued on page 3*)

Aim for World Field, Depinet Tells London

Radio is giving the world market "every consideration," Ned E. Depinet, president of RKO Dist. Corp. told the annual convention of Radio Pictures, Ltd., in London via short wave radio yesterday. Phil Reisman, vice-president of RKO Export Corp., was the second speaker. So far as is known, this was the first time a sales message has been so conveyed in this industry.

The convention, attended by district managers, branch office managers and salesmen from England, Ireland, Scotland and Wales, presided over by

(*Continued on page 3*)

Goldwyn After Full U. A. Studio Control

HOLLYWOOD, July 12.—Samuel Goldwyn is negotiating with Joseph M. Schenck for purchase of 20th Century's half interest in the United Artists studio. If consummated, Goldwyn says he will have complete control of the plant and then will seek to rent space to independent producers working for U. A. Abe Lehr,

(*Continued on page 3*)

MOTION PICTURE
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Keough May Preside At Code Discussion

(*Continued from page* 1)

occupied in court. Rubin is on the high seas bound for a five-weeks European vacation.

No date for the next session has been set. It will depend on when Keough will be able to set aside an afternoon for the discussion of legal angles in connection with a voluntary code.

Price, Waterhouse are practically finished in their checkup of the financial status of Campi. This report may also be ready for the postponed session.

Army Dep't Seeking More Post Theatres

(*Continued from page* 1)

Island; $40,000 for Fort D. A. Russell, Texas; $120,000 for a theatre and other buildings at Fort Slocum, New York; $25,000 for remodeling and air conditioning of the theatre at Fort Bragg, N. C.; $30,000 for a theatre at Fort Adams, Rhode Island; $85,000 for a house at Fort Bliss, Texas.

Siegel Charge Dismissed

Baltimore, July 12.—Mike Seigel has been dismissed by the Grand Jury here in the case against him by Oliver Film of New York, in which a warrant was sworn out for his arrest and he was charged with receiving the Baer-Braddock fight films without permission of the film company which claimed exclusive rights on them.

Purely Personal

BEN ROMAN, who operates the Renaissance Theatre, shortly becomes host to 1,500 colored mothers and 6,500 children at an outing in Central Park. He will supply the busses and the food. Harry Buxbaum of Fox and Leo Brecher, who operates theatres in Roman's zone are among the cash contributors. Pictures of the outing will be made and run at the Renaissance for a week.

•

Naomi Shaw, who describes herself as "press agent and poet," leaves for Hollywood today with Samuel K. Wiesenthal, a producer with Universal for the past eight years, to whom she has just been married. Wiesenthal will begin production of a Nick Carter series on his arrival in Hollywood.

•

Mike Clofine, Jack Schlaifer, Bill Rowland, Paul Gulick, Sid Retchetnick, Arthur Arnold and Joe Weil were among those at Dempsey's during the lunch hour yesterday. Rowland and Schlaifer were more concerned with the "takes" being made for the "Sweet Surrender" picture.

•

George Skouras has a bet with a local branch manager that he can break 90 on the Fenimore golf links Monday. He's rooting for moral support and has invited a number of friends to watch the match.

•

Cicely Courtneidge, European stage, screen and radio star, under contract to G.B., will reach New York Tuesday on the *Majestic*. She will go directly to the coast to appear in "The Perfect Gentleman" for M-G-M.

•

Dave Levy, New Jersey branch manager for M-G-M, is a summer bachelor. His wife and children are spending the summer at Ferndale, and Levy is trying to find a restaurant that serves home cooking a la Mrs. Levy.

•

Charles W. Herbert, who recently returned from Palestine where he had been working on a feature, has joined March of Time as a cameraman. Beverly Jones has been made editor in charge of the cutting rooms.

•

Captain Richard Norton of British and Dominion Pictures, is scheduled to arrive here Tuesday from London on the *Ile de France* for a short stay.

•

Bob Gillham, like Eddie Golden, is a summer bachelor. Add Herman Robbins.

•

Sophie Tucker has organized a Junior Life Begins at 40 Club to take care of those under 40.

•

Harold Robb and Ed Rowley of the Robb & Rowley circuit return to Dallas today.

•

J. Robert Rubin plans to spend most of his vacation in Venice.

•

Reville Kniffen has been added to the New Haven sales force of M-G-M.

•

Howard Le Sieur of the U. A. advertising department left yesterday on a two week vacation. He is taking an auto trip to Ohio, stopping off at Pittsburgh for his family.

•

Ed Hatrick returns from the coast on Monday.

•

Luigi Pirandello arrives Wednesday on the *Conte di Savoia*.

Wall Street

Many on Big Board Rise

	High	Low	Close	Net Change
Columbia, vtc	77½	74⅞	77½	+2½
Consolidated	4	4	4	.....
Cons., pfd	16	15⅞	16	.....
Eastman	149	148½	148⅞	— ⅜
Eastman, pfd	157	157	157	+1½
Fox "A"	17½	16¼	17⅜	+ ⅞
Loew's, Inc.	44	43¼	43¾	+ ¼
Loew's, Inc., pfd..	105⅞	105	105⅞	.....
Paramount Pub.	4¼	4	4⅛	+ ⅛
Pathe	⅝	⅝	⅝	.....
Pathe "A"	8¾	8	8¾	+ ¼
RKO	2	2	2	.....
Warner	4⅛	4	4⅛	+ ⅛
Warner, pfd	25⅜	25	25⅜	+ ⅜

Trans-Lux Off ⅛ on Curb

	High	Low	Close	Net Change
Technicolor	18½	18⅛	18½	.....
Trans-Lux	2¼	2⅛	2¼	— ⅛

Warner Bonds Advance Point

	High	Low	Close	Net Change
General Theatre Equip. 6s '40 ..	13¼	12¼	13⅛	+ ⅝
General Theatre Equip. 6s '40 ctf	13	12½	13	.....
Loew's 6s '41 ww deb rights..	103¾	103⅝	103¾	+ ⅛
Paramount F. L. 6s '47	96	94⅞	96	.....
Paramount Publix 5½s '50	97⅛	97⅛	97⅛	— ⅛
Warner 6s '39 wd	67⅜	66	67⅜	+1

(Quotations as at close of July 12)

Fox, Atlanta, Darkens

Atlanta, July 12.—The Fox, de luxe semi-suburban 4,500-seater leased by Lucas & Jenkins, closed Thursday. The property was recently acquired by the city for an auditorium and a new lease is being negotiated at a higher rental than the $500 weekly paid by Lucas & Jenkins.

May Ban Sound Trucks

Columbus, July 12.—Among legislative items being considered by the City Council is one to place a ban on sound trucks operating in the city limits.

This will be a blow to some of the local theatres.

Cut Spanish Versions

Hollywood, July 12.—Because the studio is ahead of schedule, production of Spanish talkers has been temporarily discontinued by Fox.

"Gentle Julia," by Booth Tarkington, has been purchased as a vehicle for Jane Withers.

Accident Halts Film

Filming of scenes for Paramount's "The Big Broadcast of 1935" was halted yesterday by the bursting of an ammonia pipe in the cooling system of the Eastern Service Studios. No one was hurt. Production will be resumed today.

Oregon Theatre Burns

Portland, Ore., July 12.—Hunt's Indian theatre at Roseburg was badly damaged by fire which completely wrecked the projection booth and destroyed a print of "Ginger," Fox release.

St. Louis Trial to Wait Until Fall

(*Continued from page* 1)

a probability that before then he will hand down decisions on a motion for a demurrer entered on behalf of RKO Distributing Corp. and its president. Ned E. Depinet, and on a request for a bill of particulars made by counsel for the defendants.

Judge Moore was forced to his decision to put off the case until after the summer vacation period by lack of opportunity to pass on the various motions in the case.

"Time" Will Receive Wider Radio Tieup

(*Continued from page* 1)

from coast to coast every night, except Saturday and Sunday. The broadcasts will be sponsored on alternate nights by Time, Inc., and Remington Rand.

Under the new policy "The March of Time," which in the past has been a review of the week's outstanding events, will go in for spot presentation of daily events.

It is said the broadcasts will represent "the most pretentious tieup any screen feature has ever had."

Reade Will Remodel Three Jersey Houses

Walter Reade today will close the South Broad, Trenton; Strand, Perth Amboy, and the Rivoli, New Brunswick, N. J., for alterations. Reade plans to spend about $400,000 for remodeling the three theatres.

Several weeks ago he reopened the St. James, Asbury Park, after spending $235,000 for rehabilitation.

Guilty on Bank Night

Des Moines, July 12.—George P. Hundling, co-owner and manager of the capitol, Newton, a Tri-States house, charged with advertising a lottery known as bank night, was declared guilty by verdict of a jury. Judge Frank Bechly set July 31 as date to pronounce sentence. The prize offered June 6 was not given as the individual named did not claim it and the plan was discontinued pending outcome of the trial.

Cameo to Show "Ike"

"Alibi Ike" opens at the Cameo Tuesday for an extended run. This is the first American picture to play the house for several years but does not indicate a change of policy by the management.

Hoffberg Gets "Playboy"

J. H. Hoffberg Co. has taken over world distribution of "Fighting Playboy," a feature produced by Northern Film Prod., with Nick Stuart and Lucille Browne.

Oesterle After Film

Paul Oesterle is in New York from Detroit seeking foreign films for the former Little Cinema which will reopen Labor Day as the Europa.

Fox Program Completed

Hollywood, July 12.—With completion of "Curly Top," starring Shirley Temple, the Fox schedule for 1934-35 is finished.

RKO Position Is Improved, Trustee Says

(Continued from page 1)

of the current year over the similar period last year is estimated by the trustee at $140,000.

Irving Trust Co., trustee of RKO, notes in the report that RKO theatre operations showed a substantial improvement during 1934 over the preceding year in earning a cash profit of over $1,000,000. This represents a reduction in net loss against 1933 of $511,879. These operations are exclusive of the former Orpheum Circuit operations which, in themselves, are estimated to have shown an improvement of $150,000 last year over the year preceding.

The report notes that RKO Radio Pictures retained an "interest in the operation of the Center," Radio City house. While the RKO Service Corp. still renders services to the Music Hall for which it is compensated, RKO no longer has an interest in that house.

A net profit of $570,378, after all charges, including Federal taxes, was shown in 1934 by RKO Radio Pictures, Inc., the report states. In 1933, a net loss of $663,536 was reported by the company. RKO Pathe Pictures showed a net loss for 1934 of $270,477, as compared with a net loss of $627,149 during 1933. Pathe News, Inc., reported a net loss of $48,646 last year as compared with a net loss of $141,233 in 1933.

Film rentals amounted to $9,115,442 for the first 21 weeks of the current year, and theatre admissions during the same period totaled $8,344,044.

Fee Applications Total $281,525

Applications for fees for services in the RKO reorganization proceedings totaling $281,525 have been filed with the U. S. District court here by the trustee, attorneys and others.

Irving Trust Co., trustee of RKO, asks for an interim allowance of $100,000. Donovan, Liesure, Newton & Lumbard, counsel to the trustee, ask for $125,000 interim allowance. A final allowance of $35,000 is asked by Randolph E. Paul, special tax counsel for the trustee, and $18,250 is asked by Cravath, de Gersdorff, Swaine & Wood, special counsel to the trustee. Thomas D. Thacher, who served as special master for the hearing of numerous large claims filed against RKO, also made application for a final allowance for these services, the amount to be fixed by the court. A hearing date on the application is to be set by Federal Judge William Bondy.

Aim for World Field, Depinet Tells London

(Continued from page 1)

Ralph Hanbury, general sales manager for Radio Pictures, Ltd. in England, was in session at the Trocadero to which the voices of Depinet and Reisman came through the facilities of NBC.

During his turn at the "mike," Depinet said:

"It is a great pleasure to report to you that our company and its units are in excellent financial condition. It should particularly please you also to learn that we are giving the world market every possible consideration and that we have a full realization of the fact that of the United Kingdom is the first from the point of revenue. With this in mind we are producing a large percentage of the 1935-36 pictures with the world market in mind."

In his talk, Reisman said in part: "In recent weeks you men have exhibited a quality that we hold to be paramount in importance: that is loyalty to one's organization. We are fully aware that a new independent distributing company has been offering a few bob more a week to many of our staff. We appreciate your loyalty in remaining and assure you it will not be forgotten."

Radio Picks Up Options

HOLLYWOOD, July 12.—John Woods, Erik Rhodes and Ronald Graham, actors, and Hermes Pan, dance director, have had their options lifted by Radio.

Goldwyn After Full U. A. Studio Control

(Continued from page 1)

Goldwyn's general manager here, is slated to head the studio.

No chairman of the board will be named to replace Schenck, according to Goldwyn, who added he himself did not want the post on the theory that "a producer active in making pictures should not be an official of the company." The 10-year producing pact which owner-members signed committing their producing services exclusively to U. A. is viewed by Goldwyn as carrying an assurance of a continuous flow of product from studio to theatres.

Delegates to the U. A. convention will start homeward Saturday afternoon after visiting the San Diego Exposition. They spent today at Caliente.

Silverstones Sail July 20

HOLLYWOOD, July 12.—Maurice Silverstone, chairman of the U. A. board in London, and his brother Emanuel, New York representative for London Films, sails July 20 on the *Ile de France* with their wives.

Hal Horne is due from the coast Tuesday.

Bill Posters Meet

BOSTON, July 12.—The Intern'l Alliance of Bill Posters and Billers is holding its annual convention here. The 25,000 members of the local unions in the United States and Canada are represented by more than 100 delegates. An auspicious beginning to the meeting was the voting down by the Massachusetts House of Representatives here of a bill for the regulation of billboard advertising in this state, according to President Noonan.

Pickens Here on Talent

ST. LOUIS, July 12.—William Pickens of the Garrick here has gone to New York to line up talent and shows.

U.K. Newsreel Theatres May Be Step Toward Television

(Continued from page 1)

vision for theatres. One type of electron multiplier used by Baird gave the record amplification of one million times.

An agreement with the Farnsworth Television Co. of America had placed at the disposal of the Baird company in England many valuable patents in connection with television transmission, said Sir Harry.

Experiments during the year had included the perfection of a system of spotlight scanning which permitted the transmission of closeups of two or more persons.

The Baird station at the Crystal Palace is capable of transmitting to the population of the whole of Greater London—approximately 10 million people.

Toronto Is Canada's Chief Theatre City

(Continued from page 1)

in Toronto, Vancouver, Windsor, Kingston, Moncton and Three Rivers. Decreases predominated in the large centres, however, with the totals lower in Montreal, Hamilton, Winnipeg, Regina, Calgary, Edmonton, Victoria, Moose Jaw, Ottawa, Halifax, St. John, London, Saskatoon and Quebec

Toronto showed the greatest number of theatre patrons with a total of 18,990,000 while Montreal's 18,599,000 was a close second. Vancouver stood third with 7,450,000, followed by: Winnipeg, 6,111,000; Hamilton, 3,482,000; Ottawa, 3,259,000; Edmonton, 2,091,000; Calgary, 1,953,000; Quebec City, 1,941,000; Halifax, 1,719,000; London, 1,701,000; Regina, 1,124,000; Victoria, 1,106,000; Saskatoon, 1,044,000; St. John, 1,044,000; Windsor, 1,019,000; Kingston, 660,000; Moncton, 488,000 and Three Rivers, 410,000.

Increases were reported for the first quarter of 1935 in practically all centres but a slump has taken place in the cities of Ontario because of the heavy amusement tax increases which were enacted by the Provincial Government last May.

Will Pass on Pa. Tax

PHILADELPHIA, July 12.—Following the suggestion of Lewen Pizor, its president, the M.P.T.O. at a meeting today decided to pass on the new amusement tax to the public, holding the exhibitor could not afford to absorb the levy. Sentiment in the territory generally is in favor of passing on the tax.

Depinet, Skouras West

Ned Depinet, president of RKO Radio Distributing Corp., left for the coast yesterday by plane on a periodic trip. He said he expected to be gone about five days. Spyros Skouras, executive vice-president of National Theatres Corp., is on the same plane. He also intends to be gone about a week.

Schultz Loses Grandma

KANSAS CITY, July 12. — Mrs. August Schultz, grandmother of C. A. Schultz, executive head of the Commonwealth Amusement Corp., is dead at her home in Lester Prairie, Minn.

Canada Shows Confidence in Building Rush

(Continued from page 1)

mount, the opening being scheduled for Aug. 1.

The National, a small downtown house on Yonge St., was reopened recently after being reconstructed throughout. The Doric is being rebuilt and an air conditioning plant is to be installed.

E. W. Bickle, proprietor of the Ilo Ilo, Cumberland, B. C., is busy with the erection of an entirely new theatre at Courtenay, B. C.

The International Nickel Co. of Canada is erecting a house in the mining town of Creighton, Ontario, the first theatre for that centre.

On Medallion's Publicity

Charles Reed and Jones and Evelyn Lee Koch have been engaged by Victor and Edward Halperin to handle publicity for Medallion Prod., Inc.

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AGENTS IN EVERY CITY IN AMERICA to represent reliable concern furnishing necessary services to theatres. Those experienced as film or premium salesmen preferred. Must have car and willing to work on commission basis only. State all requirements in first letter. Box 136-A, MOTION PICTURE DAILY.

"Caliente" Is Good Grosser On the Coast

Los Angeles, July 12.—In spite of a heat wave box-offices improved slightly. "In Caliente" was strong at the Hillstreet on a take of $11,500, which is $3,500 over normal, but was weak at Warners' Hollywood, where the $12,200 gross was under par by $1,800.

"Men Without Names," helped by a stage show headed by Myrt and Marge, took $19,500 at the Paramount. This tops normal by $1,500.

"Escape Me Never" was still strong in its fourth week at the 4-Star. The $4,600 gross was above average by $1,350.

Total first run business was $79,800. Average is $87,700.

Estimated takings for the week ending July 10:

"ESCAPADE" (M-G-M)
"THE DARING YOUNG MAN" (Fox)
CHINESE—(2,500), 30c-55c, 6 days. **Gross:** $10,300. (Average, $12,500)

"LILIOM" (Fox)
FILMARTE—(800), 40c-50c, 7 days. **Gross:** $1,800. (Average, $3,750)

"ESCAPE ME NEVER" (U. A.)
4 STAR—(900), 30c-55c, 6 days, 4th week. **Gross:** $4,600. (Average, $3,250)

"IN CALIENTE" (F. N.)
HILLSTREET—(2,700), 25c-40c, 6 days. **Gross:** $11,500. (Average, $8,000)

"ESCAPADE" (M-G-M)
"THE DARING YOUNG MAN" (Fox)
LOEW'S STATE—(2,500), 30c-55c, 6 days. **Gross:** $8,700. (Average, $14,000)

"MEN WITHOUT NAMES" (Para.)
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: F. & M. revue, Myrt and Marge, Salvatore Santaella's orchestra. **Gross:** $19,500. (Average, $18,000)

"IN CALIENTE" (F. N.)
WARNER BROS. (Hollywood)—(3,000), 25c-40c, 6 days. **Gross:** $12,200. (Average, $14,000)

"DON'T BET ON BLONDES" (Warners)
"THE ARIZONIAN" (Radio)
WARNER BROS. (Downtown)—(3,400), 25c-40c, 6 days. **Gross:** $8,200. (Average, $12,000)

"LADY TUBBS" (Univ.)
"UNKNOWN WOMAN" (Col.)
PANTAGES—(3,000), 25c-40c, 7 days. **Gross:** $3,000. (Average, $3,200)

Heat and Holiday Hit Buffalo Hard

Buffalo, July 12.—Hot weather and a general exodus from the city over the holiday hit business a heavy wallop. Every house was away below average.

The Buffalo, with "Stranded" and Wini Shaw and Phil Regan included in a staged show, took only $10,400.

Total first run business was $30,800. Average is $42,800.

Estimated takings for the week ending July 5:

"STRANDED" (Warners)
BUFFALO—(3,500), 30c-55c, 7 days. Stage: Wini Shaw, Phil Regan, John and Edna Torrence, Seldon & Endler, Powell & Nedra. **Gross:** $10,400. (Average, $14,300)

"CHARLIE CHAN IN EGYPT" (Fox)
"WEDNESDAY'S CHILD" (Radio)
CENTURY—(3,000), 25c, 7 days. **Gross:** $4,900. (Average, $6,000)

"PEOPLE WILL TALK" (Para.)
"THE GIRL FROM 10TH AVE." (F. N.)
GREAT LAKES—(3,000), 25c-40c, 7 days. **Gross:** $5,800. (Average, $8,000)

"HOORAY FOR LOVE" (Radio)
HIPPODROME—(2,100), 25c-40c, 7 days. **Gross:** $5,100. (Average, $8,000)

"THE WEREWOLF OF LONDON" (Univ.)
"THAT'S GRATITUDE" (Col.)
LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $4,600. (Average, $6,500)

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Shanghai"

(Wanger-Paramount)

Hollywood, July 12.—Walter Wanger, again stepping out of the beaten path, this time produces a silken romance spun from provocative skeins and encrusted with daring design.

Suggested by the *Fortune* Magazine fact story of the Shanghai boom, the screen play by Gene Towne, Graham Baker and Lynn Starling places an American society lass, Loretta Young, in China and conflicts her emotions with Eurasian, half-Russian, half-Chinese Charles Boyer, setting their love story against the churning background of China's hot spot where "there ain't no Ten Commandments in love or trade."

For the mind and heart, story and appeal will surely evoke sympathy and its thesis against prejudice before the final fadeout will stir talk. For the eye, the settings by Alexander Toluboff are beautiful, the photography by James Van Trees exquisite and the accompanying music noteworthy.

Boyer gives a fine, restrained and convincing portrayal, elevating his box-office esteem. Miss Young, in a mood of rapture, displays rare beauty and is the attraction's asset. Warner Oland, Alison Skipworth and particularly Fred Keating stand out in support.

Director James Flood achieves reality by combining sensitive and virile strokes in moving tempo.

All the entertainment values being of showmanship character, exhibitors, by concentrating on Boyer, Miss Young and romance plus the Shanghai title should do well above average business.

Production Code Seal No. 983. Running time, 73 minutes. "G."

"The Girl Friend"

(Columbia)

Hollywood, July 12.—"The Girl Friend" is no pal to the box-office in its present shape despite Jack Haley's engaging screen personality. Even if drastically cut the story would be unconvincing, the characters unsympathetic, the song numbers without distinction and the gags reminiscent.

Roger Pryor has his play about Napoleon rejected by Thurston Hall, Broadway producer. The script of Jack Haley, hick playwright, is returned to Pryor by mistake. Broke, Pryor and his friends, Victor Killian and Ray Walker, impersonate Producer Hall and his staff in order to eat free on Haley's farm all summer. Ann Sothern and Margaret Seddon, Haley's sister and grandmother, respectively, mortgage the farm to build a theatre in the barn and try out the play with Haley as Napoleon. The film devotes excess footage to shots of the barn production, giving the definite impression the producer was right in rejecting the play in the first place.

The film ends with Pryor kidnapping the cast of a real show, substituting his play and getting a contract and the girl.

Eddie Buzzell directed from a story by Gene Towne and Graham Baker and a screen play by Gertrude Purcell and Benny Rubin. The musical sequences have been staged by Seymour Felix.

An unhappy result for which the talent should not be blamed.

No production code seal. Running time, 101 minutes. "G."

"Old Man Rhythm"

(Radio)

Hollywood, July 12.—This college musical novelty, which omits athletics, relies on the talents of three character actors, George Barbier, Erik Rhodes and Eric Blore, who ably carry the plot and comedy brunt, while the balance of the large cast serves mostly as musical background.

Barbier, a wealthy manufacturer, enrolls as a college freshman to protect his son, "Buddy" Rogers, from the coils of Vamp Grace Bradley and promote a romance with Barbara Kent. By pretending bankruptcy Barbier discourages Miss Bradley and sends Miss Kent into Rogers' arms for the finish.

Director Edward Ludwig makes most of the slight story to work in several excellent comedy routines giving Rhodes and Blore opportunities of which they make the most.

The musical numbers, by Lew Gensler, with lyrics by Johnny Mercer, are good but not outstanding. The dances and specialties, conceived by Hermes Pan and Sammy White, are entertaining, with "Sonny" Lamont and Betty Grable contributing fine individual hoofing. The production, by Zion Myers, while not as lavish as other Radio musicals, is acceptable.

No production code seal. Running time, 87 minutes. "G."

"Hooray" and Show $18,400 In Cleveland

Cleveland, July 12.—In spite of scorching heat this city had two hits, with "Hooray for Love," helped by Phil Baker, making the better showing. It took $18,400, above par by $3,400, at the RKO Palace.

"Becky Sharp," the other heavy draw of the week, was $2,300 on a take of $10,300 at Warners' Hippodrome.

Total first run business was $45,600. Average is $43,000.

Estimated takings for the week ending July 5:

"THE NITWITS" (Radio)
ALLEN—(3,300), 30c-35c-42c, 4 days. **Gross:** $1,300.

"LADIES LOVE DANGER" (Fox)
ALLEN—(3,300), 30c-35c-42c, 3 days. **Gross:** $1,000. (Average, $3,000)

"BECKY SHARP" (Radio)
WARNERS' HIPPODROME—(3,800), 30c-35c-42c, 7 days. **Gross:** $10,300. (Average, $8,000)

"HOORAY FOR LOVE" (Radio)
RKO PALACE—(3,100), 30c-42c-60c, 7 days. Stage: Phil Baker. **Gross:** $18,400. (Average, $15,000)

"SANDERS OF THE RIVER" (U. A.)
LOEW'S STATE—(3,400), 30c-35c-42c, 7 days. **Gross:** $8,600. (Average, $10,000)

"STOLEN HARMONY" (Para.)
LOEW'S STILLMAN—(1,900), 25c-35c, 7 days. **Gross:** $4,000. (Average, $4,000)

"FLYING DOWN TO RIO" (Radio)
CIRCLE—(1,925), 15c-25c-30c, 7 days. Revival. **Gross:** $2,000. (Average, $3,000)

Educational Lists 52 For Release by Fox

Hollywood, July 12.—Educational announces 52 pictures for Fox release for the new season. Included will be two-reelers presenting Buster Keaton, Joe Cook, Buster West and Tom Patricola as a team, as well as Ernest Truex, Tom Howard and George Shelton. Also on the program will be 58 one-reel subjects. A Keaton comedy called "The E Flat Man" will usher in the new program.

Takes Lowell House; E. M. Loew Expands

Boston, July 12—In what may be a new expansion move for the largest independent theatre circuit in New England, E. M. Loew Theatres have acquired the Rialto, Lowell. The Rialto, which Loew took over from Norman Glassman, was formerly one of the three that Frederick E. Lieberman operated in Lowell up to a short time ago.

A Correction

Through a typographical error in a recent story covering opinions of Indiana members of the industry, Motion Picture Daily credited Carl Niesse, manager of the Central City Amusement Co. in Indianapolis, as saying he was glad the code had ended and was opposed to minimum wages and similar code regulations. The statement should have read Niesse was in favor of minimum wages and similar code regulations.

Actor's State Favorable

Thomas Meighan was reported getting along "favorably" last night at Doctors' Hospital, where he underwent an operation yesterday for a congestion of the lung.

The Leading
Daily
Newspaper
of the
Motion
Picture
Industry

MOTION PICTURE DAILY

Alert,
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VOL. 38. NO. 12 NEW YORK, MONDAY, JULY 15, 1935 TEN CENTS

Paramount to Hold Down on Eastern Films

Only Shorts and a Few Features Set Here

Paramount Pictures will probably confine its eastern production activities, exclusive of short subject and outside producer commitments, to an experimental basis only, an official of the company said Saturday.

Two to four features on the company's new season schedule may be made at Eastern Service Studio as a barometer for possible savings in production costs and the possibilities of increased production facilities. If the advantages are shown to warrant increased production in the east, that would probably follow, and if they were shown to be insufficient, production here might be abandoned entirely, it is believed.

Virtually all of Paramount's short subject production is scheduled for the Eastern Service Studio for the new season. Two features from Ben Hecht and Charles MacArthur to be distributed by Paramount will also be made here.

Allied Asks Trust Suit on Dual Bans

Washington, July 14.—The first steps to determine the legality of double featuring despite contractual provisions to the contrary have been taken by Allied Theatre Owners of the District of Columbia, through their

(*Continued on page 2*)

Sabath Group Busy On N. E. Mortgages

Boston, July 14.—Alleged fraud and illegal practices uncovered by investigators examining the liquidation of defaulted real estate bonds in New England, many of which involve theatre property here, will be placed before a Congressional committee at a public hearing to be held at the Federal building soon, according to Murray Garsson, executive assistant to Chairman Sabath of the committee. Nine investigators have been here for a month, Garsson stated.

Censor Board Broke; Drop Ohio's Leaders

Columbus, July 14.—Films hereafter shown in Ohio, although passed by the censor board, may not carry the

(*Continued on page 18*)

Theatre Boom In Texas Top Since '29 Era

New Houses, Remodeling Run Close Race

Dallas, July 14.—Theatre construction in this territory is proceeding at a clip greater than during any other period since the hey-hey days of 1929. Remodeling activities are furnishing an interesting parallel.

In the list of new projects for Interstate are: Fort Worth, 1,000-seat neighborhood house with cooling plant, bids just received; Houston, downtown first run, Will Horwitz associate, 1,300-seater, under construction; Denton, 1,000 seats, with balcony and air cooling, ready Aug. 15; Austin, Queen, remodeled and reseated, ready

(*Continued on page 4*)

Theatre Moves Gain In St. Louis Areas

St. Louis, July 14.—Reopenings and new construction are in evidence in several parts of this territory. Negotiations are on for reopening the Grand Opera House.

Warners have closed the Shubert for four weeks to permit alterations and redecoration. A cooling system has been installed at the Orpheum and this will be kept open throughout the summer.

Phil Heyde recently transferred the Arcadia and Elks to the Olney Theatre Corp. at Olney, Ill., and he has

(*Continued on page 4*)

Art Cinema to Get $10 Per Share More

Wilmington, July 14.—Payment of an additional $10 on each share of the 50,000 shares of the corporation's preferred stock by trustees in dissolution for Art Cinema Corp. has been authorized in an order signed by Chancellor Josiah O. Wolcott. On Feb. 15 last the trustees paid preferred

(*Continued on page 2*)

For 42 Days

Kansas City, July 14.—"Naughty Marietta" was held six weeks at the Fox Apollo on its first suburban run.

Procedure on Code Practice Decided Upon

Washington, July 14.—Procedure for the negotiation of trade agreements has been made public by the Federal Trade Commission following a survey which showed that more than 175 industries thus far have expressed interest in such compacts.

Pointing out that before it can authorize a trade practice conference, it must first be satisfied that the holding of such a conference is desirable and to the best interest of the industry and public, the commission announced that an application in the form of a

(*Continued on page 18*)

Ontario Tax Returns Up; Attendance Off

Toronto, July 14.—How Premier Hepburn's amusement tax is affecting the exhibitors of Ontario is shown by returns for June, the first month the act has been in enforcement, when total returns amounted to $239,271, which compares with $80,778 for the similar month of 1934.

A decline of at least 30 per cent in attendance throughout the province is reported. Hepburn said the tax was exceeding expectations. Theatre men, however, declared business would be permanently wrecked unless modifications in the tax were made. Protests agains the levy are gaining strength.

Move for Reduction In Louisiana Fees

New Orleans, July 14.—Conferences are to be sought with U. S. Senator Huey Long in an effort to secure changes in the new censorship

(*Continued on page 2*)

Grosses Up in Some Keys; Rain and Good Films Help

Unusual pictures in some spots and rain in the midwestern area which interfered with outdoor sports helped box-offices in some key spots for the week ending June 27-28. As a result, the total for 129 theatres in 22 cities was $1,160,370. This is $70,520 over the previous week, despite the fact that 14 cities showed losses.

The gains were registered in Buffalo, Chicago, Denver, Detroit, Pitts-

(*Continued on page 4*)

Brandt Coming Back; Seen in First Division

Talked of as Chairman of the Board

Joe Brandt

Joe Brandt, former president of Columbia and the "B" of the original C.B.C. Film Sales Co. from which his ex-company grew, is about to return to active participation in the industry as anticipated head of First Division. He is being discussed as chairman of the board under a realignment to be completed within a week, it was learned over the weekend.

Brandt may also be given a place on the board of reorganized Pathe, it is said. New financing is involved in the First Division realignment and

(*Continued on page 4*)

Loew's 40-Week Net Up to $5,840,351

Loew's, Inc., continues its steady gain in profits.

For the 40 weeks ending June 3, the company on Saturday reported a net of $5,840,351 as compared with $5,750,750 for the corresponding period in the previous fiscal year. This represents $42.72 on each share of preferred as compared with $41.57 last year and $3.50 per share of common when it was $3.45 in the earlier comparative period.

The company's share of operating profits after allowing for subsidiaries and preferred dividends ran to $9,596,570, comparing with $9,631,012 last year. Depreciation and taxes for the latest reporting period totaled $3,756,219, as against $3,880,262 in the previous period. The net profit currently, therefore, reduces itself to $5,840,351.

"Escapade" at $29,000 In 1st Capitol Week

"Escapade" at the Capitol garnered $29,000 for the first week and is expected to average around $20,000 on the holdover stanza. "Smilin' Thru,"

(*Continued on page 2*)

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"Escapade" at $29,000 In 1st Capitol Week

(*Continued from page 1*)

scheduled to open next Friday, has been canceled. In its stead will be "Don't Bet on Blondes," an outside film for Warners. Booking of the Norma Shearer revival was held too risky for the Broadway house, particularly in view of the poor showing of "Min 'n' Bill" when it was revived at the Capitol some time ago.

The second week of "Men Without Names" ended with a fair $15,000. Following the current "Paris in Spring" will be "Shanghai," "Man on the Flying Trapeze," "Every Night at 8" and "Accent on Youth" in the order named.

"Our Little Girl" at the Palace garnered a little over $8,000. "The Raven" ended its eight-day run at the Roxy with $28,000.

Move for Reduction In Louisiana Fees

(*Continued from page 1*)

law which calls for an inspection fee of $4 per reel.

A move of the Gulfport Chamber of Commerce to get exchanges to move into Mississippi is not taken seriously, as it would make no difference where exchanges were located. Exhibition of films would require payment of the fees in Louisiana.

Mrs. A. S. Tucker, president of the Better Films Council, is being groomed for appointment as one of the censors.

Insiders' Outlook

By RED KANN

WITH the back of the depression broken and economic conditions at large definitely on the upswing, national circuits may be expected not only to stay as strong as they are, but to grow stronger. The terrible cost inflicted on them in the last four or five years is rapidly receding into memory. Easier money and less stringent times, plus faithful allegiance to the theory a major enterprise in this industry must itself exhibit in wholesale as well as produce and distribute, find the circuits definitely back to their pre-depression ideas. . . .

▼

A check will demonstrate quickly that relatively few houses have been allowed to slip out of national circuit hands. Those that have are in other hands today either because they were lemons, because they were unsuited for circuit operation, because of bad judgment on the purchasing circuit's part or because they were palmed off among the desirable units by the seller. The story of the many which were held through write-downs in bond issues and reductions in rent is a long one, including Paramount's method under John D. Hertz, who told the SEC the other day how the darkened theatre threat worked so effectively. The point is the circuits managed to keep the houses they wanted and let all others slide. . . .

▼

Indicative of how the lines are being strengthened is the situation in the Pacific Northwest. There, Fox West Coast, acting through its Evergreen State Theatres subsidiary, has effected a pool with John Hamrick. It covers Seattle and Portland, blankets both cities and excludes as important links only Jensen and Von Herberg's 1,800 seat Liberty in the former city and J. J. Parker's two first runs in Portland. These are the Broadway with 1,956 seats and the United Artists which has a capacity of 960. Parker was approached, but resisted the nibbles. . . .

▼

If any speculation may exist over the hold which F. W. C., which, on its own, was a formidable factor in that area, now has, a breakdown of the allied interests will, no doubt, carry its own convictions:

Seattle

F. W. C. (Evergreen)
  Coliseum, seating 2,017.
  5th Ave., seating 2,410.
  Paramount, seating 3,000.
Hamrick
  Blue Mouse, seating 980.
  Music Hall, seating 2,850.
  Orpheum, seating 3,000.

Portland

F. W. C. (Evergreen)
  Hollywood, seating 1,491.
  Liberty, seating 1,825.
  Mayfair, seating 1,500.
  Paramount, seating 3,066.
Hamrick
  Blue Mouse, seating 700.
  Music Box, seating 900.
  Orpheum, seating 1,750.

From San Francisco comes the whispered word the Skourases are seeking to further strengthen their west coast dominance by a deal with the Nasser Brothers in San Francisco. . . .

▼ ▼

Now it comes to light. The Fox-20th Century deal was signed at 5 A. M. Wednesday morning, thereby permitting weary bigwigs and lawyers to grab some sleep. Some curiosity is making the rounds because no formal statement was issued upon completion of the long-winded negotiations, made so primarily by lawyers. There may be none on the theory that the transaction was agreed upon weeks ago; that final details having to do with appraisal of 20th Century's assets and the like are purely private business negotiations and of nobody's concern except the principals. That may sound like overlooking Fox stockholders. They, however, get their chance later. . . .

▼

First comes routine sanction of the big deal by the Fox directors. Then the stockholders must approve. With Chase controlling roughly 72 per cent of outstanding Fox stock, this last necessary step becomes as cut and dried as the official nod which the directors will make in the next couple of weeks. It was an arduous, temper-devastating routine which prevailed before the ink dried. Night after night and clear through all of them the sessions went, sometimes with a bit of poker injected while the lawyers had it out in adjoining quarters. One morning Darryl Zanuck walked out of a meeting, his nose carrying a scratch. "What happened to you?" Joe Schenck inquired. Bill Goetz interposed with, "Oh, he was hit by Clause 65."

▼ ▼

Manny Cohen's hook-up with Bing Crosby presumably was designed to go beyond, although the former says he has no plans other than the one outside picture which Bing is permitted to make annually under his Paramount contract. The understanding is Cohen had a similar idea afoot with Mae West; a bit further from substantiation is the rumor Gary Cooper was the third. At any rate, you may have noticed the other day an apparently routine item from Hollywood which went on to say Paramount had picked up another West option. It was for that outside picture which Cohen was after. . . .

▼

What was James Roosevelt, son of the President, doing in George Schaefer's Paramount office the other day? . . .

Allied Asks Trust Suit on Dual Bans

(*Continued from page 1*)

president, Charles H. Olive. He has conferred with Russell Hardy of the Department of Justice on the matter of bringing suit against four major distributors.

While M-G-M, Paramount, Vitagraph, and U.A. would be named as violators of the Clayton and Sherman Anti-Trust Acts, the major point of the case would be Clause K in the M-G-M contract, which prohibits double featuring and provides for certain penalties, such as loss of protection, further remoteness from national release date, etc.

Paul Williams of the Department of Justice is studying documents furnished him by Olive and by Abram F. Myers.

Art Cinema to Get $10 Per Share More

(*Continued from page 1*)

stockholders a dividend of $13.50 per share.

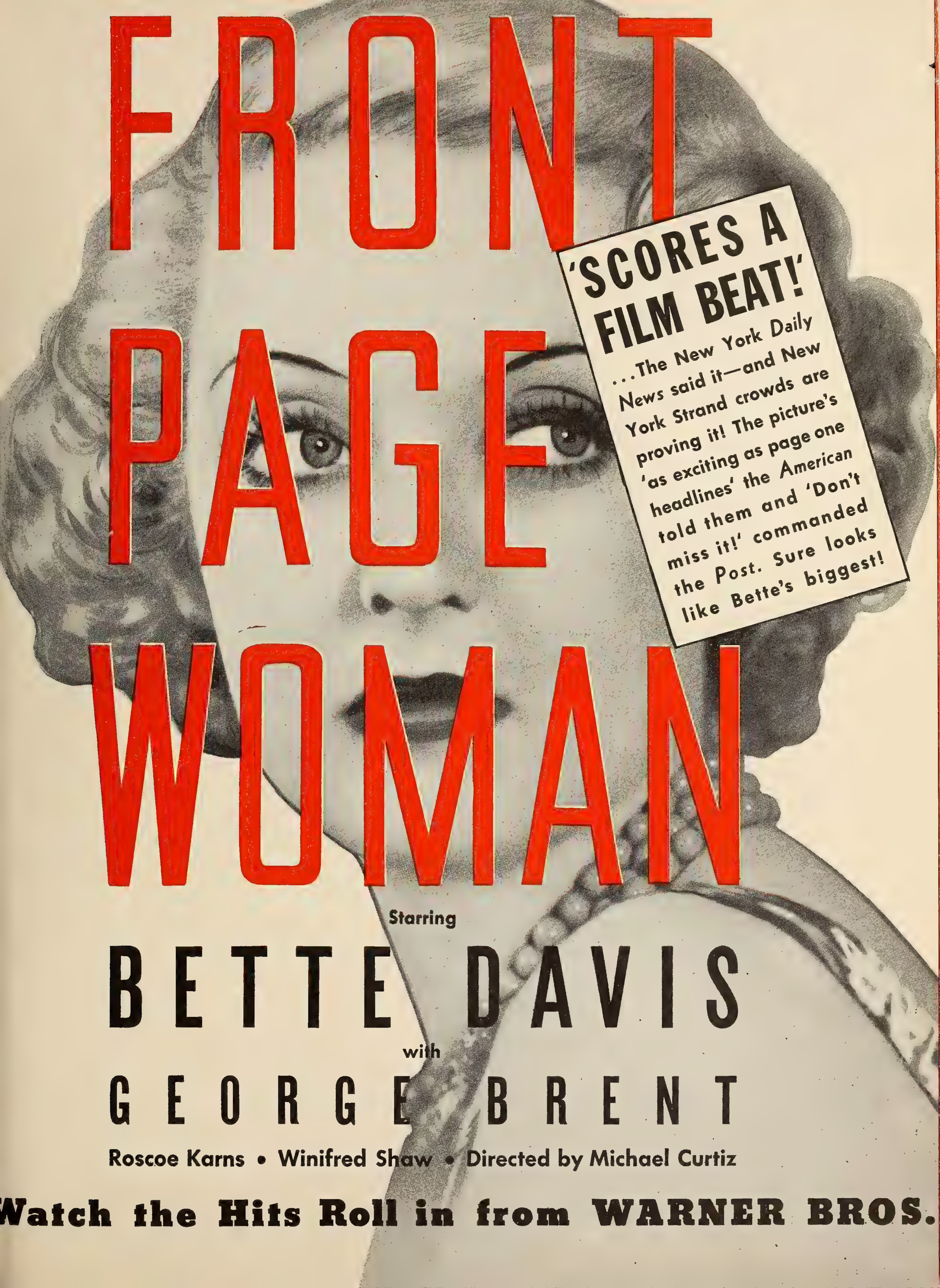
The trustees in the petition asking for permission to make a new disbursement stated that the assets on hand amounted to $735,883.82, the greater part in cash on deposit here. After the $10 disbursement the remaining assets will amount to $235,883.82. The trustees added that there would be sufficient cash on hand to meet future creditors' claims and to defray the costs of dissolution.

The petition stated that in view of the fact that the preferred stock is entitled to $100 per share dividends before any disbursement is made on common stock, and further because there are not sufficient assets to make total payments to preferred stockholders no distribution can be made on 322,432 shares of common stock. To pay on preferred stock in full, including accrued dividends, the trustees would need a total of $6,424,462, it was pointed out.

Abernathy Heads Posters

BOSTON, July 14.—Leo Abernathy of Pittsburgh was elected president of the International Alliance of Bill Posters and Billers of the U. S. and Canada at the convention here. He defeated Robert Walker of St. Louis.

The election brought about a swap in positions. Abernathy retired as treasurer to take the office held for a number of years by his late father. Arthur Thomas Noonan, the retiring president, was elected treasurer without opposition.



FRONT PAGE WOMAN

'SCORES A FILM BEAT!'

...The New York Daily News said it—and New York Strand crowds are proving it! The picture's 'as exciting as page one headlines' the American told them and 'Don't miss it!' commanded the Post. Sure looks like Bette's biggest!

Starring

BETTE DAVIS

with

GEORGE BRENT

Roscoe Karns • Winifred Shaw • Directed by Michael Curtiz

Watch the Hits Roll in from WARNER BROS.

Theatre Boom In Texas Top Since '29 Era

(Continued from page 1)

Aug. 15. This house will be used mainly for extended runs.

In the Highland Park West residential section a 1,300-seater will be ready about Sept. 15.

Among the smaller circuits and independents Hall Industries is building in Kennedy and has plans for others, among which are: Posey Williams, Seymour; H. S. Milkey, Clarendon.

Equipment men say business is taking on the proportions of a boom.

East Texas Is Cheerier

HOUSTON, July 14.—There's no such thing as summer doldrums for East Texas, according to Glenn Fannin, theatre manager at Gladewater of the Gregg, one of the 65-house circuit of the Jefferson Amusement Co.

Fannin was formerly house manager of the Delman in Houston. He declared that the oil boom of East Texas continues to keep show business booming, too. The Gregg plays the best first run product with three changes a week to capacity audiences. Gladewater has 12,000 population.

Western Houses Active

SALT LAKE CITY, July 14.—Theatre improvements and transfers are gaining in this territory. The New Community, Lewiston, Utah, is scheduled for opening Aug. 1.

Another new house has opened at Wheeler, Mont. The Victory here will be closed shortly until early in August for installation of a modernistic front and various interior improvements.

Recent changes in ownership include the transfer of the Firmage, formerly the Victory, Milford, Utah, from J. M. Hughes to William Firmage, and the Victory, Minersville Utah, from J. M. Hughes to S. L. Hinckley.

Ohio Theatre Shifts Gain

CANTON, O., July 14.—Theatre shifts are gaining in this territory.

Peter M. Pegadiotes has sold his interest in the Capitol and Colonial at Farrell, Pa., to his partners and is now devoting all his time to the Mock, Girard, O., which he purchased recently.

Fred Schram has leased the Ritz at Huron, O., from O. J. Guthrie. Spayne & Martin have acquired the Southern at Akron and have closed it for renovation.

Improve Two Coast Houses

LOS ANGELES, July 14.—Ben Berinstein and Lola Gentry, operators of the Tivoli, are redecorating and also are installing a new air conditioning plant in their Sunbeam.

The United Artists has shut its doors for the summer. James Schiller, manager, has been transferred to the F. W. C. purchasing department until fall.

Charter Three Concerns

ALBANY, July 14.—Benwill Theatre Corp. has been formed by Emanuel Dominitz, Sander Feingold and Helen Haupt.

Identicolor, Inc., has been chartered by Julius Triebwasser, Sam Rothman and Maurice Gaskin.

Waldorf Films, Ltd., has been chartered by Anne Kahn, Travis S. Levy and Eleanor Brock.

Lieberman Expanding

BOSTON, July 14.—Frederick E. Lieberman is renewing his circuit expansion moves. He has just acquired the Colonial, Nashua, N. H., formerly controlled by Mort Shea.

Open at Andalusia

ANDALUSIA, Ala., July 14.—The new Paramount, which has been under construction for several months, has been opened.

An interest in the new house has been bought by R. E. Martin of the Martin Shows, Columbus, Ga. Z. D. Studstill of this city owns the other interest.

Remodel at Youngstown

YOUNGSTOWN, O., July 14.—Work has been started on remodeling the Warner here. The house was built as a memorial to the home town of the Warner Brothers.

Form Macon Amusement

ALBANY, July 14.—Macon Amusement Corp. has been chartered here by Benjamin S. Moss, Charles B. Moss and Freda Freeman.

Installing Cooling Plant

KANSAS CITY, July 14.—Jay Means, president of I. T. O., and operator of the Oak Park and Bagdad, is installing a cooling system in the latter house.

Romanelli Building House

TORONTO, July 14.—Formerly well known as the conductor of a theatre concert orchestra in the days of the silent screen, Luigi Romanelli is blossoming forth as an exhibitor.

Romanelli is building a house on St. Clair Ave., which will open Sept. 1. It will seat 500.

Build at Greenville, Ala.

GREENVILLE, Ala., July 14.—A new $30,000 theatre is to be erected here. It will seat 1,200, and will be ready October 1. W. J. Ray, owner of the Franston and the Palace here and other associates who operate a circuit in Georgia and Alabama, will control the house.

Grosses Up in Some Keys; Rain and Good Films Help

(Continued from page 1)

burgh, Providence, Seattle and Washington.

The total halted a decline which had been steady since early in May.

How the two latest reports compare:

	Week Ending June 27-28		Week Ending June 20-21	
	No. Theatres	Gross	No. Theatres	Gross
Boston	6	$60,500	6	$65,500
Buffalo	5	40,600	5	38,500
Chicago	8	127,000	8	118,500
Cleveland	6	40,100	6	40,300
Denver	6	22,700	6	22,600
Detroit	6	61,900	6	61,700
Indianapolis	4	22,500	4	27,300
Kansas City	5	32,700	5	40,400
Los Angeles	9	53,950	9	75,500
Minneapolis	6	23,500	7	26,000
Montreal	4	27,000	4	32,500
New York	7	186,300	7	208,620
Oklahoma City	4	11,400	4	15,900
Omaha	3	17,200	3	18,900
Philadelphia	8	60,100	9	66,300
Pittsburgh	5	45,500	5	37,800
Portland	6	28,700	6	29,400
Providence	5	35,100	6	33,800
San Francisco	9	67,100	8	81,000
St. Paul	5	17,000	5	18,500
Seattle	6	28,800	6	28,550
Washington	6	80,200	9	72,800
	129	$1,160,370	134	$1,089,850

Comparative grosses for the last available periods:

Week Ending	No. Theatres	Grosses
Sept. 27-28	132	$1,419,815
Oct. 4-5	132	1,412,844
Oct. 11-12	132	1,344,137
Oct. 18-19	131	1,385,533
Oct. 25-26	133	1,386,935
Nov. 1-2	135	1,288,992
Nov. 8-9	134	1,386,736
Nov. 15-16	133	1,389,743
Nov. 22-23	136	1,305,450
Nov. 29-30	137	1,369,576
Dec. 6-7	136	1,401,989
Dec. 13-14	135	1,244,610
Dec. 20-21	135	1,070,800
Dec. 27-28	139	1,408,788
Jan. 3-4	141	1,719,887
Jan. 10-11	138	1,361,450
Jan. 17-18	138	1,251,130
Jan. 24-25	138	1,251,130
Jan. 31-Feb. 1	137	1,354,350
Feb. 7-8	135	1,332,415
Feb. 14-15	136	1,381,960
Feb. 21-22	137	1,318,630
Feb. 18-19	140	1,405,417
March 7-8	139	1,295,650
March 14-15	137	1,358,384
March 21-22	135	1,325,360
March 28-29	137	1,334,375
April 4-5	139	1,242,487
April 11-12	140	1,205,456
April 18-19	139	1,115,386
April 25-26	142	1,421,800
May 2-3	140	1,250,132
May 9-10	145	1,417,888
May 16-17	138	1,236,100
May 23-24	137	1,235,650
May 30-31	137	1,152,200
June 6-7	134	1,119,900
June 13-14	134	1,155,950
June 20-21	134	1,089,850
June 27-28	129	1,160,370

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Brandt Coming Back; Seen in First Division

(Continued from page 1)

will be participated in by Pathe, Brandt, and others, it is said.

Since his retirement from Columbia Brandt has taken a flyer in publishing, having made an investment in *Box-Office,* regional trade paper group, from which he has since withdrawn, and at one time was connected with the Motion Picture Foundation, in which the late J. D. Williams was interested. Late in June Brandt joined Hartman, Sheridan, Tekulsky and Pecora, law firm, as business counsel. He is now in Hollywood.

Theatre Moves Gain In St. Louis Areas

(Continued from page 1)

retired from business. This raises the string of the Olney corporation to five.

Bids are to be opened soon for a new house at Elvins, Mo. The house, to be called the New Regal, will be controlled by Collins Theatres, Inc.

Yale Amusement Co. has been incorporated by Theodore Lending, Sam Sapot and Anna Sapot.

Frisco House Damaged

SAN FRANCISCO, July 14. — Badly damaged by a $20,000 fire, the Coliseum has closed for repairs. The house, 1,500 seats, is operated by Sam and Al Levin and associated with the group managed by Robert A. McNeil.

PARAMOUNT SHORT FEATURES 1935-1936

The Eyes and Ears of the World
Paramount News
Paramount
Variety
Cab Calloway
Jitterbug Party
Paramount presents
The Grantland Rice Sportlight
Produced by Jack Eaton
Copyright MCMXXXV by Paramount Productions, Inc.
All Rights Reserved
Adolph Zukor presents
Paramount Pictorial
Adolph Zukor presents
A Max Fleischer
Color Classic
Screen Songs
with the famous bouncing ball
Max Fleischer presents
Popular Science
Max Fleischer presents
Popeye the Sailor
Betty Boop Cartoon
Adolph Zukor presents
A Max Fleischer Cartoon
Betty Boop
in
A Little Soap and Water
Paramount Productions

6 POPULAR SCIENCE

SHORT FEATURES

Six one-reelers in Cinecolor . . The first "Popular Science" reel recently released as one of this year's Paramount Varieties has proven so popular that a series of six similar subjects will be included in the Paramount short feature program for 1935-1936 . . . Using the great scientific resources of Popular Science Magazine, these shorts will portray in full color the wonders of science.

Popular Science Monthly will advertise and publicize these short subjects through the medium of its pages to over 2,000,000 readers.

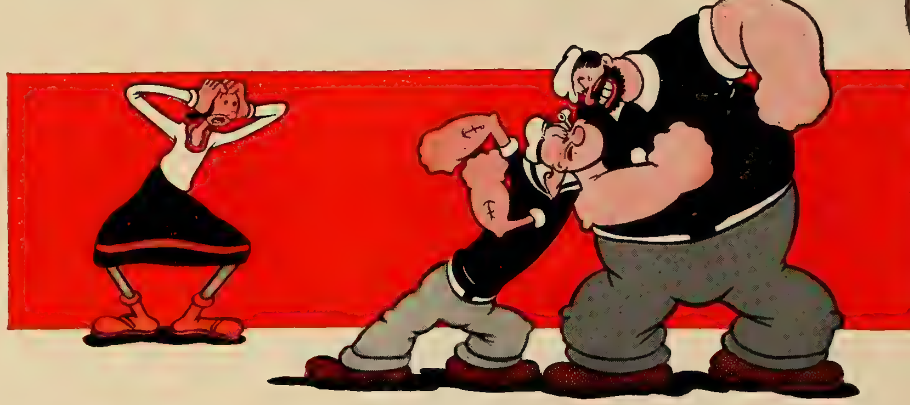
Three Color Technicolor Plus The Fleischer Third Dimensional Effects

6 MAX FLEISCHER

COLOR CLASSICS

Max Fleischer's third dimensional "Color Classics" have been such a hit this year that Paramount will release six more in 1935-36. This time **Three Color Technicolor** will be used instead of two color, and with it the famous Fleischer third dimensional effects which are exclusive with Paramount short subjects.

MAX FLEISCHER'S Great Cartoons

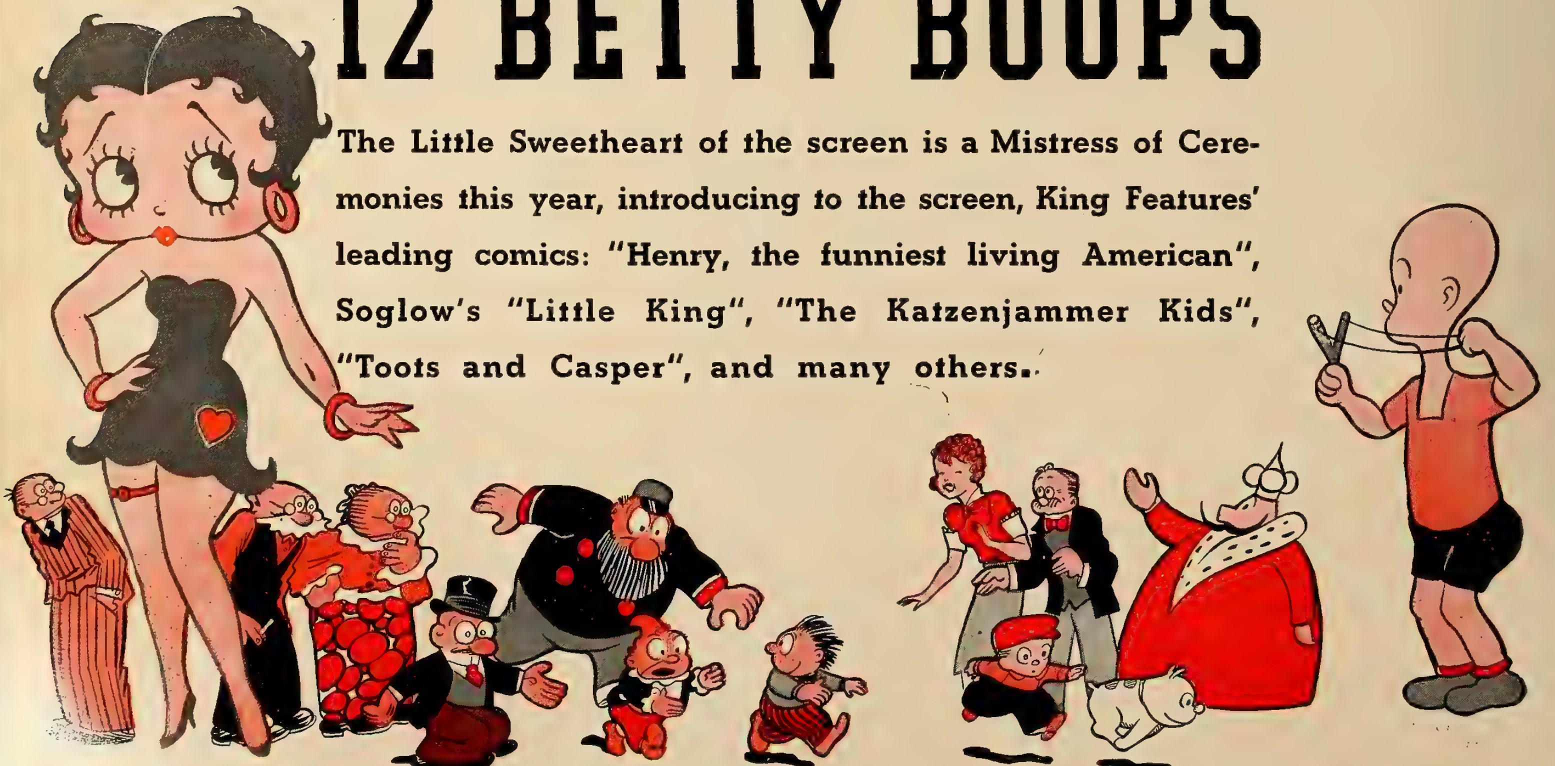


12 POPEYES

Max Fleischer's little giant of entertainment stepped out in 1934 and grabbed the national cartoon championship. The whole nation is now "Popeye"-conscious . . . Popeye Clubs are springing up all over the country and are sending thousands of enthusiasts into theatres to root for Popeye.

12 BETTY BOOPS

The Little Sweetheart of the screen is a Mistress of Ceremonies this year, introducing to the screen, King Features' leading comics: "Henry, the funniest living American", Soglow's "Little King", "The Katzenjammer Kids", "Toots and Casper", and many others.



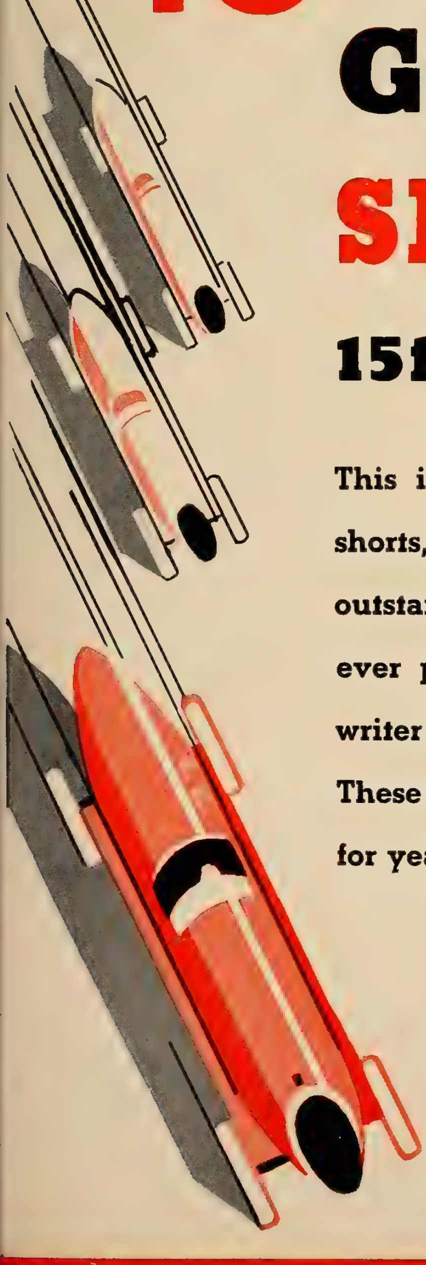
Both Betty Boop and Popeye Cartoons will make use of the exclusive Fleischer third dimensional process.

13

Grantland Rice

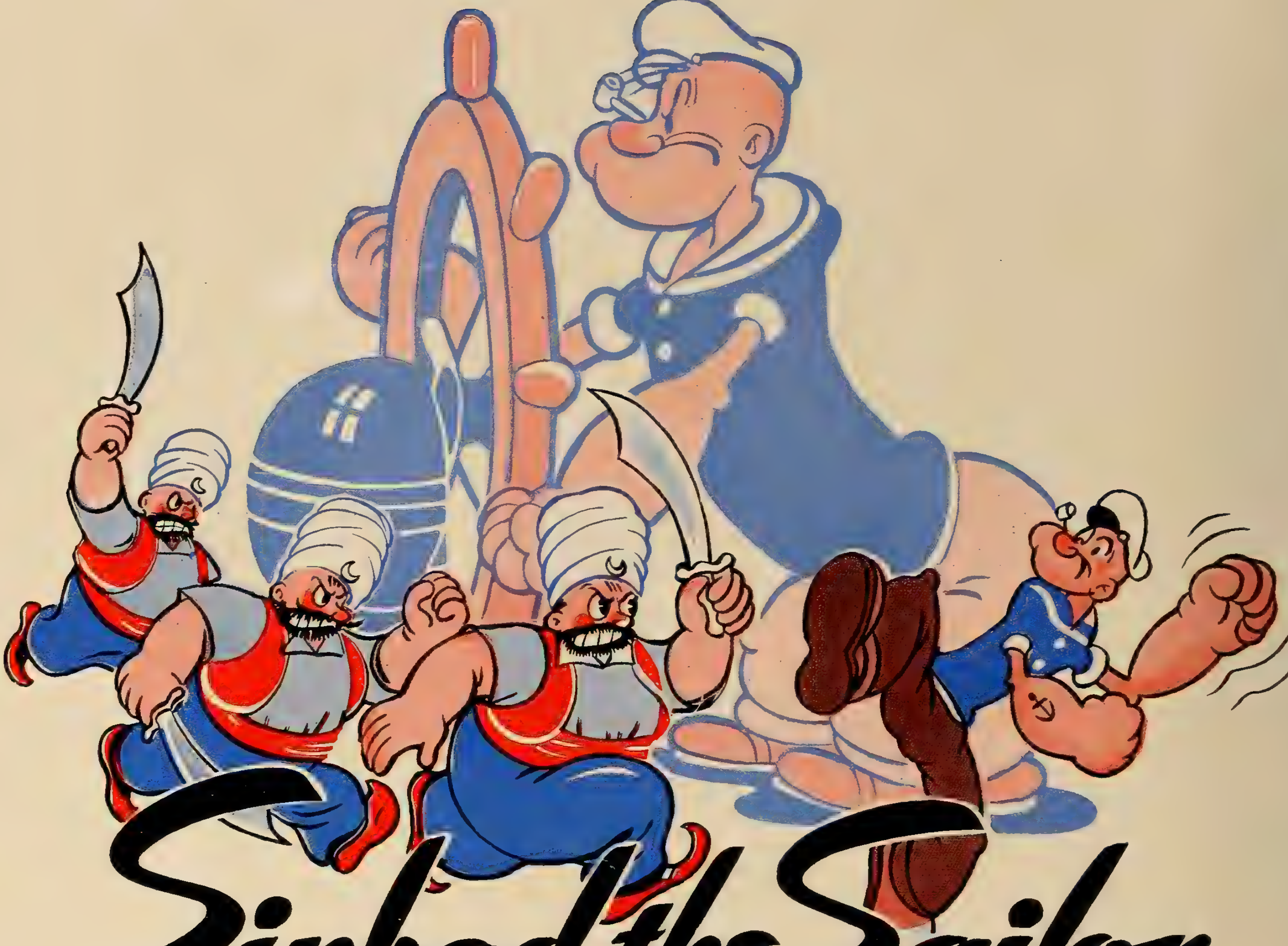
SPORTLIGHTS

15th Anniversary Series



This is the fifteenth anniversary of this great series of shorts, and Grantland Rice promises to deliver the most outstanding series of these fine sport releases that he has ever produced . . . Mr. Rice is America's foremost sport writer and commentator, with a following of millions. These one-reel glimpses into the great world of sport have for years formed screen high spots for the nation's theatres.

A Three-Color Special in Two Reels

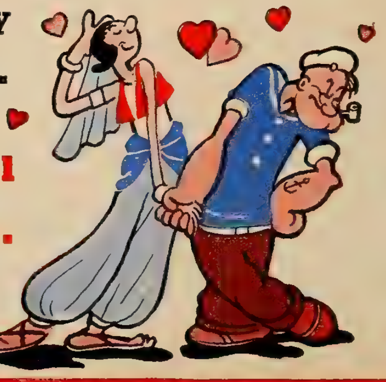


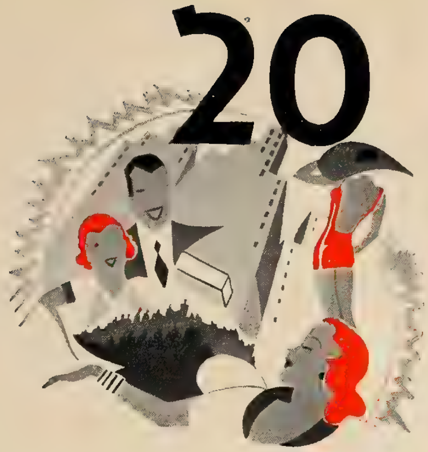
Sinbad the Sailor

Starring POPEYE

A Feature Short . . . a short to be featured! . . . "Popeye the Sailor" and "Sinbad the Sailor" . . . the two greatest gobs that never sailed . . . Popeye, the world's strongest seaman and Sinbad, the sea's biggest liar, in a series of Arabian nights adventures that should win the Academy Award, the Pulitzer prize and every medal ever offered for outstanding entertainment.

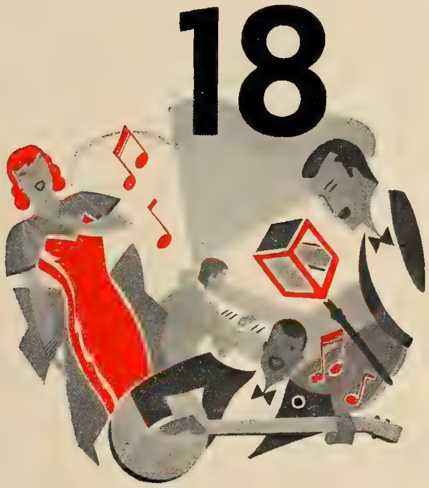
The Max Fleischer third dimensional effect will be used in this picture.





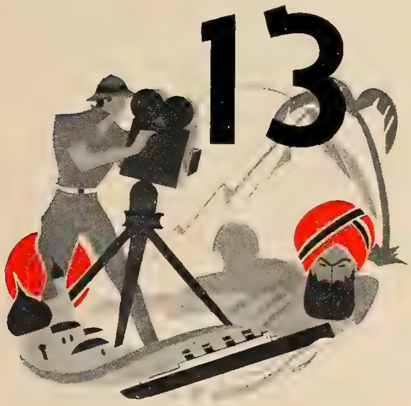
PARAMOUNT VARIETIES

Twenty novelty one-reelers, introducing the newest ideas in entertainment. The spice of life, laughs, cockeyed comedies, music in a series of unusual short features.



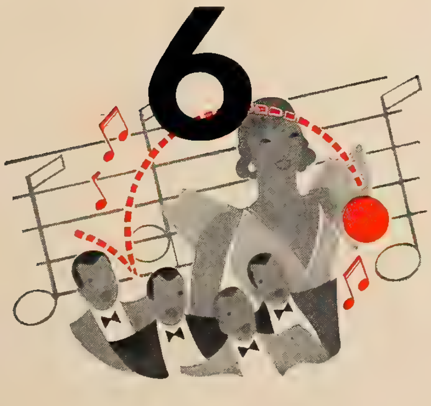
PARAMOUNT HEADLINERS

Eighteen entertainment bulls-eyes with every "headliner" a star from radio, stage or screen. Comedy patter, lowdown blues, swaying dance tunes – the top-notch amusement personalities.



PARAMOUNT PICTORIALS

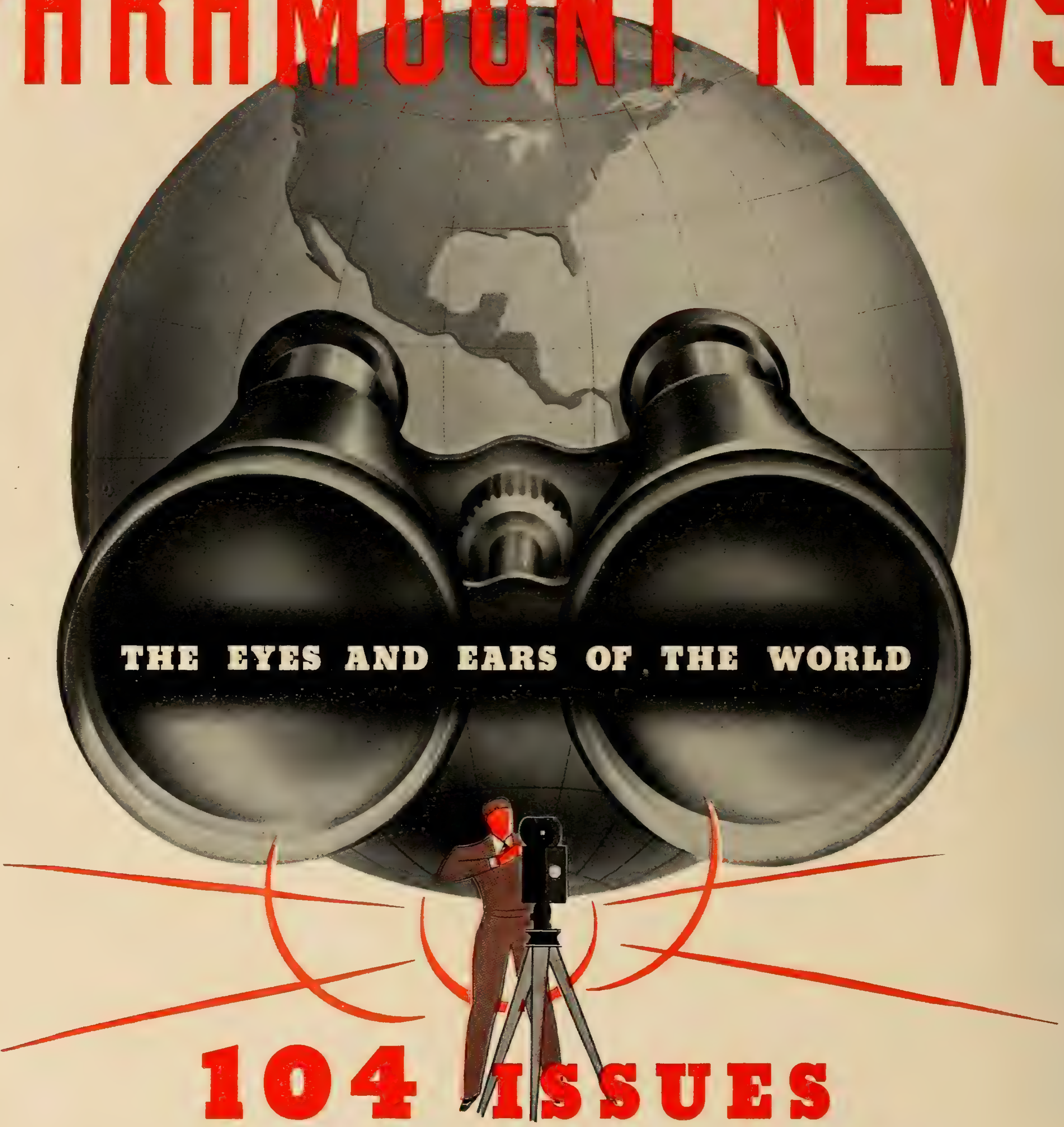
Thirteen thrilling adventures in odd corners of the world. Some in color. Everything that is new and interesting, brought back by our roving cameras from the very ends of the earth.



PARAMOUNT SCREEN SONGS

The "Bouncing Ball" returns by popular demand, in a cartoon series featuring only the latest and most popular songs sung by leading radio personalities.

PARAMOUNT NEWS


THE EYES AND EARS OF THE WORLD

104 ISSUES

All the important news first and "scoops" that the others don't get. Paramount's great staff of camera news-getters is second to none, and for that reason, Paramount News is **the standard newsreel of the world.**

Promotions at New High in Kansas City

KANSAS CITY, July 14.—Schemes of exhibitors to increase patronage by overcoming competition—inter- or intra-industry—are so thick and varied an exhibitor recently quipped, "Why not sell the giveaways and give 'em the pictures?" Promotional efforts hereabouts have reached a new high.

The Newman, which introduced screeno June 4 for Tuesday nights, recently added bank night for Wednesday nights, the only first run spot in the territory to adopt either type of promotion so far.

Premiums have been used by suburbans some time, with the offer of gift stamps for merchandise prizes by Fox Midwest suburbans more recent. Advertisements which ran recently, revealed what is in no way an unusual offering by Kansas City houses. Out of 43, which covers all advertisers but first runs, 23 offered gifts of glassware, chinaware, kitchenware, grab bags, candy bars, stamps, etc. Half of the remainder showed for a dime. Of the final 10, one double featured with a "special attraction;" one double featured; two offered regular feature plus "Hollywood's newest sensation;" another had a foreign film, and one a "special attraction at 9:10 P. M."

Suburbans have used bank night for some time. This also holds for exhibitors in the area. Twenty new bank night contracts have been signed since the code went out, most of them in areas where the plan experienced the most code trouble—particularly Greater Kansas City. In fact, the metropolitan district here accounted for most of the new contracts, according to R. W. McEwan, distributor in Kansas and western Missouri.

Competitive plans have appeared and are making some headway. Jack Pot, which originated last winter in Minneapolis, has been sold to several accounts by Consolidated Film Distributors, according to W. P. Humston, secretary-treasurer. "Buck Nite," which this firm also distributes, is just being introduced into the territory. It combines prize drawing with the amateur idea, and started in Texas this spring. Consolidated started pushing both plans about the time the code went out.

Besides the Newman, George Harttmann, operator of the Armour, North Kansas City, who distributes screeno in western Missouri and Kansas, has, in the past six weeks, signed the Bijou, Baltis, Mary Lue, W. D. Fulton's Southtown, Colonial, LaSalle, Mokan, Tivoli and the Aladdin—all in Kansas City; the Rialto, St. Joseph, and some other out-of-town ones.

Franklin Prod. Quits

BOSTON, July 14.—Franklin Prod., Inc., former Majestic distributors here, has gone out of business and the product it has been handling during the past few months has been absorbed by the Wholesome Film Exchange. Gene Gross, office manager for Franklin, is as yet unconnected.

The American Film Exchange, controlled by Harry Asher, has handled the new Majestic features for the past few months.

Japan Slowly Turns to Use Of Sound Film

WASHINGTON, July 14.—Japan, the last stronghold of the silent film, is reluctantly switching over to sound and the output of its own sound films has increased while silent production has dropped sharply, the *Japan Advertiser* Annual Review of 1934-35 reveals in a survey of the industry in Nippon.

The average house in Japan grosses only about 36,000 yen ($10,800) a year, the survey reveals, and it was only natural that the silent film should prevail because of the expense of sound. In 1934, however, the country made 400 features pictures and 103 of these used sound tracks. There are 1,718 theatres in Japan, Korea, Formosa and the Kwantung Leased Territory and of this number 710 are wired, thus giving the sound films a comparatively large market since most of the wired houses are in large cities.

The article also reveals that the trend in Japan is away from American pictures and toward those of Europe. In 1933 American companies provided 91 per cent of the importations and in 1934 only 85 per cent. But the trend is stronger than these figures reveal. With three or four exceptions, the best grossers last year were European pictures. In a recent poll taken by the *Movie Times* of Japan (a publication in Japanese), the leading critics of the Empire voted "Le Paquebot Tenacity," "Congress Dances" and "Poil de Carotte" as the best pictures of the year. "It Happened One Night," the American prize winner, was way down at the bottom of a long list.

U. S. Gains in Netherlands

WASHINGTON, July 14.— Declining popularity of German features in the Netherlands has resulted in an increase of American films, according to a report from Consul W. M. Chase, in Amsterdam, to the U. S. Department of Commerce.

American releases during May, the consul states, were extraordinarily large, representing 68 per cent of all first runs. This is the highest ratio on record for American pictures shown in Amsterdam.

During the first five months of 1935, 117 films were given first runs in Amsterdam. Of this number, the report explains, 56 were American, eight in excess of the corresponding 1934 period, although the total increase in releases was only 13 films. Censorship figures also indicate that releases throughout the entire country have increased.

During the first five months of 1935, American films accounted for 48 per cent of the total release in Amsterdam; German films, 25 per cent; French films, 11 per cent; British films, five per cent; and Netherlands films, four per cent.

Turn Down Bay State Bill

BOSTON, July 14.—The House Ways and Means Committee has turned down the so-called billboard bill which would put a political appointee over all outdoor ads from marquees to 24-sheets.

Jossey Wins

Cleveland, July 14.—At the Variety Club golf tournament at the Hawthorne Country Club, Myer Fine, Sam Stecker and Jerome Friedlander, all active bank night opponents, suggested to J. S. Jossey, bank night franchise owner, that, inasmuch as bank night is getting to be an epidemic around here, they have a bank night at the golf tournament. The idea caught on and in a jiffy each man chipped in a buck to make up the pool.

Names were tossed into a hat for a drawing. None of the Variety boys wanted to draw, so they called in a club waiter to pull out a name.

Jossey's name came out.

Theatre Measles Ban Quickly Called Off

FARMINGTON, N. H., July 14.—It took competition to remove a ban preventing children from attending theatres. A measles epidemic was the original reason for the prohibition, but the youngsters eluded it by going to nearby municipalities.

"Inasmuch as these conditions were tolerated to the detriment of local business and other interests of the town," the Board of Health stated in retracting their order, "the restrictions imposed by the former notice are withdrawn and the responsibility for the spread of the disease is charged directly to the parents."

Comerford Builds House

SCRANTON, July 14. — Comerford Theatres, Inc., has purchased a plot of land, 97 by 120 feet, in Hawley, near here, on which to erect a $65,000 theatre to replace the Comerford-owned Dreamland, destroyed by fire a year ago. Work on the building is to be completed by Oct. 1.

Advance Injunction Bill

BOSTON, July 14.—The anti-injunction bill that would disallow the granting of injunctions in labor disputes until after a hearing of the facts, has been acted upon favorably by the Massachusetts Senate. It has already been passed by the House of Representatives.

Oppose Akron Carnivals

AKRON, July 14.—Condemning carnivals as "crime breeders," the I.T.O.A. has asked City Council to increase license fees and limit the shows to six days.

Try Out Spook Parties

NEW HAVEN, July 14.—Loew's is planning one-night Spook Parties all over the circuit, beginning at midnight, July 12, at the Poli here. An Ed Wynn show will be the feature.

New House to Open

The Arverne Theatre, Arverne, L. I., has opened with the Arvo Co., Inc., operating.

New Theatre Unit

DOVER, Del., July 14.—Fox Janesville Corp. has been chartered by Raymond J. Gorman, C. N. Caldwell, Jr., and Arthur W. Britton.

Trade Exhibit On Production At San Diego

SAN DIEGO, July 14.—The industry is doing its part to make the California Pacific International Exposition a success.

In the Hollywood Motion Picture Hall of Fame, a handsome pueblo-type building, located on the Palisades, all the glamour and much of the grief of studio activities are being shown by the Screen Actors' Guild and the Dominos.

So great was the attendance during the opening days last week that Kenneth Thomson, secretary of the guild, had to send in a rush order for additional tickets.

At the entrance are many of the famous costumes of screen history including Charles Chaplin's original baggy trousers, derby and cane; Rudolph Valentino's Sheik outfit and many others.

Another part of the building has been fitted out as a studio. Here many elaborate sets used in noted pictures are showing the public how films are actually made.

The first set brought here was the drawing room scene from Grace Moore's "Love Me Forever." Within the glare of the kleig lights as cameramen worked with their machines, Helen Mann, Florence Short, Amron Isle, Walter McGrail and Warren Burke "acted" a scene from a domestic film.

Everything is duplicated except that no film is used. Players appearing here are donating their services.

Among the sets to be seen are: the dungeon from Universal's "Bride of Frankenstein"; Berengaria's cabin from Paramount's "The Crusades," a set from Walter Wanger's "Shanghai"; another from Radio's "She" and others.

There is also a puppet show in another part of the building in which every puppet is a replica of a star. This is a musical revue and among the characters seen are Will Rogers, Eddie Cantor, George Raft, Carole Lombard and even Sally Rand as a fan dancer.

For those interested in sound recording there is a special exhibit of recording by RCA. Mole-Richardson has a display of every kind of studio light, while a collection of cameras dating from the early days to 1935 is also to be seen.

Lucille Webster Gleason, president of the Dominos and treasurer of the Screen Actors' Guild, is chairman of a committee of players in charge of the exhibit.

Spokane Scales Raised

SPOKANE, WASH., July 14.—In line with a general tendency, practically all theatres here, with the exception of the Fox, Unique and Rex, have made five-cent increases in admission prices, according to Cecil Miller, president of the Spokane Theatre Owners' Ass'n.

Some other cities have made higher increases. The Fox will continue its old scale with a minimum of 25 cents. The Granada has raised its matinee prices one cent and the evening rate two cents, the amount of the state tax.

"Thomas" Is Kansas City Hit, $5,700

Kansas City, July 14.—"Doubting Thomas" at the Fox Uptown made the best comparative showing of a below-average week for local first runs and was held. The latest Will Rogers show grossed $5,700, $2,200 over par.

"Becky Sharp" at the Mainstreet did not live up to expectations. Getting poor reviews locally, the picture grossed $9,000, $1,000 over average.

With a good 4th of July business, the Tower managed to scrape $100 over an average of $7,000 with "Mary Jane's Pa," while "Car 99" at the Newman did pretty well with $5,500 against an average of $6,000 for six days.

The first Bergner appearance here in "Escape Me Never" was not good, Loew's Midland grossing $7,500 against a par of $11,500.

Total first run business was $34,800. Average is $36,000.

Estimated takings:

Week Ending June 27:

"BECKY SHARP" (Radio)
MAINSTREET—(3,100), 25c-40c, 7 days. **Gross:** $9,000. (Average, films only, $8,000)

"MARY JANE'S PA" (Warners)
TOWER—(2,200), 25c 7 days. Stage. Nat Nazarro, Jr., Radcliffe & Rogers, Estelle & Harvey, Billy, Silvi & Arline, Joe & Eddie Dayton, Tower Adorables, Tower Orchestra. **Gross:** $7,100. (Average, $7,000)

"ESCAPE ME NEVER" (U. A.)
MIDLAND—(4,000), 15c-25c-40c, 7 days. **Gross:** $7,500. (Average, $11,500)

Week Ending June 28:

"DOUBTING THOMAS" (Fox)
UPTOWN—(2,000), 25c-40c, 7 days. **Gross:** $5,700. (Average, $3,500)

Montreal Grosses Hard Hit by Heat

Montreal, July 14.—Business was in the doldrums last week because of the heat in spite of the observance of Dominion Day, July 1, and an influx of July 4 visitors from the United States.

Only two houses reached par. The Princess, with "Escape Me Never" and "Unwelcome Stranger," took $6,000, and the Imperial, with "Black Sheep" and "It's a Small World," reached $3,500.

Two other spots, the Capitol with "In Caliente" and "The Girl from 10th Ave." and the Palace, with "Break of Hearts" and "While the Patient Slept," were pretty weak.

Total first run business was $26,000. Average is $30,000.

Estimated takings for the week ending July 6:

"IN CALIENTE" (Warners)
"THE GIRL FROM 10TH AVE." (F.N.)
CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $8,500. (Average, $9,500)

"BLACK SHEEP" (Fox)
"IT'S A SMALL WORLD" (Fox)
IMPERIAL—(1,914), 20c-25c-34c, 7 days. **Gross:** $3,500. (Average, $3,500)
LOEW'S—Temporarily closed.

"BREAK OF HEARTS" (Radio)
"WHILE THE PATIENT SLEPT" (F.N.)
PALACE—(2,600), 25c-35c-40c-50c-65c, 7 days. **Gross:** $8,000. (Average, $11,000)

"ESCAPE ME NEVER" (U.A.)
"UNWELCOME STRANGER" (Col.)
PRINCESS—(2,272), 30c-35c-50c-65c, 7 days. **Gross:** $6,000. (Average, $6,000)

Variety Club Chatter

Albany

Albany, July 14.—Most of the members of Tent No. 9 turned out for the first annual outing at Totem Lodge, Burden Lake.

It happened to be George Williams' 20th wedding anniversary and Chief Barker Ralph Pielow's sixth anniversary.

A testimonial dinner was given a few days ago to Lou Golding, new manager here for Si Fabian.

Eddie Hollander, who has been transferred to the Fox St. Louis exchange, was presented a gold wrist watch in appreciation of his work as financial secretary.

Cincinnati

Cincinnati, July 14.—New barkers inducted into the local tent are: J. Crawford Ebersole, Mayfair; Larry Holthaus, Ross-Federal Service; Joun Loofbourow, manager Cheviot; Austin Little, Theatre Arts Supply Co.; Irving J. Koppelman, Famous Music Co.; Lee L. Goldberg, manager First Division-Majestic exchange; Max Margolis, Republic pictures salesman, and William Settos, Springfield, O., as a non-resident member.

The local tent now boasts of approximately 125 members.

Ben H. Ott, Ben H. Ott, Jr., and Joy Darcy, all of New York, were visitors at headquarters here last week.

Kansas City

Kansas City, July 14.—Following luncheon tomorrow, when F. E. Ritter and E. C. Rhoden of Fox Midwest and Mike Roth will be kings for a day, Variety Club will discontinue formal luncheons and do away with kings until fall. This was determined July 8, when E. C. Leeves, J. A. Cameron and W. E. Gregory of Erpi were kings.

George Baker, chief barker, made the suggestion. Hereafter on Mondays the club will hold an informal buffet lunch.

Arthur Cole of Paramount suggested that some one at each exchange be made responsible for seeing that one representative at least got to Variety each Monday.

Ed Shanberg of Fox, member of the finance committee, spoke in defense of the club purse, now slightly deflated. He suggested members pay their fees, now due, but did not get a hand when he sat down.

The annual picnic was discussed. looked forward to by employes on Film Row each year, the picnic is always promised a part of the funds of the row's annual fall charity ball, Cole pointed out. A committee will be appointed immediately to handle the affair. A baseball game between distribution and exhibition was suggested.

Gus Diamond, office manager for Warners, heads the general committee in charge of the annual film picnic, scheduled for July 29 at Ivanhoe.

Other members of the general committee are Frank Hensler, vice-chairman, M-G-M; Arthur Cole of Paramount, L. J. McCarthy, district manager, Fox Midwest; George Baker, Newman manager, and Irwin Dubinsky of Dubinsky Brothers.

Paul Bayzman of *Box-Office* heads the program and publicity committee, with Kenneth Force of *Quigley Publications,* vice-chairman. Leo Finklestein and William Warner complete the committee roster.

Other committees are being named.

Omaha

Omaha, July 18.—The week-end formal opening of Variety Club surprised even the most optimistic. At the dinner dance in the Paxton hotel ballroom, Mayor Roy Towl, and other civic officials, including Alvin E. Johnson, president of the Omaha Chamber of Commerce, greeted the club.

The attendance was slightly over 300. Only 100 had been expected.

Out-of-town exhibitors, some coming as far away as 200 miles, included Howard Kennedy and Mrs. Kennedy of Broken Bow, Neb.; William Youngclaus and Mrs. Youngclaus of Grand Island; Eli Seff and Mrs. Seff and Sol Seff of Sioux City, Ia.; Mickey Gross of Sioux City; Herman Fields and Mrs. Fields of Clarinda, Ia.; Walter Johnson and Mrs. Johnson of Friend, Neb., G. Ralph Branton and Mrs. Branton of Des Moines.

E. R. Cummings, district manager for Tri-States, staged an elaborate floor show. Edward Shafton, an attorney, acted as toastmaster.

Pittsburgh

Pittsburgh, July 14.—In accordance with a vote taken at the recent national convention of Variety Clubs regional national representatives have been named. They are:

Harry Goldstein, Cleveland, as representative for Pittsburgh, Columbus and Cincinnati; Jack Flynn, Detroit, representative for Detroit, Albany and Buffalo; R. C. Libeau, Kansas City, for St. Louis, Kansas City and Des Moines; J. E. Fontaine, Chicago, for Milwaukee, Minneapolis and Indianapolis; Carter Barron, Washington, for Washington and Philadelphia.

Washington

Washington, July 14.—A. Julian Brylawsi and Albert Hubschmann were the kings for a day at the semi-monthly smoker.

Chief attraction added to those available generally in the club rooms was the awarding of six articles of clothing to the six barkers most nearly guessing the number of vegetables in a glass jar. Nat Glasser was the best estimator, having been but 50 out of the way in a total of some 3,600.

To the list of associate members, W. A. Whitney, trade paper correspondent and member of the *Washington Post* reviewing staff was added last week.

Carter T. Barron, skipper of the Variety Club's first annual Show Boat Cruise, and Chief Barker Rudolph Berger have selected "Jolly" Coburn and his Rainbow Room Orchestra as the first of a series of entertainment features for the boat ride.

"Alibi Ike" Only Draw in Philadelphia

Philadelphia, July 14.—The week before the Fourth found customers here too busy with holiday plans to pay much heed to films. Grosses slumped to a summer bottom.

The only film to top the average was "Alibi Ike," which, with a stage show, brought $12,500 to the Earle. Everything else went under the mark.

Total first run business was $52,000. Average is $61,300.

Estimated takings for the week ending July 4:

"THE SCOUNDREL" (Para.)
(And Week-end Run)
ARCADIA—(600), 25c-40c-50c, 6 days. **Gross:** $1,900. (Average, $2,400)

"NO MORE LADIES" (M-G-M)
BOYD—(2,400), 40c-55c, 6 days, 3rd week. **Gross:** $9,000. (Average, $12,000)

"ALIBI IKE" (Warners)
EARLE—(2,000), 25c-40c-50c, 6 days. Stage: Norman Thomas Quintet, Irene Vermillion, Sully and Thomas, Carl Shaw, amateur contest winners. **Gross:** $12,500. (Average, $12,000)

"LOVES OF A DICTATOR" (G. B.)
FOX—(3,000), 40c-55c-65c, 5 days. Stage: Steve Evans; Tip, Tap, Toe; the DiGatanos, Rachel Carley, Fenwick and Kieler. **Gross:** $9,000. (Average, 6 days, $12,000)

"THE INFORMER" (RKO)
(Second Run)
KARLTON—(1,000), 25c-35c-40c, 5 days. **Gross:** $2,200. (Average, 6 days, $3,500)

"ESCAPE ME NEVER" (U. A.)
(Second Run)
KEITH'S—(2,000), 30c-40c-50c, 6 days. **Gross:** $2,900. (Average, $4,000)

"SANDERS OF THE RIVER" (U. A.)
STANLEY—(3,700), 40c-55c, 6 days. **Gross:** $9,500. (Average, $12,000)

"THE ARIZONIAN" (Radio)
STANTON—(1,700), 30c-40c-50c, 6 days. **Gross:** $5,000. (Average, $6,000)

"Ladies" $6,000 2nd Portland Week

Portlad, July 14.—"No More Ladies" at United Artists rolled up another $6,000 in its second week, or $1,000 over normal.

The double bill, "Orchids to You" and "Men Without Names," at the Paramount secured $6,000, or just an even $1,000 above average.

Balance of first runs were average. A contributing factor was the eighth week of the lumber strike and outdoor attractions over Fourth.

Total first run business was $26,700. Average is $24,700.

Estimated takings for the week ending July 6:

"ONE NEW YORK NIGHT" (M-G-M)
"VAGABOND LADY" (M-G-M)
BROADWAY—(1,912), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

"THE MAN WHO KNEW TOO MUCH" (G. B.)
(Second Run)
BLUE MOUSE—(700), 15c-25c. **Gross:** $1,700. (Average, $1,700)

"UNWELCOME STRANGER" (Col.)
"COLLEGE SCANDAL" (Para.)
MAYFAIR—(1,700), 25c-35c-40c, 7 days. **Gross:** $3,000. (Average, $3,000)

"ALIBI IKE" (Warners)
ORPHEUM—(1,700), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

"ORCHIDS TO YOU" (Fox)
"MEN WITHOUT NAMES" (Para.)
PARAMOUNT—(3,008), 25c-35c-40c, 7 days. **Gross:** $6,000. (Average, $5,000)

"NO MORE LADIES" (M-G-M)
UNITED ARTISTS—(945), 25c-40c-55c, 7 days, 2nd Downtown Week. **Gross:** $6,000. (Average, $5,000)

"Sharp" Top Grosser for Twin Cities

MINNEAPOLIS, July 14.—"Becky Sharp" made the biggest dent in the general lethargy hereabouts by topping normal by $1,000 on a take of $5,000 at the St. Paul Orpheum.

Only three other spots in the twin cities passed the average mark. "Hooray for Love" was $500 up on a take of $6,000 at the Orpheum here and "The Virginian" at the St. Paul Tower and "My Heart Is Calling" at the World were each $500 up on takes of $2,000.

Total first run business in Minneapolis was $20,000. Average is $19,500. Total first run business in St. Paul was $18,000. Average is $16,000.

Estimated takings:

Minneapolis:

Week Ending July 3:

"PEOPLE WILL TALK" (Para.)
CENTURY—(1,650), 25c-40c, 7 days. **Gross:** $4.000. (Average, $4,000)
"ONE NEW YORK NIGHT" (M-G-M)
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

Week Ending July 4:

"HOORAY FOR LOVE" (Radio)
ORPHEUM—(2,900), 25c-40c, 7 days. Stage show. **Gross:** $6,000. (Average, $5,500)
"PUBLIC HERO NO. 1" (M-G-M)
STATE—(2,300), 25c-40c, 7 days. Stage show. **Gross:** $5,500. (Average, $5,500)
"EN NATT" (Swedish)
WORLD—(400), 25c-55c, 7 days. **Gross:** $3,000. (Average, $3,000)

St. Paul:

Week Ending July 4:

"PUBLIC HERO NO. 1" (M-G-M)
PARAMOUNT—(2,300), 25c-40c, 7 days. Stage show. **Gross:** $5,500. (Average, $5,500)
"COLLEGE SCANDAL" (Para.)
RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $3,500. (Average, $3,500)
"BECKY SHARP" (Radio)
ORPHEUM—(2,000), 25c-40c, 7 days. **Gross:** $5,000. (Average, $4,000)
"THE VIRGINIAN" (Para.)
TOWER—(1,000), 15c-25c, 7 days. **Gross:** $2,000. (Average, $1,500)
"MY HEART IS CALLING" (G.B.)
WORLD—(400), 25c-35c, 7 days, 2nd week. **Gross:** $2,000. (Average, $1,500)

"Stranded", Band, Pittsburgh's Best

PITTSBURGH, July 14.—Although the Fulton closed recently for the summer, the remaining four first runs have not benefited. The leader was the Warner, where "The Informer," on a double bill with "Going Highbrow," received the best notices of the year and did about $6,250, the highest takings here in several months. The Stanley, with Phil Spitalny and his girls' band helping "Stranded," gathered an excellent $17,500.

Total first run grosses were $33,450. Average is $35,000.

Esimated takings for the week ending July 4:

"BLACK SHEEP" (Fox)
"CHARLIE CHAN IN EGYPT" (Fox)
ALVIN—(2,000), 25c-40c, 6 days. **Gross:** $4,000. (Average, $5.000)
"THE FLAME WITHIN" (M-G-M)
PENN—(3,300), 25c-40c, 6 days. **Gross:** $5,700. (Average, $9.000)
"STRANDED" (Warners)
STANLEY—(3,600), 25c-55c, 6 days. Stage: Phil Spitalny and his Musical Queens. **Gross:** $17.500. (Average, $16,000)
"THE INFORMER" (Radio)
"GOING HIGHBROW" (Warners)
WARNER—(2,000), 25c-40c, 6 days. **Gross:** $6.250. (Average, $5,000)

Looking 'Em Over

"The Divine Spark"

(G. B.)

LONDON, July 1.—This is another of those romantic musicals with a composer hero and a story which enables the reproduction of many of his masterpieces. Costume background is again a feature.

Adapted from a Continental original by the Alleanza Cinematografica Italiana, it is admirably presented; the photography is a feature throughout. The musical side also is strong, the composer hero being Bellini. His "Maddalena" forms an effective motif, while there are operatic episodes enabling the reproduction of big moments from "Norma" and other operas. Rossini, and Paganini are other famous musicians introduced.

The story has Bellini, a student falling in love with Maddalena, daughter of a rich lawyer of Naples, who consents to elope with him, but finally refuses because she believes she will spoil his career. He is befriended by the opera singer, Ginditta, and for her writes his series of famous operas. "Norma" is a failure, but Maddalena, traveling post-chaise through the snow, gives the prima donna the score of "Maddalena," which Bellini composed her her and this changes disaster into triumph. Maddalena dies before Bellini can reach her bedside.

There is an atmosphere of sincere sentiment in "The Divine Spark" which may compensate for the fact that the formula has been overworked. Marta Eggerth sings excellently and acts charmingly, Phillips Holmes, in the earlier scenes is also effective. There is good work from Donald Calthrop, Arthur Margetson, Edmond Breon, Benita Hume and others. It should be an attractive offering to those with a liking for opera. Running time, 82 minutes. "G." ALLAN.

"Champagne for Breakfast"

(Columbia)

Just what the title implies is not quite clear, for it couldn't possibly fit the contents of the picture. Maybe it is meant as a suggestion to exhibitors what to do the morning after playing this feature.

The yarn is a bit too weak to stand on its own feet and, although Hardie Albright does strive hard, the cast doesn't help much and for the most part appears to be completely lost in its work—in the literal sense of the word. Melville Brown directed but his characters seems to do just as they please. This may be the fault of the script, however.

The story concerns efforts of Albright to save what little a suicide father has left Lila Lee and Joan Marsh, while at the same time he carries on a romance with Miss Marsh. All the skullduggery is wrapped around a lease the dead man left to some property in California and which is now wanted by a race track syndicate. In the end Albright thwarts the villain and all ends well.

Others in the cast are Sidney Toler, Bradley Page and Mary Carlisle.

As the minor half of a dual bill this should fit in small towns and neighborhoods where audiences aren't critical.

Production Code Seal, No. 944. Running time, 64 minutes. "G."

"The Awakening of Jim Burke"

(Columbia)

A commonplace production based on the father-and-son theme, "The Awakening of Jim Burke" must take its chances on double feature programs. Much of the dialogue is cut-and-dried and more than a few of the incidents painfully stereotyped.

Although Jack Holt is starred, acting honors should go to Jimmy Butler, cast as the star's son. The boy gives a certain appeal to the film with his fresh youthfulness. Florence Rice and Kathleen Burke, in the leading feminine roles, are not very successful in rising above the routine story, directed by Lambert Hillyer.

The tale concerns the efforts of Holt, a hard-boiled boss of a construction job in the west, to transform the son left in his care by the death of his ex-wife into a duplicate of himself. The boy, a violinist with a sensitive nature, rebels at his father's attempt to rob him of his natural gift and make him like the sons of the other members of the construction gang. Toward the end the boy proves to his dad that he can "be a man" and thereby redeems himself in pater's eyes.

Incidentally, the boy is the means of breaking up an amorous attachment between Holt and Miss Burke, a vamp, and maneuvering him in the direction of Miss Rice. Robert Middlemass, Wyrley Birch and George McKay are other players.

Production Code Seal No. 776. Running time, 67 minutes. "G."

'Thomas' Only Par Draw for Capital Spots

WASHINGTON, July 14.—"Doubting Thomas," playing a return engagement at Loew's Columbia, was the only attraction downtown to reach par last week. It took $3,600.

"Alibi Ike" came within $100 of the $18,400 average at the Earle, helped by a stage show. "Becky Sharp" took $9,500 in its second week at RKO Keith's.

Total first run business was $62,800. Average is $73,700.

Estimated takings, exclusive of tax:

Week Ending July 3:

"BECKY SHARP" (Radio)
RKO-KEITH'S—(1,836), 25c-55c, 7 days, 2nd week. **Gross:** $9,500. (Average, first week, $10,600)

Week Ending July 4:

"ALIBI IKE" (Warners)
EARLE—(2,218), 25c-77c, 7 days. Stage: Vera Van, 32 Roxyettes, Rufe Davis & Radio Rubes, Pettet & Douglas. **Gross:** $18,300. (Average, $18,400)
"DOUBTING THOMAS" (Fox)
LOEW'S COLUMBIA—(1,264), 25c-40c, 7 days (return engagement). **Gross:** $3,600. (Average, first run, $3,600)
"THE GLASS KEY" (M-G-M)
LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage: Edward Arnold, Carl Freed & His Harmonica Harlequins, Mills & Martin, Jordan & Grace. **Gross:** $18,400. (Average, $20,900)
"NO MORE LADIES" (M-G-M)
LOEW'S PALACE—(2,370), 35c-77c, 7 days, 2nd week. **Gross:** $8,900. (Average, first week, $15,900)
"OIL FOR THE LAMPS OF CHINA" (F. N.)
METROPOLITAN—(1,591), 25c-40c, 7 days (return engagement). **Gross:** $4,100. (Average, first run, $4,300)

"Ladies", Seattle's Lead; Does $8,150

SEATTLE, July 14.—"No More Ladies" was the only strong attraction in town. It reached $8,150 in a nine-day run at the Fifth Avenue. Normal for seven days is $7,000.

"Murder in the Fleet" and "Ginger" came within $300 of average on a take of $4,700 at the Paramount, but elsewhere audiences were pretty slim.

Total first run business was $27,800. Average is $34,000.

Estimated takings for the week ending July 3:

"THUNDER IN THE EAST" (U. A.)
BLUE MOUSE—(950), 25c-40c-55c, 5 days. **Gross:** $2,100. (Average, $4,000)
"STRANDED" (Warners)
BLUE MOUSE—(950), 25c-40c-55c, 4 days. **Gross:** $1,850. (Average, $4,000)
"NO MORE LADIES" (M-G-M)
FIFTH AVENUE—(2,500), 25c-40c-55c, 9 days. **Gross:** $8.150. (Average, $7.000)
"THE HOOSIER SCHOOLMASTER" (Monogram)
"HONEYMOON LIMITED" (Monogram)
LIBERTY—(1,800), 15c-25c-35c-50c, 6 days. **Gross:** $3,100. (Average, $4,000)
"OIL FOR THE LAMPS OF CHINA" (F. N.)
MUSIC BOX—(950), 25c-40c-55c, 6 days, 4th week. **Gross:** $2.800. (Average, $4.000)
"WEREWOLF OF LONDON" (Univ.)
"GOING HIGHBROW" (Warners)
ORPHEUM—(2,450), 25c-35c-40c, 7 days. **Gross:** $5.100. (Average, $6.000)
"MURDER IN THE FLEET" (M-G-M)
"GINGER" (Fox)
PARAMOUNT—(3,050), 25c-35c-40c, 8 days. **Gross:** $4,700. (Average, $5,000)

Remodel at Columbiana

COLUMBIANA, O., July 14. — M. Berryman, operating the Globe, is completing an extensive remodeling program.

WHAT DID Y

KICK UP YOUR HEELS
A GREAT SH

Read this preview news:

Bursts with zest of living...lovely ladies ...a show that appeals to eye and heart!
—Motion Picture Daily

●

Best Universal has had in many a day . . . certain to click at any box-office!
—Hollywood Reporter

●

Fine motion picture material... directed with skill . . . excellent writing effort . . . Arnold perfectly cast . . . photography impressive . . . sets class!
—Variety

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Purely Personal

Charles Pettijohn, Jr., is continuing his golf conquests. His latest being a sensational round at the Westchester Country Club over the week-end to win the medal in the Sweetser Cup tourney.

•

Victor Shapiro, manager of the Hollywood office of *Quigley Publications,* arrived in town Saturday via the air route for a short vacation.

•

Lincoln H. Weld has been named assistant treasurer of Erpi. He succeeds F. B. Foster, Jr., who recently became treasurer.

•

Sol A. Rosenblatt will open his own offices in Radio City sometime next month. Partitions are now going up.

•

Nat Levine has bought "Red River Valley" as a starring vehicle for Gene Autry, his cowboy star.

•

Jackie Coogan will reach New York Tuesday on the *Santa Rosa.*

•

Boris Morros plans to leave on a vacation within the next few days.

•

Bob Goldstein is studying Bermuda sailing schedules.

•

. . . St. Louis

Harry Greenman of the Fox Theatre, in addition to his executive duties as one of the local board of strategy of the Fanchon & Marco organization, has turned gentleman farmer and erstwhile road builder. The civil engineer, surveyor and rodman who helped him stake out his roadway from here to there on his many acres of fine onion land in St. Louis County are convinced that as a highway constructionist Greenman probably is the best theatrical manager in 49 states. And speaking of his onions nothing stronger has ever come out of Bermuda.

Charley Kurtzman of the Fanchon & Marco executive staff and his bride have returned from a brief vacation in Wisconsin.

John Dickson, former manager of the Cardinal in the Jennings district of St. Louis County which is now operated by Irving Mueller, has gone to Southern California.

Censor Board Broke; Drop Ohio's Leaders

(*Continued from page* 1)

five-foot leaders certifying censorship, and indicating the numerical designation of approval as required by the state law. The board is thus placed in the position of being compelled to violate the law through lack of funds.

A decision just handed down by the State Supreme Court declaring unconstitutional Governor Davey's plan to redistribute the budget to provide funds for activities of various departments left without funds by his having slashed $8,800,000 from the total appropriations which he previously had approved for the remainder of the year, has precipitated a financial crisis.

The law specifies that the state shall furnish the five-foot film leaders, but through the action of Governor Davey, the $2,500 provided for this purpose has been withdrawn.

Consensus of opinion is that the only solution will be to call a special session of the legislature to enact new taxation programs, but Governor Davey has indicated that he will not reconvene the solons until September.

Wall Street

Big Board Has a Bad Day

	High	Low	Close	Net Change
Columbia vtc......	77¼	76	76	—1½
Consolidated Film.	4	4	4	.....
Consol. Film, pfd..	15¾	15¾	15¾	.....
Eastman Kodak...	148¾	148¾	148¾	— ⅛
Fox "A"..........	17⅜	17⅛	17¼	— ⅛
Loew's Inc........	43⅞	42	42	—1¾
Loew's Inc., pfd..	105⅛	105⅛	105⅛	— ¾
Paramount Publix	4⅛	4	4	— ⅛
Pathe	⅝	⅝	⅝	.....
RKO	2⅛	2	2⅛	+ ⅛
Warner	4⅛	4	4	— ⅛
Warner pfd........	25¼	25	25	— ⅜

Sentry Drops 1/16 on Curb

	High	Low	Close	Net Change
Sentry Safety Control	5/16	5/16	5/16	—1/16
Technicolor	18½	18½	18½	.....

Warner Bonds Advance ⅞ Point

	High	Low	Close	Net Change
General Theatre 6s '40............	13⅜	13⅛	13⅜	+ ¼
General Theatre 6s '40 ctf........	13¼	13	13	.....
Paramount F. L. 6s '47............	95¾	95¾	95¾	.....
RKO 6s '41 pp..	40½	40½	40½	.....
Warner 6s '39 wd	68¼	67⅜	68¼	+ ⅞

(Quotations as at close of July 13)

Jay King First in Warner Gross Race

Philadelphia, July 14.—First prize for grosses in the Warner Philadelphia managers' contest went to Jay King, manager of the Yorktown. He received a wrist watch from Ted Schlanger, in charge of the territory.

Nineteen other managers received awards as follows:

From M-G-M. For grosses, Marty Goldenberg, Keith's, first; Roy Robbins, Karlton, second; exploitation, Abe Frank, Lyric, Camden.

From United Artists—For grosses, Karl Schaeffer, Richmond, first; Douglas George, Parker, second; exploitation, Robert Nisenson, Park.

From Universal—For grosses, Sidney Poppay, Rialto, York, first; Sam Grader, Princess, second; Dwight Van Meter, Astor, Reading, exploitation.

From RKO—For grosses, Wilbur Grant, Manor, first; Bob Kessler, Penn, second; Tom Mangan, Warner, West Chester, exploitation.

From Paramount—Al Plough, Commodore, first; Lew Black, Arcadia, Wilmington, second.

From Fox—For grosses, Al Cohen, Wynne, first; Elmer Hollander, Forum, second.

From Columbia—Bob Lehr, Earl.

From March of Time—Steve Barutio, Boyd, first; Lee Kline, Colonial, second.

Buy Elmer Rice Play

Hollywood, July 14.—Reliance has purchased talker rights to a new play by Elmer Rice in which the chief character does not utter a single line of dialogue.

"Robin Hood" will be made in the spring with Robert Donat. Other properties owned by the company include "Gunga Din," "Beau Brummel" and "Mother Cary's Chickens."

Favors Money Quota on U.K. Distributors

By BRUCE ALLAN

London, July 5.—A new suggestion for the improvement of the Films Act is made by Sir Gordon Craig in a letter to the *Daily Cinema.* He suggests that the obligation to show a quota of British films should be removed from exhibitors and the quota on distributors should be expressed in money values intead of footage.

"If a foreign company has now to supply 100,000 feet of quota film," says Sir Gordon, "it should be obligatory in the future for that company to spend £100,000 upon British productions, but the number of films and the length thereof should be left to the company's own discretion."

Urged in favor of this plan by its author is that it legislates for the "freak" picture costing very little but making big profits—which would be ruled out by a £10,000 minimum cost clause—and that it would encourage American firms to spend their compulsory British minimum on films good enough for U. S. distribution. The elimination of the "quickie" would be automatic under such a plan, it is urged.

Sir Gordon states the belief that the new plan "would be acceptable, even welcome, in Government circles."

* * *

That the Board of Trade should take steps to expedite delivery of the report on Films Act revision, from the advisory committee under the Act, was suggested in the House of Commons in a question from Capt. Arthur Evans. The President of the Board of Trade, Walter Runciman, said he would "consider" the hint.

Trade belief is that the advisory committee will recommend amendment of the act by the addition of a "quality" condition, to be satisfied by proof that £10,000 has been spent on a picture. An alternative is that distributors should be given a cost quota for the year, under which the cost of their British films must average £10,000, but individual costs may vary so long as the statutory total is reached.

* * *

Toeplitz Prod., Ltd., will release its next two pictures through Associated British Film Distributors, Ltd., in U. K.

The G. B. release which operated with "The Dictator" is off for the U. S. as well as England, but no American release has yet been fixed by Toeplitz.

Alexander Korda has signed Siegfried Sassoon and Colonel W. F. Sterling as technical assistants and literary advisors on "Revolt in the Desert," for which the producer says he has the "sole official world film rights." Both men were friends of the late T. E. Lawrence and will work in collaboration with A. W. Lawrence.

Korda also has signed Patricia Hilliard, who made her debut in "The Private Life of Don Juan" for a featured part in "Things to Come," based on the H. G. Wells novel, "The Shape of Things to Come."

Procedure on Code Practice Decided Upon

(*Continued from page* 1)

petition or informal communication must be filed, in which certain information is given.

This information should include a brief description of the business for which the conference is intended, the number of units in the industry, number of employes, products manufactured or commodities distributed, annual volume of production, volume of sales and capitalization of the industry.

The authority of the person making the application should be shown and, if filed by a trade association executive, should be accompanied by a resolution showing the action of the association and a statement of the percentage of the entire industry represented by the association membership, either on the basis of volume of business or from the standpoint of the number in the industry or both. If the application is filed by an unorganized group, the percentage of the entire industry represented by the group should be shown.

The application should state whether the conference is intended for all branches of the industry or is to be limited to a particular branch or branches, and should set forth any unfair methods of competition, trade abuses or unethical practices in the industry which it is intended to correct.

Kansas City's Club Golf Is Heavy Draw

Kansas City, July 14.—Approximately 30 film men participated in the first annual Variety Club golf tournament at Hillcrest. The heat was terrific, but under the direction of William Benjamin, the affair was a success, practically every one winning a prize of some kind.

William Warner won the blind bogey, with L. A. Johnson winning another in that class. Benjamin himself had low score. Lionel Richie won one of the first big six prizes. Joe Maguire tied with Les Durland and Ralph Morrow for one prize, and won the dice pitch with an 11 in face of Durland's nine.

A golf ball went to those making birdies. Four were made—by Benjamin, Johnson, Warner and F. E. Ritter, Fox Midwest.

R. R. Biechele, operator of the Osage, Kansas City, Kan., and secretary of the K. M. T. A., won a pair of golf hose his first time behind a set of golf clubs. With that and his first grandchild—born July 2 to his daughter, Mrs. M. V. Bolin—Biechele could be heard all over the fairways, bragging.

It's news when E. C. Rhoden, Fox Midwest head, doesn't win a prize. He didn't.

C. E. "Doc" Cook, Rivoli, Maryville, Mo., came all the way in for the tourney, as did some other out-of-town exhibitors.

Neth Runs for Office

Columbus, July 14.—J. Real Neth, circuit operator, is a candidate for membership on the Board of Education.

On thousands of desks throughout the motion picture industry here and abroad you will now find a copy of the new 1935-36 Motion Picture Almanac, already well thumbed, already in service, as it will continue to be daily during the coming show year. In its 1204 pages, a bigger book than ever before, it covers accurately and usably, every significant phase of industry activities of the show year that has just closed. For producer, distributor and exhibitor and for all those exterior forces that impinge upon the art, commerce and finance of the motion picture, the new Almanac, in its decisive presentation of industry affairs, is a source book of inestimable value.

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DAVE APOLLON & BIG STAGE REVUE
Photographed by GEORGE FOLSEY
Paramount
MARLENE DIETRICH LIONEL ATWILL
& CESAR ROMERO "DEVIL IS A WOMAN"
ED. PAUL MUSIC - R. FOORT ORGAN SOLO
Photographed by J. VON STERNBERG
RIALTO
GEO RAFT · "STOLEN HARMONY"
BEN BERNIE - WM CAGNEY - GRACE BRADLEY
Photographed by HARRY FISCHBECK
Paramount
MAE WEST IN "GOIN' TO TOWN"
PAUL CAVANAGH & SEVEN LEADING MEN
ED. PAUL MUSIC - FOORT ORGAN CONCERT
MAE WEST
Photographed by KARL STRUSS
CAPITOL
HELEN HAYES·ROBERT MONTGOMERY
"VANESSA" HER LOVE STORY
EXTRA-"COCOANUT GROVE REVUE
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VOL. 38. NO. 13 NEW YORK, TUESDAY, JULY 16, 1935 TEN CENTS

MPTOA Lines Up 10-Point Code Program

Membership to Act Upon Voluntary Regulation

A 20 per cent "unconditional" rejection privilege in all contracts and genuinely competitive buying and bidding for pictures are urged by the M. P. T. O. A. in a list of 10 trade practices which the national exhibitor organization would include in any voluntary code drawn for the industry, it is disclosed in the monthly bulletin of the organization issued yesterday by Ed Kuykendall, president.

Kuykendall calls upon members to submit "advice and suggestions" in connection with the drafting of a regulatory code and adds that the board of directors of M. P. T. O. A. will

(Continued on page 3)

Code Interest Ebbs In Salt Lake City

SALT LAKE CITY, July 15.—Code interest in this territory seems to be slight. Circuit men and independents are sitting tight waiting for something to happen in New York.

Placards have been displayed by theatres and other lines of business saying code hours and wages are being maintained, but nothing else has happened.

First Grievance Up For Ruling by KMTA

KANSAS CITY, July 15.—What is slated to be the first complaint of an exhibitor to be heard by the recently appointed grievance board of the K.M.T.A. will be that of R. H. Montgomery, operator of the 433-seat Mainstreet at Independence, Kan.

Because Glen Dickinson's Booth was not buying all the available first run

(Continued on page 3)

Glynne Funeral in Southampton Today

SOUTHAMPTON, L. I., July 15.—Funeral services will be held at 2 P. M. Tuesday at St. John's Church here for Michael J. Glynne, who died at Water-Mill on Saturday as the result of an eye operation. Burial will be in Southampton Cemetery.

Michael J. Glynne was well known in local exhibition, having started in

(Continued on page 12)

Chicago Astor Suit Settlement Reached

CHICAGO, July 15.—The Astor Theatre suits charging distributors conspired with each other and competing exhibitors to withhold service on account of a dime admission policy and the seeking of an injunction against the continued refusal to service contracts without the dime clause were dismissed here late Saturday in U. S. Justice Woodward's court when counsel announced a settlement out of court had been reached.

Under the terms of the settlement all major product is available to the Astor in the 26th week after first run for exhibition at a dime until 6:30 o'clock and 15 cents thereafter.

The settlement of the damage action involved a cash payment to the plaintiff of an undisclosed amount reported as $10,000 which was collected among the defendants. Rosenberg, Toomin and Stein were counsel for the Astor.

The settlement is viewed as a precedent.

Cleveland to Amend Pact on Dual Bills

CLEVELAND, July 15.—Unrestricted dualling for pictures which have not played downtown first runs will be one of the proposals to be discussed at a meeting of the Cleveland M. P. Exhibitors' Ass'n. tomorrow.

For some time there has been a plan underway to permit dualling one night a week and 75 out of 82 independents have agreed to this plan, but it is felt exceptions must be made to members in sections directly affected by dual bill competition.

Philadelphia Sunday Petitions Get Start

PHILADELPHIA, July 15.—First petitions to put the Sunday show question on the ballots next November are being circulated here in hotels, clubs and among business men.

The petitions will need 17,000 signers in order to make it mandatory for election commissioners to submit the matter to voters. This also can be accomplished by resolution of the City Council and film men are to attempt to get the council to do this.

Interstate to Build Five Houston Houses

HOUSTON, July 15.—Interstate Theatres Circuit, Inc., has plans for a 1,700-seat downtown house and four modern 1,200-seat suburbans, work upon which is to be started immediately. They probably will be ready before Christmas.

Interstate now has three downtown de luxe houses.

Wedding Idea!

Educational's eastern production staff took a week off and two things happened. The business manager, William Weiss, got married, to the great surprise of the rest of the staff and before the congratulations were over somebody had suggested "The June Bride" as the title of the next Paul Terry-Toon.

Weiss telephoned Terry early in the week and invited him to "a wedding" in Harrison, N. Y. The bride was Rita Romaner, daughter of Hugo Romaner and Mrs. Romaner of Far Rockaway.

B. & K., Great States Buy Warners' Lineup

Gradwell L. Sears, southern and western sales manager of Warners, who was recently named a vice-president of Vitagraph, returned from Chicago yesterday where he sold his company's lineup complete, including Vitaphone shorts and trailers to B. & K. and Great States Theatres for the new season. Carl Leserman, Sears' assistant, aided the Warner end, while John Balaban and Walter Imerman, acted for B. & K. The Great States contract was signed by Jules R. Rubens.

Separate Contracts On Fox, 20th Films

HOLLYWOOD, July 15.—Contracts on Fox and 20th Century product are now being written under these two companies' individual trade names by Fox salesmen for the new year. This situation indicates doubt concerning the newly merged companies' future trade name, it is believed. Joseph M. Schenck, Darryl Zanuck, Sidney Kent and Winfield Sheehan are holding daily sessions.

Dallas Betting Ends Until Court Ruling

DALLAS, July 15.—Pari-mutual betting on dog racing has been abandoned at least until the October term of the state Supreme Court as a result of that courts' decision not to hear an appeal until that time.

One track has drawn crowds as

(Continued on page 12)

Frisco Bank Night Action Is Settled

SAN FRANCISCO, July 15.—Sixty-five theatres against which a suit was filed here by Affiliated Enterprises, Inc., alleging infringement of copyrights on bank night, have negotiated

(Continued on page 3)

Allied-Hays Issues Close To Solution

Exhibitors Involved Get Two for Discussion

Efforts to handle two of four specific complaints on trade practices made to Will H. Hays by Allied States officials last month have resulted in bringing together the exhibitors involved for the purpose of working out a settlement of their differences between themselves, according to reports received here yesterday from Indianapolis. Allied officers meeting there last week discussed replies which had been forwarded to them by the M. P. P. D. A. following an investigation of the four Allied complaints.

Reports have been made to Allied by the Hays office on all four of the

(Continued on page 3)

Says Technicolor to Be Available to All

By BRUCE ALLAN

LONDON, July 15.—Any deal which may be closed on behalf of Technicolor in England will be predicated on making use of the new three-color system available to all producers, according to Herbert T. Kalmus.

He denies any deal has as yet been concluded. This is his answer to reports tying in Technicolor with Gerrard Industries, an affiliate of Alexander Korda of London Films. Gerrard controls the Hillman color process.

Lurie Admits Start Of Producing Firm

SAN FRANCISCO, July 15.—The report from Los Angeles that he had organized a new producing company with Sol Lesser today was confirmed by Louis Lurie, who said the name of the firm would be Principal Prod., which would include a group of independents, among them the George O'Brien outfit.

According to Lurie, the company will start production with "Celluloid," a dramatization of the industry from its beginning.

Film Men Hit Cable For Television Use

WASHINGTON, July 15.—Launching a fight against invasion of the motion picture field by television, independent film interests today asked Federal Communications Commission to deny

(Continued on page 2)

MOTION PICTURE DAILY

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Philadelphia Party Gets Republic Going

Philadelphia, July 15.—Republic Pictures formally opened its Philadelphia branch today with a luncheon at the Broadwood Hotel here, followed by a reception at the exchange. More than 300 exhibitors, exchange men and others participated.

Morris Wax, I. E. P. A. head, and Lewen Pizor, M. P. T. O. president, lauded the new company as an influence favorable to the independent exhibitor. Herbert Gluckman, head of Republic Pictures of Pennsylvania, under whose banner the exchange will operate, stressed the company's strong financial backing and promised both action and product.

Edward Golden, Republic's sales head, pledged his company's cooperation with exhibitors. Harry A. Lavine, manager of the exchange, welcomed the guests. Jay Emanuel acted as toastmaster.

Call Local 306 Meet

A special meeting of the entire membership of Local 306 will be held at the Central Opera House Thursday. Nominations for coming elections are scheduled to be made at this meeting.

Beach House For Rent

Ocean front, between Atlantic Beach and Long Beach. Four bedrooms, sun decks, lounge, bar. Furnished as residence by owner now in Hollywood. For terms and inspection phone Circle 7-3100 or Long Beach 2153.

Purely Personal

Samuel K. and Mrs. Wiesenthal, the former Naomi Shaw, press agent and writer, left yesterday for the coast where Wiesenthal will produce the Nick Carter stories, the rights to which he has recently acquired from Street & Smith.

•

Marc Lachmann, author of the screen play of "Hooray for Love," gave a cocktail party yesterday for Bill Robinson who plays a lead in the film, and Dorothy Fields, Jimmy McHugh and Mana Zucca, all song writers who worked on the picture.

•

Robert M. Weitman is giving away cigars all this week. Mrs. Weitman presented him an eight-pound boy at the Beth Moses Hospital yesterday. Both mother and son are doing fine.

Quip of the Day

Small-town Ohio exhibitor commenting on strange days befalling this industry:

"This business has gone to the dogs. In times gone by we bought a picture, made a contract, played it, and then went back to the distributor and had an adjustment made. And now what's happening? We make a contract with the distributor. We play his picture. We go back for an adjustment, and what do you think, he holds us to the contract. It's a rotten business now."

Tullio Carminati sails today on the *Europa* for a six weeks' trip to Norway and Sweden. Fay Wray, who flew in from the coast yesterday morning, will also be on the boat.

•

George W. Weeks, G. B. general sales manager, left town last night for Minneapolis, Chicago and Milwaukee. He is expected back the beginning of next week.

•

Tom Pettey, of the M. P. P. D. A. public relations staff, is back from a trip of several weeks' duration for the purpose of contacting various city newspapers.

•

A. C. Blumenthal, Joan Marsh, Al Scott and Sylvia Sidney all at the Westchester Bath Club over the week-end, but on separate parties.

•

Fred Astaire, with Mrs. Astaire and John Hay Whitney, at the polo at Meadowbrook over the week-end.

•

Lola Woursell is back from a Bermuda holiday. Early report: The bicycling was great.

•

Lynn Farnol is winging his way back from Hollywood. He left yesterday afternoon.

•

Edward Burns, recently signed by Radio, changed his plans and flew to the coast yesterday.

•

Edmund Goulding has returned to the coast.

•

Roland Young, Irving Mills, Joseph Hummell, foreign sales manager for Warners, and Captain Richard Norton of British and Dominion, arrive today on the *Ile de France*.

•

Jane Cowl, Beatrice Lillie, Cicely Courtneidge and John Van Druten get in from Europe today on the *Majestic*.

•

John McManus, manager of Loew's Midland, Kansas City, is in town. Vacation stuff.

•

Elissa Landi is on her way here for a short stay before sailing for Europe.

•

John Lentz has been added to the M. P. P. D. A. public relations staff, starting yesterday.

•

J. J. McCarthy is at his Mamaroneck home during a two weeks' vacation.

•

. . . St. Louis

John Koenig, accountant for the local Paramount office, has been with that organization for 20 years. Something of a record.

Libby Inger, formerly with Progressive Pictures, is now a valued member of the M-G-M office staff.

Out-of-towners who called on the various exchanges recently included: E. L. Jansen of the Ritz, Montgomery City, Mo. He plans to redecorate and remodel his house, install new chairs and fixtures, etc. A. M. Beare, Gem, Chester, Ill.; Joe Lyman, Princess, Whitehall, Ill.; Otto Ingwersen, State, Bowling Green, Mo.; E. F. Bebermeyer, Vista, Centralia, Mo., and R. W. and Mrs. Asbury, Star, Vandalia, Mo.

Charley Regan, who formerly had a theatre in Union, Mo., may blossom forth with another. Just where is still a secret.

Brainard Drops Dead

Oklahoma City, July 15.—John Brainard, 66, general manager of Southwestern Theatres, Inc., died unexpectedly while sitting on the edge of a swimming pool here today. He had been swimming for some time and had stopped to rest when he collapsed. Brainard, whose headquarters were here, had been with the company for the past five years.

W. T. Fennessy Passes

Cincinnati, July 15.—William T. Fennessy, 74, nationally known retired exhibitor, died at his home here today after a lingering illness. He produced the "Katzenjammer Kids" over 30 years ago in partnership with Eddie Blondell, father of Joan. A widow, daughter and two sons survive.

RKO Hearing July 25

A hearing has been set for July 25 on the applications for fees totaling more than $280,000 for services rendered to date in the RKO reorganization proceedings. The applications will be heard by Federal Judge William Bondy.

Para. Gets Grey Yarns

Paramount has completed a deal whereby it has exclusive rights to all of Zane Grey's writings over a term of years, it was revealed here yesterday. The deal involves all of Grey's outdoor romances, approximately 22 in number.

Film Men Hit Cable For Television Use

(*Continued from page* 1)

an application of the American Telephone & Telegraph Co. for authority to install a co-axial cable between Philadelphia and New York for use in television service. The construction of the cable is believed to be planned for use by the television station to be built by the Radio Corp. of America.

Appearing on behalf of the independents, Ralph Vatner, at the opening of hearings on the telephone company's application, declared that it should be denied on the ground that transmission of motion pictures direct to homes does not come within the scope of the company's business, which is that of communication.

Representatives of the broadcasters also opposed the application on the ground that the company had not disclosed how the cable would be used or what its charges would be.

Several months ago when announcement of the proposed laying of the cable was made it was stated that one of its important uses also would be the transmission of 200 simultaneous telephone conversations. It has been under laboratory experiment for a long time. It is said to be seven-eighths of an inch in diameter with a copper wire inside supported by a series of rubber disc insulators which prevent contact with the casing.

Warners Start Big Studio Structures

Hollywood, July 15.—The building program, announced several weeks ago by Warners, has been started. When finished Warners will have the largest single studio in the world. Nine new sound stages will be constructed, as well as a new office building, a new property building, and a battery of film vaults. A crafts building, to house all the shops, foundries and mills destroyed by fire earlier this year will also be built.

Construction will be in charge of Lewis Geib, head of the studio technical department, who plans to start a new stage each week for nine weeks. It is estimated that from 1,000 to 3,000 men will be employed during the eight months it will take to complete the work.

Warners Form New Unit

Dover, Del., July 15.—Warner Bros.-First National Films (South), Inc., has been formed here to deal in films of all kinds, listing capital of $2,000,000. The incorporators are H. Herman, Walter Lenz and W. T. Hobson of Wilmington.

"Gondolier" at Strand

"Broadway Gondolier" opens at the Strand tomorrow night. A voice contest tied in with Station WNEW is all set.

Ex-Star a Censor

New Orleans, July 15.—Mrs. Harry P. Williams, the former Marguerite Clark, and A. W. Newlin, public administrator, have been appointed to the new state censorship board.

Ellis Irwin has not been named as yet, but his appointment as chairman is construed as a foregone conclusion by insiders.

Marguerite Clark was long a Paramount star.

MPTOA Lines Up 10-Point Code Program

(*Continued from page* 1)

be called into session to further the move for such a code as soon as the views of members have been obtained.

Other cardinal planks in M. P. T. O. A.'s 10-point program of industry regulation, in addition to the overbuying and rejection privilege features, are the elimination of cut-rate competition through the banning of double features, giveaways, premiums, lotteries and low admission scales; the establishment of fair clearance and zoning schedules "openly negotiated" for each metropolitan center; elimination or revision of both the score charge and music tax; elimination of designated playdates and the forcing of shorts with features; adoption of a standard form of exhibition contract "with a uniform provision for the enforceable arbitration of all contract disputes, including substitutions, and the control of non-theatrical exhibitions "to prevent unfair competition with an established theatre."

Three of the 10 proposals strike at double featuring. These are the provisions relating to cut-rate competition between theatres, overbuying and, lastly, clearance and zoning, which would give an advantage in availability to theatres maintaining high admissions and standard programs. The overbuying provision would also set up local machinery to pass on the suitability of films for individual localities wherever the question might arise.

Members Asked for Opinions

M. P. T. O. A. members are asked to submit views on these proposals and to add others calculated to improve theatre business and trade relations; to suggest effective methods of enforcement of such a code and to designate persons or agencies to bring it into being.

While declaring that M. P. T. O. A. is "most anxious" to aid in the setting up of a regulatory trade practice code, Kuykendall now and again in his bulletin reveals a doubt that the entire industry could be induced to subscribe to one or that effective enforcement of one could be achieved.

"In considering the question of a voluntary code, either locally or nationally," he writes, "the question of uniform and effective enforcement becomes of paramount importance. It is useless to hope for a universal, voluntary compliance. Long and sad experience with industry affairs shows this to be clearly out of the question. The 10 per cent fringe of chiselers, irresponsible, unscrupulous exhibitors eager to grab any sort of competitive advantage, must be brought in line for any plan to succeed. Otherwise, the only effect of a voluntary code is to tie the hands of the reputable and responsible exhibitor in competitive matters, placing him at the mercy of his unscrupulous competitors."

Kuykendall also points out that distributor cooperation in the drafting of a voluntary code is not to be taken for granted. In this connection he hits at industry attorneys whom he holds responsible for past refusals on the part of distributors to "cooperate or negotiate with organized exhibitors in such matters as uniform clearance and zoning schedules, standard contracts, enforceable arbitration, control of unfair non-theatrical competition, overbuying and other matters, "for fear they might become involved in anti-trust litigation."

"As long as the lawyers dictate the business policies of the distributors in these matters, however, little help can be expected from them," he writes, and points out that unless trade abuses are curbed by effective self-regulation lawsuits will multiply, regardless, and state and Federal agencies will be encouraged to take over regulation of the industry.

Again, Kuykendall declares that it is "extremely doubtful" whether any one plan or proposal will solve the industry's problems, but thinks that progress may be made through negotiation and discussion carried on between organized exhibitors and organized distributors. For this reason, he says, large film buyers and affiliated circuits cannot be excluded from exhibitor organizations.

"Moreover," he writes, "a united front is absolutely necessary for an adequate defense of any and all theatres against unfair legislation, regulation and taxation. To exclude the larger theatres in these matters destroys the effectiveness of an organization, as has been repeatedly demonstrated."

Wall Street

Issues Irregular on Big Board

	High	Low	Close	Net Change
Columbia, vtc....	76	75	75	—1
Cons. Pfd.........	15¾	15⅝	15¾	.....
Eastman	147¾	147½	147¾	—1
Fox	17¾	17¼	17⅝	+ ⅜
Loew's	42½	41⅝	41¾	— ¼
Paramount	4⅛	3¾	3¾	— ¼
Pathe	⅝	⅝	⅝	.....
Pathe "A"	8½	8½	8½	— ¼
RKO	2¼	2	2¼	+ ⅛
Universal pfd.....	30⅛	30⅛	30⅛	+ ⅛
Warner	4⅛	4	4	.....
Warner pfd......	26¼	26	26	+1

Technicolor Gains On Curb

	High	Low	Close	Net Change
Technicolor	20	18¾	20	+1½
Trans Lux	2¼	2¼	2¼	.....

Keith Bonds Up ¾

	High	Low	Close	Net Change
General Theatre Equip. 6s '40 ctf	13	13	13	.....
Keith B. F. 6s '46.	80¾	80½	80¾	+¾
Loew's 6s '41 ww deb rights..	103⅝	103⅝	103⅝	— ⅛
Paramount F. L. 6s '47	95	95	95	— ½
Paramount Publix 5½s, '50	97	96	97	+ ½
RKO 6s '41 pp....	40	40	40	— ½

(Quotations as at close of July 15)

Beatrice Test for Sabbath Films Off

BEATRICE, Neb., July 15.—Hope to beat the results of the recent election in which voters turned down Sunday shows arose and fell when Phil Hill, city manager for Fox Midwest, advertised Sunday shows last week, but on Sunday morning decided to postpone his plan.

It was understood Hill planned to defy the local ordinances and bring about a test suit and a possible injunction closing all Sunday business.

Officials warned Hill if he carried out his plan, he would be liable to $100 fines for each theatre and for each Sunday operated. He manages the Fox and Rivoli.

First Grievance Up For Ruling by KMTA

(*Continued from page* 1)

product for Independence, Montgomery opened the Mainstreet seven years ago as first run with what he considered assurance of pictures.

The Beldorf will be opened by William Wagner, manager of the Fox Plaza, Kansas City, sometime early this fall and will operate as a first run.

"Wagner is a stockholder in Commonwealth Theatre Enterprises," says Montgomery.

This will leave the Mainstreet short of first run pictures, and the second run situation is being taken care of by E. Van Hyning's Best. By fall, then, Independence, with 12,782 population, is slated for four houses with an aggregate capacity of 2,468 seats.

It is understood that Montgomery will also file complaint with the Hays organization.

Montgomery says he has contacted majors regarding pictures for the new year, and nothing definite has been done.

Members of the K.M.T.A. board do feel that they would like to know what sort of national arbitration there will be before considering local grievances, because K.M.T.A. is now affiliated with a national organization, M.P.T.O.A.; and a national grievance body would lend more weight to the settlement of local grievances, they feel. However, it is understood the board will go ahead and consider Montgomery's complaint whenever he files it.

Frisco Bank Night Action Is Settled

(*Continued from page* 1)

a settlement with the plaintiffs by signing for bank night.

The theatres are those operated by the Golden State and Theatre Realty Corp., the T. & D., Jr., Enterprises, Inc., San Francisco Theatres, Inc., and various other associated enterprises.

The suit when filed demanded an accounting of all money derived through such forms of business stimulation as "Treasury Night," "Cash Night," etc. With the withdrawal of the suit, contracts were signed on behalf of the former defendants by E. H. Emmick, president of the Golden State Theatre & Realty Corp., and Mike Naify, representing T. & D., Jr., Enterprises, Inc. Both groups include most of the subsequent run theatres in this region.

Refuses Bank Night Ads

NEW HAVEN, July 15.—In accordance with the postal department ruling that no printed matter setting forth lotteries or games of chance shall be sent through the mails, the *New Haven Register* has refused to accept theatre advertising containing notice of bank night, cash night, country store drawings, or other similar devices.

At present this affects eight theatres in the city who were advertising cash giveaways.

More Conn. Bank Nights

NEW HAVEN, July 15.—Adolph G. Johnson has sold bank night to 47 theatres in Connecticut to date. Warners have renewed the 12-weeks' contract for five houses in the territory.

Allied-Hays Issues Close To Solution

(*Continued from page* 1)

specific complaints. In addition to the two which the exhibitors involved are attempting to settle between themselves, a third has either been settled or discredited and the fourth, according to reports, appears to have little or no merit.

Sidney Samuelson, Allied president, while admitting that answers to the Allied complaints had been received from the M. P. P. D. A., and had been discussed at the Indianapolis meeting, declined to comment on the nature of the replies and whether or not they were satisfactory to the complainants. M. P. P. D. A. officials, likewise, refused comment, stating that inasmuch as the subject was initiated by Allied any statement concerning its outcome should be obtained from the exhibitor organization.

However, the reports emanating from Indianapolis relate that the four specific complaints made to Hays involved overbuying by large theatres or inability to obtain product by smaller houses. The complaining exhibitors, according to the Indianapolis reports, are located in Savannah, Ga., McRae, Ga., Miami and Greenville, Tex.

Report Affiliated Operator Involved

The complaint which is reported to have been either settled or the complainant discredited involved an affiliated theatre operator against whom an overbuying complaint was brought. An offer was made, it is said, to relinquish Columbia product which the complaining exhibitor asserted he had been able to buy for a number of years but which was sold to the affiliated house at the beginning of the season. According to report, however, the complaining exhibitor did not want the Columbia product sufficiently to take over the affiliated theatre's contract when it was offered to him.

No action could be taken on the fourth complaint which is reported to have involved a situation in which a low admission house sought the same buying privileges as are enjoyed by a competing house charging a higher admission. The exhibitor complained of felt that he was entitled to first choice of product and refused a concession and distributors preferred to continue selling him, it is said, both because of the higher rentals obtained and because of a reputedly better credit record of the second exhibitor.

Jessie Ralph Gets Termer

HOLLYWOOD, July 15.—Radio has signed Jessie Ralph to a long term contract after seeing rushes of her work in "Jalna." Kenneth Macgowan is the supervisor. Kay Johnson and Ian Hunter have the leading roles.

Cukor Gets "Romeo"

HOLLYWOOD, July 15. — George Cukor draws the directorial assignment of "Romeo and Juliet" which Irving Thalberg will produce for M-G-M with Norma Shearer as Juliet.

Short Subjects

"Excursions in Science"

(*Al Bondy*)

Including a group of scientific experiments whose strangeness and complete simplicity are spellbinding, this short is a fit subject for any program. Its appeal should be just as strong to adults as to children. The reel opens with simple experiments with horseshoe and bar magnets while off-screen dialogue explains how they work. Oil that mixes with water and oil that causes vibration in machinery rather than lubricating it are next shown. The reel winds up with shots of motors scientists have perfected to work on light rays only. Recommended. Reviewed without production code seal. Running time, 8 mins. "G."

"Sinbad the Sailor"

(*Celebrity*)

This ComiColor cartoon is excellent entertainment, particularly for children, but there are enough angles appealing to adults in it to put it over with all with a bang. It tells the story, with several modern twists, of Sinbad the Sailor to the accompaniment of music. The basic elements of the old nursery tale are kept intact but the real humor and laughs lie in the new twists the artists have given to things. Highly recommended. Reviewed without production code seal. Running time, 7 mins. "G."

"Double Crossed"

(*Universal*)

Another of the series featuring Sterling Holloway, this short should fit well in any house. The story is good and gives the characters ample chance to do their stuff, particularly Holloway. Doubles and impersonators of other Hollywood stars are used to aid comedy sequences. Fired from a hotel in Palm Springs, Holloway and Joey Ray thumb a ride from Barbara Pepper into Hollywood and pose as contact men for the stars. This gets them involved in a deal with her mother when they contract to fill her hotel with celebrities. Recommended. Production Code Seal, No. 907. Running time, 20 mins. "G."

"Going Places"

(*Universal*)

Numbers 10 and 11 of the series are equally as interesting as any of those preceding and should please. Lowell Thomas still does the commentating in his interesting style. The first takes the audience to Athens and the Grecian ruins, then to New Mexico and the blanket industry of the Zuni Indians, winding up at a trout hatchery. Highly recommended. Production Code Seal, No. 0460 and 0461. Running time, 10 mins. "G."

"Stranger Than Fiction"

(*Universal*)

Numbers 11 and 12 of this series show many interesting subjects including a bird doctor, a floating power plant, a stamp covered car, a one-armed typist, a trick cat, catching fish by hand, a chinning champion, an egg packing factory, experiments with lightning, and a private circus. Good. Production Code Seal, No. 0459 and 0479. Running time, 10 mins. "G."

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Curly Top"

(*Fox*)

Hollywood, July 15.—A great showmen's and audience picture, Shirley Temple's "Curly Top" is sure to be a box-office cleanup wherever and whenever played. The heart-warming story, smartly produced by Winfield Sheehan with a particular eye to furnishing exhibitors everything necessary to attract maximum patron attention, presents the amazing starlet in a manner certain to thrill exhibitors and delight the public.

Moving in an aura of charming human interest, the story has John Boles adopt Shirley and her older sister, Rochelle Hudson, from an orphan asylum. Brought to live in surroundings of refinement and wealth, a heaven-on-earth to the forlorn children, the little princess of artistry captivates the heart of Boles and his aunt, Esther Dale, as the former falls in love with Miss Hudson. The situation, portrayed with tender, romantic appeal never artificially forced, becomes complicated, as Miss Hudson is engaged to Maurice Murphy.

Disillusioned, Boles finds sympathetic solace in closer association with Shirley until the finale, when from the mouth of the child come words of wisdom bringing the lovers into each other's arms.

Fine as are story, entertainment and exploitation values, the production features are of equal worth. Shirley's singing and dancing are gems of showmanship which are bulwarked by the singing of Boles and Miss Hudson. Of five song numbers, "When I Grow Up," with music by Ray Henderson and lyrics by E. Heyman and sung by Shirley, is a sensational exploitation feature, as it pertains to the child's future career.

Every effort is devoted to making Shirley the focal point of interest. Yet Irving Cummings' direction of the Patterson McNutt-Arthur Beckhard screen play makes Boles and Miss Hudson outstanding as well. Also under the same deft handling unusual honors accrue to Jane Darwell, Rafaela Ottiano, Miss Dale, Arthur Treacher, Murphy and Etienne Girardot, the show's one menace.

The music is credited to Henderson with the lyrics divided among Heyman, Ted Koehler and Arthur Caesar.

Everything in the picture being what exhibitors and the public have demonstrated they want, "Curly Top" should be an incentive to showmen not to ignore any of the incorporated values in reaching for a brand-new set of box-office records.

Production Code Seal No. 1062. Running time, 75 minutes. "G."

"Woman Wanted"

(*M-G-M*)

Hollywood, July 15.—Clever dialogue and fast action make this average entertainment.

The film opens in a court with Maureen O'Sullivan due to get a death sentence for a murder committed by a gangster. While he is waiting for the jury to reach its verdict, Joel McCrea, an attorney in another court, starts a flirtation across the areaway. Louis Calhern, gang leader, wanting information from Maureen, stages a wreck of the police car that is carrying her back to jail. She escapes both cops and gangsters by hopping into McCrea's car, which is conveniently passing at the moment. Adrienne Ames, McCrea's fiancee, discovers Miss O'Sullivan in his apartment. The film ends with two big chases, plenty of gunfire, car smashes, coincidence and comedy.

Leonard Fields and David Silverstein did handsomely by the dialogue from a story by Wilson Collison. McCrea and Miss O'Sullivan are excellent in the leads, particularly in a funny drunk scene in a deserted hamburger joint.

Robert Grieg is very funny as a butler. The good support includes Lewis Stone, Edgar Kennedy, Noel Madison, Granville Bates, William B. Davison, Richard Powell, Erville Anderson and Gertrude Short under the direction of George B. Seitz.

No production code seal. Running time, 78 minutes. "G."

"The Return of Peter Grimm"

(*RKO*)

Hollywood, July 15.—Remarkable photographic effects give a weirdly convincing quality to the famous Belasco play of a ghost's return to earth.

Lionel Barrymore, as Peter Grimm, exacts a promise from his adopted daughter, Helen Mack, to marry Allen Vincent, his nephew, thinking that he is insuring her happiness and the safety of his beloved tulip

(*Continued on page* 12)

Variety Club

Buffalo

Buffalo, July 15.—Nate Sauder, manager of the Universal exchange; Ted O'Shea, M-G-M exchange manager, and Exhibitors Joseph A. Schuchert, Jr., and George Gammel won the four golf trophies at the club's annual outing at the Transit Valley Golf club.

Sauber won the Shea cup; Schucert, the Schine trophy; O'Shea, the *New York State Exhibitor* trophy, handicap event; Gammel, the A. Charles Hayman trophy. Eighty members and guests participated in the afternoon's events, with 180 present at the dinner dance in the evening.

Heading committees were Hayman, Syd Samson, Murray Whiteman, Jack L. Kaplan, O'Shea, Carl W. Kempke, and George H. Mackenna.

Cincinnati

Cincinnati, July 15.—Two nonresident members have been enrolled. They are: Harry Smith, Miami, a former local resident, and George Ross, New York, connected with National Screen.

Detroit

Detroit, July 15.—More than 100 barkers and their guests took part in the first annual golf tournament at Meadowbrook.

The tournament turned out to be decidedly an M-G-M victory. Low gross was won by Harold Sandleman, Leo booker; low net went to William G. Bishop, exploiteer, while both these also captured prizes in the "sharpshooters'" contest, and Division Manager Jack Flynn and Branch Manager Frank Downey both won prizes in the kickers' play.

Other kickers' prizes went to Fred Nugent, Republic salesman, and "Doc" Eiseman, Flint exhibitor. Other "sharpshooter" prizes went to Tom Eland, Ferndale exhibitor, and Harry Clarke, owner of the Amsterdam here. Consolation prizes were awarded to Jerry Wisper, H. M. Richey, "Red" Lenahan, Jack Schnitzer, Alex Schreiber and Eddie Loye.

Chet Bell and Eddie Regino won the attendance prizes.

Play started at noon, with a dinner, awarding of prizes and entertainment following.

Milwaukee

Milwaukee, July 15.—Approximately 700 people paid 10 cents apiece to see Cab Calloway and his "Jigger Bug Nine" drop a ball game by a score of 17 to 11 to Jack Richards' aggregation from the Fox Wisconsin at Borchert field. It was a benefit for the club and the proceeds were turned over to the milk fund.

Ben Katz, advertising and publicity director for Warners here and manager of the Warner, who has been talking marriage for several months, has finally taken the leap with Irene Silver of Racine.

Lichtman Leaving

Hollywood, July 15.—Al Lichtman is scheduled to leave for New York by plane Wednesday with Monroe Greenthal and Morris Halperin.

SMASH MUSICAL TOPS WITH SONG HITS, SWELL SWEETHEART TEAM AND GRAND ROMANCE THAT'S HEART-WARMING"

"It's all in that headline above"
—says Film Daily

But there's more in the swell lines over yonder . . .

"Pop appeal is labeled all over it!

You showmen can't overplay it!

And you're a sucker if you don't give it a ride in your publicity!

Warners have come through with the sweetest b. o. honey in the musical-song-romance division delivered this year!

Dick Powell does the best work of his career, and puts over one song in particular in a way to make all the dames—old and young—swoon and like it!

Done with a delightfully original, intriguing romance that has genuine sincerity and a heart-warming quality rare in these sophisticated Hollywood pictures of the light entertainment variety!

We cannot recall any musical that has such a delightful romance with such a smart balancing of struggle, disappointments, eager youth fighting for success, menace, and well-knit suspense building to a gasp climax!

In a word—it gets you!"—*Film Daily*

..And still more in these great lines from other previewers

PARDON US FOR POINTING but can you blame us for yelling about a show like this? We've gotta yell to compete with this lung-busting chorus of critical encomiums (Spanish for "praise")

483 IMPART

Before you turn
reviews like thes

"Best and most entertaining musical I have seen!"—Harry Niemeyer of *St. Louis Post-Dispatch*

"Grand picture and grand evening's fun!"— Jerry Hoffman of *Los Angeles Examiner*

"Swell idea! Will sing long lines at any box-office!"— Jimmy Starr of *Los Angeles Herald-Express*

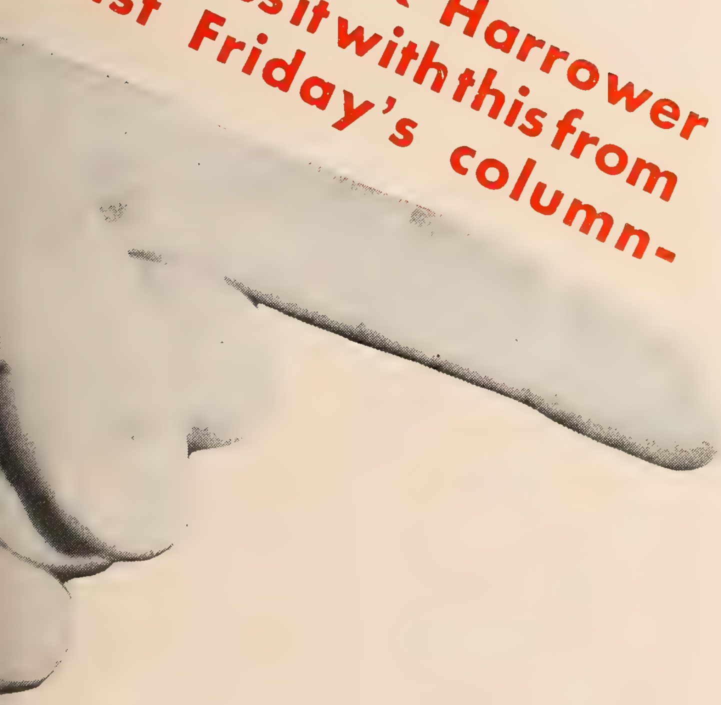
"A great picture! First musical with a really fine story!"—Molly Merrick of *North American Newspaper Alliance*

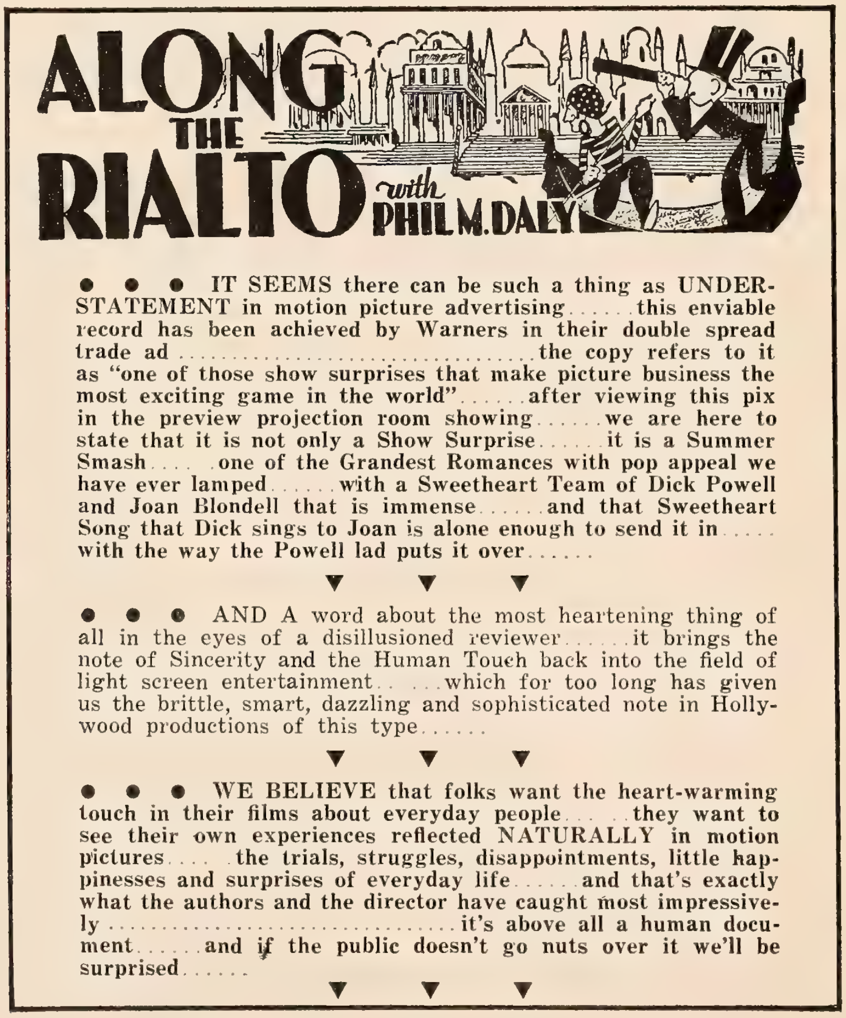
"A winner! Should land in the important money!"—*Variety Daily*

"Gay and hilarious, tuneful and showy. Hot and bankable at the box-office!"—*M. P. Daily*

"One of the better Warner musicals!"—Douglas Churchill of *Detroit Free Press*

..And Jack Harrower clinches it with this from last Friday's column-





ALONG THE RIALTO

with PHIL M. DALY

● ● ● IT SEEMS there can be such a thing as UNDERSTATEMENT in motion picture advertising . . . . . this enviable record has been achieved by Warners in their double spread trade ad . . . . the copy refers to it as "one of those show surprises that make picture business the most exciting game in the world" . . . . . after viewing this pix in the preview projection room showing . . . . . we are here to state that it is not only a Show Surprise . . . . . it is a Summer Smash . . . . one of the Grandest Romances with pop appeal we have ever lamped . . . . . with a Sweetheart Team of Dick Powell and Joan Blondell that is immense . . . . . and that Sweetheart Song that Dick sings to Joan is alone enough to send it in . . . . . with the way the Powell lad puts it over . . . . .

▼ ▼ ▼

● ● ● AND A word about the most heartening thing of all in the eyes of a disillusioned reviewer . . . . . it brings the note of Sincerity and the Human Touch back into the field of light screen entertainment . . . . . which for too long has given us the brittle, smart, dazzling and sophisticated note in Hollywood productions of this type . . . . .

▼ ▼ ▼

● ● ● WE BELIEVE that folks want the heart-warming touch in their films about everyday people . . . . . they want to see their own experiences reflected NATURALLY in motion pictures . . . . . the trials, struggles, disappointments, little happinesses and surprises of everyday life . . . . . and that's exactly what the authors and the director have caught most impressively . . . . it's above all a human document . . . . . and if the public doesn't go nuts over it we'll be surprised . . . . .

▼ ▼ ▼

L, UNBIASED SUPERLATIVES CAN'T BE WRONG!

ne next page, ask yourself if you'd like to play a picture that gets
and play it for all it's worth! If your answer's 'yes'—our answer is • •

MISTER, YOU'VE PUT YOUR FINGER ON THE SECRET OF TOP PROFITS THIS SUMMER!

WARNER BROS.'

BROADWAY GONDOLIER

We told you it would be the HIT-OF-THE-SUMMER—but the way the critics talk it looks like the HIT-OF-THE-YEAR--and who are we to argue with the critics!

Coming to the N.Y. Strand July 17th. Coming to your house July 27th—if you need money!

IT'S GOT LOVE ITALIANO! . . . . IT'S GOT LAUGHS AMERICANO! . . . . IT'S GOT TUNES FOR YOUR PIANO! . . . . It's got DICK POWELL and JOAN BLONDELL, Adolphe Menjou, Louise Fazenda, Four Mills Bros., Ted FioRito and his Band . . . . Warren & Dubin's Songs . . . . Lloyd Bacon's Direction

Washington's Takes Slide; 'Blondes' Top

WASHINGTON, July 15. — Heat socked grosses all along the line, all first runs taking the toboggan to sub-average figures. The Earle, however, topped the town for the best relative business, taking $16,200 for "Don't Bet on Blondes" plus a stage show headed by Wini Shaw and Phil Regan. This figure is $2,200 under.

Same relative business (88 per cent) was done at the Metropolitan, with $3,800 for "The Nitwits," a gross but $500 under average.

Loew's Fox took $17,500 for "Murder in the Fleet," plus a stage show headed by Billy Rose's "Small Time Cavalcade." Gross is $3,400 under par.

"Escapade" at Loew's Palace dropped to $13,600 ($2,300 under par), but was held for a second week. And at Loew's Columbia, "The Devil Is a Woman" tumbled to $2,700, under average by $900.

Playing eight days (to bring the house back on regular Friday openings) RKO-Keith's took $10,200 for "She," a gross that is $400 under the seven-day average.

Total first run business was $64,000. Average is $73,700.

Week Ending July 11:

"DON'T BET ON BLONDES" (Warners)
EARLE—(2,218), 25c-77c, 7 days. Stage: Wini Shaw & Phil Regan, Royal Swedish Bell Ringers, Al Norman & stooges, Adair & Richards with Sunny Rice & Noel Cravath. **Gross:** $16,200. (Average, $18,400)

"THE DEVIL IS A WOMAN" (Para.)
LOEW'S COLUMBIA—(1,264), 25c-40c, 7 days. **Gross:** $2,700. (Average, $3,600)

"MURDER IN THE FLEET" (M-G-M)
LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage: Billy Rose's "Small Time Cavalcade," Youthful Rhythms, Croel & Allan; Young, Worth & Wyle. **Gross:** $17,500. (Average, $20,900)

"ESCAPADE" (M-G-M)
LOEW'S PALACE—(2,370), 35c-77c, 7 days. **Gross:** $13,600. (Average, $15,900)

"THE NITWITS" (Radio)
METROPOLITAN — (1,591), 25c-40c, 7 days. **Gross:** $3,800. (Average, $4,300)

Eight Days Ending July 11:

"SHE" (Radio)
RKO-KEITH'S—(1,836), 25c-55c, 8 days. **Gross:** $10,200. (Average, 7 days, $10,600)

"Becky Sharp" Is Indianapolis Wow

INDIANAPOLIS, July 15.—"Becky Sharp" was a sensation at the Circle. The $7,500 gross was over average by $3,500.

"The Glass Key," with vaudeville, pulled $8,000, up by $1,000, at the Lyric, and a dual, "Escapade" and "Unknown Woman," was strong at $5,000 in the Palace.

Total first run business was $23,500. Average is $19,500.

Estimated takings for the week ending July 13:

"ORCHIDS TO YOU" (Fox)
APOLLO—(1,100), 25c-40c, 7 days. **Gross:** $3,000. (Average, $4,000)

"BECKY SHARP" (Radio)
CIRCLE—(2,800), 25c-40c, 7 days. **Gross:** $7,500. (Average, $4,000)

"THE GLASS KEY" (Para.)
LYRIC—(2,000), 25c-40c, 7 days. Vaudeville. **Gross:** $8,000. (Average, $7,000)

"ESCAPADE" (M-G-M)
"UNKNOWN WOMAN" (Col.)
PALACE—(3,000), 25c-40c, 7 days. **Gross:** $5,000. (Average, $4,500)

"Public Hero" Top In Oklahoma Slump

OKLAHOMA CITY, July 15.—First runs took a beating last week with two of them holding eight days. "Public Hero No. 1" made the best comparative showing by going to $5,000 at the Midwest. This is $1,000 over normal.

"Becky Sharp," in eight days, took a seven-day average, $5,000. "Charlie Chan in Egypt," "Romance in Manhattan" and "The Informer" failed to make much impression.

Total first run business was $14,400. Average is $13,500.

Estimated takings for the week ending July 13:

"BECKY SHARP" (Radio)
CRITERION—(1,700), 10c-26c-36c-55c, 8 days. **Gross:** $5,000. (Average, $5,000)

"PUBLIC HERO NO. 1" (M-G-M)
MIDWEST—(1,500), 10c-26c-36c-56c, 8 days. **Gross:** $5,000. (Average, $4,000)

"CHARLIE CHAN IN EGYPT" (Fox)
CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $1,800. (Average, $2,000)

"ROMANCE IN MANHATTAN" (Radio)
LIBERTY—(1,500), 10c-15c-26c-36c, 4 days. **Gross:** $1,500. (Average week, $2,500)

"INFORMER" (Radio)
LIBERTY—(1,500), 10c-15c-26c-36c, 3 days **Gross:** $600. (Average week, $2,500)

"Sharp" Big Denver Draw With $7,000

DENVER, July 15.—"Becky Sharp" was in the big money at the Orpheum on a take of $7,000, which was $1,500 above par. Robert Edmond Jones, designer, and Russell Lewis, dance director, were present at the opening.

"Men Without Names" reached a par $4,000 at the Denham, but none of the other first runs were able to muster anything like normal business.

Total first run business was $21,000. Average is $23,500.

Estimated takings for the week ending July 11:

"STRANDED" (Warners)
ALADDIN — (1,500), 25c-60c, 7 days. **Gross:** $1,500. (Average, $2,500)

"BREWSTER'S MILLIONS" (U. A.)
BROADWAY—(1,500), 25c-40c, 4 days. **Gross:** $700. (Average, $1,500)

"ESCAPE ME NEVER" (U. A.)
BROADWAY—(1,500), 25c-40c, 3 days. **Gross:** $800.

"MEN WITHOUT NAMES" (Para.)
DENHAM—(1,500), 25c-50c, 7 days. **Gross:** $4,000. (Average, $4,000)

"OIL FOR THE LAMPS OF CHINA" (Warners)
DENVER—(2,500), 25c-50c, 7 days. **Gross:** $4,000. (Average, $6,000)

"BECKY SHARP" (Radio)
ORPHEUM—(2,600), 25c-40c, 7 days. **Gross:** $7,000. (Average, $5,500)

"GIRL FROM 10TH AVENUE" (F. N.)
PARAMOUNT—(2,000), 25c-40c, 7 days. **Gross:** $3,000. (Average, $4,000)

No Decision Is Made In GTE-Midwest Case

KANSAS CITY, July 15.—A decision in the suit of General Theatres Equipment, Inc., against the Fox Midwest and Fox Rocky Mountain properties and other defendants was not handed down by Judge Albert L. Reeves of the U. S. District Court before he left on his vacation July 12.

Judge Reeves is expected to return to Kansas City about August 20.

Heat Hits Buffalo; All Houses Suffer

BUFFALO, July 15.—In a week of steady heat only one first run hit average. It was the Century with "College Scandal" and "Village Tale" on a dual bill. The take was $5,000.

"Escapade," first feature under the new policy at the Buffalo, came within $300 of par on a $9,700 take. Stage shows have been dropped and the scale cut a nickel. The orchestra stays, with guest vocalists.

Total first run business was $29,500. Average is $34,500.

Estimated takings for the week ending July 12:

"ESCAPADE" (M-G-M)
BUFFALO — (3,500), 30c-50c, 7 days. **Gross:** $9,700. (Average, $10,000)

"COLLEGE SCANDAL" (Para.)
"VILLAGE TALE" (Radio)
CENTURY—(3,000), 25c, 7 days. **Gross:** $5,000. (Average, $5,000)

"GINGER" (Fox)
"CALM YOURSELF" (M-G-M)
GREAT LAKES—(3,000), 25c-40c, 7 days. **Gross:** $5,400. (Average, $7,000)

"KEEPER OF THE BEES" (Monogram)
"PARIS IN SPRING" (Para.)
HIPPODROME—(2,100), 25c-40c, 7 days. **Gross:** $5,200. (Average, $7,000)

"I'LL LOVE YOU ALWAYS" (Col.)
"MEN OF THE HOUR" (Col.)
LAFAYETTE — (3,300), 25c, 7 days. **Gross:** $4,200. (Average, $5,500)

"Thomas" Is Seattle Lead In Dull Week

SEATTLE, July 15. — "Doubting Thomas" made the best comparative showing here by getting $6,880 at the Fifth Avenue. This is under normal by $120. It was the first week of the season in which the heat hit all first runs.

Total first run business was $27,650. Average is $30,000.

Estimated takings for the week ending July 12:

"STRANDED" (Warners)
BLUE MOUSE—(950), 25c-40c-55c, 7 days. **Gross:** $3,650. (Average, $4,000)

"DOUBTING THOMAS" (Fox)
FIFTH AVENUE—(2,500), 25c-40c-55c, 7 days. **Gross:** $6,880. (Average, $7,000)

"KEEPER OF THE BEES" (Monogram)
"LOST IN THE STRATOSPHERE) (Monogram)
LIBERTY—(1,800), 15c-25c-35c, 8 days. **Gross:** $3,500. (Average, $4,000)

"THE GIRL FROM 10TH AVE. (F.N.)
MUSIC BOX—(950), 25c-40c-55c, 7 days. **Gross:** $3,800. (Average, $4,000)

"ALIBI IKE" (Warners)
"CHINATOWN SQUAD" (Univ.)
ORPHEUM—(2,450), 25c-40c-55c, 7 days. **Gross:** $5,800. (Average, $6,000)

"THE GLASS KEY" (Para.)
"LADIES LOVE DANGER" (Fox)
PARAMOUNT — (3,050), 25c-35c-40c, 7 days. **Gross:** $4,100. (Average, $5,000)

Lincoln Theatres Lose

LINCOLN, July 15.—Lincoln Theatres Corp. here will have to pay Frank B. Kimball, landlord of the Rialto, $3,367.59 back rent, according to a Supreme Court decision this week affirming a District Court judgment granted over a year ago.

Plaintiff claimed the attachment proceedings was merely exercise of legal rights to collect rent, while L. T. C. claimed they were evicted. This puts an end to three years of legal battle.

"Public Hero" Stands Out in Frisco Slump

SAN FRANCISCO, July 15.—It was a tough week all along the line for the downtown houses, the only showing of any importance being "Public Hero No. 1," which went $3,000 over normal for a take of $9,000 at the St. Francis.

"Unknown Woman" at the Fox was $1,500 up on a take of $8,500 at the Fox, and "Escapade" was strong at $18,750 at the Warfield. "Becky Sharp" held up to $11,500 in its second week at the Golden Gate.

Total first run business was $74,950. Average is $76,300.

Estimated takings:

Week Ending July 9:

"BECKY SHARP" (Radio)
GOLDEN GATE—(2,800), 25c-35c-40c, 7 days, 2nd week. Stage, band. **Gross:** $11,500. (Average, $13,000)

Week Ending July 10:

"LADIES CRAVE EXCITEMENT" (Mascot)
"HARD ROCK HARRIGAN" (Fox)
ORPHEUM—(3,000), 15c-35c-40c, 7 days. **Gross:** $5,000. (Average, $7,000)

"ORCHIDS TO YOU" (Para.)
"GOING HIGH BROW" (Warners)
PARAMOUNT — (2,670), 25c-35c-40c, 7 days. **Gross:** $9,500. (Average, $10,000)

"ESCAPE ME NEVER" (U. A.)
UNITED ARTISTS—(1,200), 15c-35c-40c, 7 days, 2nd week. **Gross:** $7,000. (Average, $7,500)

Week Ending July 11:

"BROKEN MELODY" (G. B.)
"UNKNOWN WOMAN" (Col.)
FOX—(4,600), 10c-25c-35c, 7 days. Carnera-Louis fight. **Gross:** $8,500. (Average, $7,000)

"LOVES OF A DICTATOR" (G. B.)
EMBASSY — (1,200), 25c-35c, 7 days. **Gross:** $5,000. (Average, $7,000)

"PUBLIC HERO NO. 1" (M-G-M)
ST. FRANCIS—(1,400), 15c-30c-40c, 7 days **Gross:** $9,000. (Average, $6,000)

"ESCAPADE" (M-G-M)
WARFIELD—(2,700), 25c-35c-40c-55c, 7 days. Stage, band. **Gross:** $18,750. (Average, $18,000)

Week Ending July 12:

"TANGO BAR" (H. Roesner S. F.)
CLAY—(400), 25c-50c. **Gross:** $700. (Average, $800)

Omaha Top 'Hooray' And 'The Arizonian'

OMAHA, July 15.—"Hooray for Love" and "The Arizonian" were the big noise of the week here on a dual bill at the Brandeis, going $1,000 over normal for a take of $4,500.

"Alias Mary Dow" and "Escapade" were up to $5,300, over the line by $300, at the Omaha. A cooperative giveaway of an automobile in which all houses participated helped business.

Total first run business was $16,800. Average is $16,500.

Estimated takings:

Week Ending July 10:

"HOORAY FOR LOVE" (Radio)
"THE ARIZONIAN" (Radio)
BRANDEIS—(1,200), 25c-35c-40c, 7 days. **Gross:** $4,500. (Average, $3,500)

"ESCAPADE" (M-G-M)
"ALIAS MARY DOW" (Univ.)
OMAHA—(2,200), 25c-40c, 7 days. **Gross:** $5,300. (Average, $5,000)

Week Ending July 11:

"STRANDED" (W.B.)
"MURDER IN THE FLEET" (M-G-M)
ORPHEUM — (3,000), 25c-40c, 8 days. **Gross:** $7,000. (Average, $8,000)

"Glass Key" Leads Gains For Chicago

CHICAGO, July 15.—Grosses improved slightly last week with two houses topping normal. Of the two, "The Glass Key" at the Apollo made the better showing, getting $9,000 in eight days. This is $1,000 up.

The other paying attraction was "Stranded," with a stage show headed by Phil Baker at the Chicago. "College Scandal," also with a stage show, made a par $15,000 at the Oriental. "She" failed to make a big impression at the Palace, getting $21,500, slightly under par at the Palace, in eight days.

Total first run business was $119,500. Average is $128,600.

Estimated takings:

Week Ending July 11:

"STRANDED" (Warners)

CHICAGO—(4,000), 25c-50c-68c, 7 days. Stage: Phil Baker and His Playmates, Leon Belasco Orchestra. **Gross:** $35,000. (Average, $34,600)

"COLLEGE SCANDAL" (Para.)

ORIENTAL—(3,940), 25c-40c, 7 days. Stage: Music Box "Toytown Revue"; Bob Murphy; Roy Rogers; Trado Twins; Mark Fisher; Hild Ballet. **Gross:** $15,000. (Average, $15,000)

"SHE" (Fox)

PALACE—(2,509), 25c-35c-50c, 8 days. Stage: Texas Mustangs Band and Campus Revue; Cookie Bowers; Bryant, Rains and Young; Cass, Mack, Owens and Topsy. **Gross:** $21,500. (Average, $22,000)

"GINGER" (Fox)

ROOSEVELT — (1,591), 25c-35c-50c, 7 days. **Gross:** $10,000. (Average, $11,000)

Week Ending July 9:

"NO MORE LADIES" (M-G-M)

UNITED ARTISTS—(1,700), 30c-40c-50c, 5 days, 3rd week. **Gross:** $15,000. (Average, $17,000)

Week Ending July 10:

"THE GLASS KEY" (Para.)

APOLLO—(1,400), 25c-35c-50c, 8 days. **Gross:** $9,000. (Average, $8,000)

"ORCHIDS TO YOU" (Warners)

GARRICK—(900), 25c-35c-40c, 7 days. **Gross:** $6,000. (Average, $8,000)

Week Ending July 12:

"STAR OF MIDNIGHT" (Univ.)

(2nd Run)

STATE-LAKE — (2,776), 20c-30c-35c, 7 days. Stage: "Platinum Blondes" Revue; Boice & Marsh; Dawn Sisters; Chic Kennedy. **Gross:** $8,000. (Average, $13,000)

"Promoters" Are Jailed

SAN FRANCISCO, July 15.—Four self-styled film promoters from Hollywood, here on a "casting" mission for the purpose of signing children for an alleged $100,000 all-children picture, were each sentenced to five days in jail here.

They gave the names of Paul B. Mahoney, general manager of the "All Star Productions," Jack Rochelle, Theodore O'Day and Leroy Arends. The four were arrested as the result of investigation carried out by the San Francisco Better Business Bureau and the local police department.

"Escapade" Cincy Hit

CINCINNATI, July 15.—Critics on the local dailies have gone into column-length raves over the personal attributes of Luise Rainer and her work in "Escapade" at the RKO Albee last week. The picture led the town with an estimated gross of $12,500, which is considered a higher bracket figure for mid-summer, especially with the thermometer hovering around the upper 90's. This rated a holdover. The film was moved to the Capitol, for the second stanza.

"Escapade" Is Pittsburgh's Hit, $11,000

PITTSBURGH, July 15.—The warmest July in years around here has hit grosses. Last week was poor except at the Penn, where "Escapade" gathered around $11,000.

At the Pitt, an attempt to get a run out of the Louis-Carnera fight pictures and a revival of "Alibi" met with failure, the bill expiring after five weak days, during which it took in only about $1,000. The combination of "People Will Talk" and Benny Goodman's band fizzled at the Stanley, with a take of less than $12,000, while the second of the Alvin's double feature bills, consisting of "Orchids to You" and "Alias Mary Dow," got only around $3,000. This house is having a struggle without a cooling plant.

The Warner, too, eased off after several excellent weeks, doing in the neighborhood of $4,000 with "The Arizonian" and "The Unfinished Symphony."

Total first run grosses were $30,000. Average on summer basis is $33,000.

Estimated takings for the week ending July 11:

"ORCHIDS TO YOU" (Fox)
"ALIAS MARY DOW" (Univ.)

ALVIN—(2,000), 25c-40c, 6 days. **Gross:** $3,000. (Average, $4,000)

"ESCAPADE" (M-G-M)

PENN—(3,300), 25c-40c, 7 days. **Gross:** $11,000. (Average, for 6 days, $8,500)

LOUIS-CARNERA FIGHT
"ALIBI" (U. A.)

PITT—(1,600), 25c-35c, 5 days. **Gross:** $1,000.

"PEOPLE WILL TALK" (Para.)

STANLEY — (3,600), 25c-55c, 6 days. Stage: Benny Goodman's band. **Gross:** $12,000. (Average, $16,000)

"THE ARIZONIAN" (Radio)
"UNFINISHED SYMPHONY" (G. B.)

WARNER—(2,000), 25c-40c, 6 days. **Gross:** $4,000. (Average, $4,500)

Allied to Scatter Regional Meetings

CHICAGO, July 15.—Meetings of Allied's regional vice-presidents are to be held in scattered key centers hereafter for the purpose of giving the rank and file of the membership an opportunity to become acquainted with national officers.

Aaron Saperstein, returning here from the Indianapolis session, says that gathering demonstrated the value of the policy. In the past, he said, these sessions have been confined to New York, Chicago and Los Angeles.

Form Two Companies

ALBANY, July 15.—Rosta Picture Corp. has been chartered here by Norman Lazarus, Hilda Geier and Nathan Rothstein.

Motran Operating Corp. has been formed by Morris Bleendes, Louis Lambert and Ina Israelite.

Form Lang-Worth Firm

ALBANY, July 15.—Lang-Worth Feature Programs, Inc., has been chartered here by Sylvia L. Dornbusch, Salvatore B. Cassiano and Joseph M. Mandro.

Hot and Bothered

St. Louis, July 15—Tenants of the Ambassador theatre building are hot and bothered over the closing of the F. & M. unit this summer.

While the theatre was open last summer the cooling system penetrated the building and the various tenants benefited.

"Escapade," "Sharp" Big In Cleveland

CLEVELAND, July 15.—Crowds coming from all over to attend the All-Star Baseball game on Monday kept business up to average in spite of continuous record heat. "Becky," playing second week downtown, divided honors with "Escapade" as box-office draws. "Becky" got $4,100 at the Allen, or $1,100 more than average with a new picture. "Escapade" grossed $6,000 the first three days at Loew's State and finished the run $1,500 over par with a $11,500 gross.

"Ginger," with Bob Hope and stage show, drew $11,000 against a $15,000 average at the RKO Palace, while "Four Hours to Kill" grossed $3,200, or $800 under par at the Stillman. "Monte Cristo" was fair with $2,000 playing a revival at the Circle.

Total first run gross was $40,550. Average is $43,000.

Estimated takings for the week ending July 13:

"BECKY SHARP" (Radio)

ALLEN—(3,300), 30c-35c-42c, 7 days, 2nd week. **Gross:** $4,100. (Average, $3,000)

"ALIBI IKE" (Warners)

WARNERS' HIPPODROME—(3,800), 30c-35c-42c, 7 days. **Gross:** $8,750. (Average, $8,000)

"GINGER" (Fox)

RKO PALACE—(3,100), 30c-42c-60c, 7 days. Stage: Bob Hope and his Palais Royal Revue. **Gross:** $11,000. (Average, $15,000)

"ESCAPADE" (M-G-M)

LOEW'S STATE—(3,400), 30c-35c-42c, 7 days. **Gross:** $11,500. (Average, $10,000)

"FOUR HOURS TO KILL" (Para.)

LOEW'S STILLMAN—(1,900), 25c-25c, 7 days. **Gross:** $3,200. (Average, $4,000)

"COUNT OF MONTE CRISTO" (U. A.)

CIRCLE—(1,925), 15c-25c-30c, 7 days. Revival. **Gross:** $2,000. (Average, $3,000)

Cut in New England Utility Rates Sought

BOSTON, July 15.—The Allied organization in Massachusetts is setting machinery in motion to reduce utility costs to theatremen. This latest move by the Independent Exhibitors of Massachusetts, Inc., has just been made public by a message from Business Manager Arthur K. Howard to exhibitor members in which action against electrical companies is hinted.

No definite inkling as to the strategy of the campaign is given in the note beyond: "There are many ways by means of which you may reduce your electric rates." Members believing that the present rates they pay are scaled too high are urged to consult the state headquarters of Allied.

Close Akron Colonial

AKRON, O., July 15.—The Colonial, a Feiber and Shea operation for more than a decade, has been shuttered.

"Oil" Leads Minneapolis; Others Slip

MINNEAPOLIS, July 15.—"Oil for the Lamps of China" was the high draw here in a week marked by a general slump due to heat. The $6,000 take at the Orpheum was over normal by $500.

The only above-par draw was "The Arizonian," which garnered $4,500 at the Orpheum.

Total first run business in Minneapolis was $20,000. Average is $19,500. Total first run business in St. Paul was was $16,500. Average is $16,000.

Estimated takings.

Minneapolis:

Week Ending July 10:

"GINGER" (Fox)

CENTURY — (1,680), 25c-40c, 7 days. **Gross:** $4,000. (Average, $4,000)

"UNDER THE PAMPAS MOON" (Fox)

LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

Week Ending July 11:

"OIL FOR THE LAMPS OF CHINA" (F.N.)

ORPHEUM—(2,900), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,500)

"ORCHIDS TO YOU" (Fox)

STATE—(2,300), 25c-40c, 7 days. **Gross:** $5,500. (Average, $5,500)

"ESCAPE ME NEVER" (U.A.)

WORLD—(400), 25c-55c, 7 days. **Gross:** $3,000. (Average, $3,000)

St. Paul:

Week Ending July 11:

"ORCHIDS TO YOU" (Fox)

PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $5,500. (Average, $5,500)

"GINGER" (Fox)

RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $3,500. (Average, $3,500)

"THE ARIZONIAN" (Radio)

ORPHEUM — (2,000), 25c-40c, 7 days. **Gross:** $4,500. (Average, $4,000)

"UNDER THE PAMPAS MOON" (Fox)

TOWER—(1,000), 15c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

"THE HEALER" (Republic)

WORLD—(400), 25c-35c, 7 days. **Gross:** $1,500. (Average, $1,500)

Caplan on Boxing Board

DETROIT, July 15.—Maurice J. Caplan, president of the Metropolitan M. P. Co., and vice-president of Variety Club, has been appointed a member of the State Boxing Commission by Governor Fitzgerald. Caplan is well known in sport circles, being a member of the board of directors of the Detroit Lions professional football team, president of the Franklin Hills Golf and Country Club, and one of the founders of Olympia, Detroit's sports stadium.

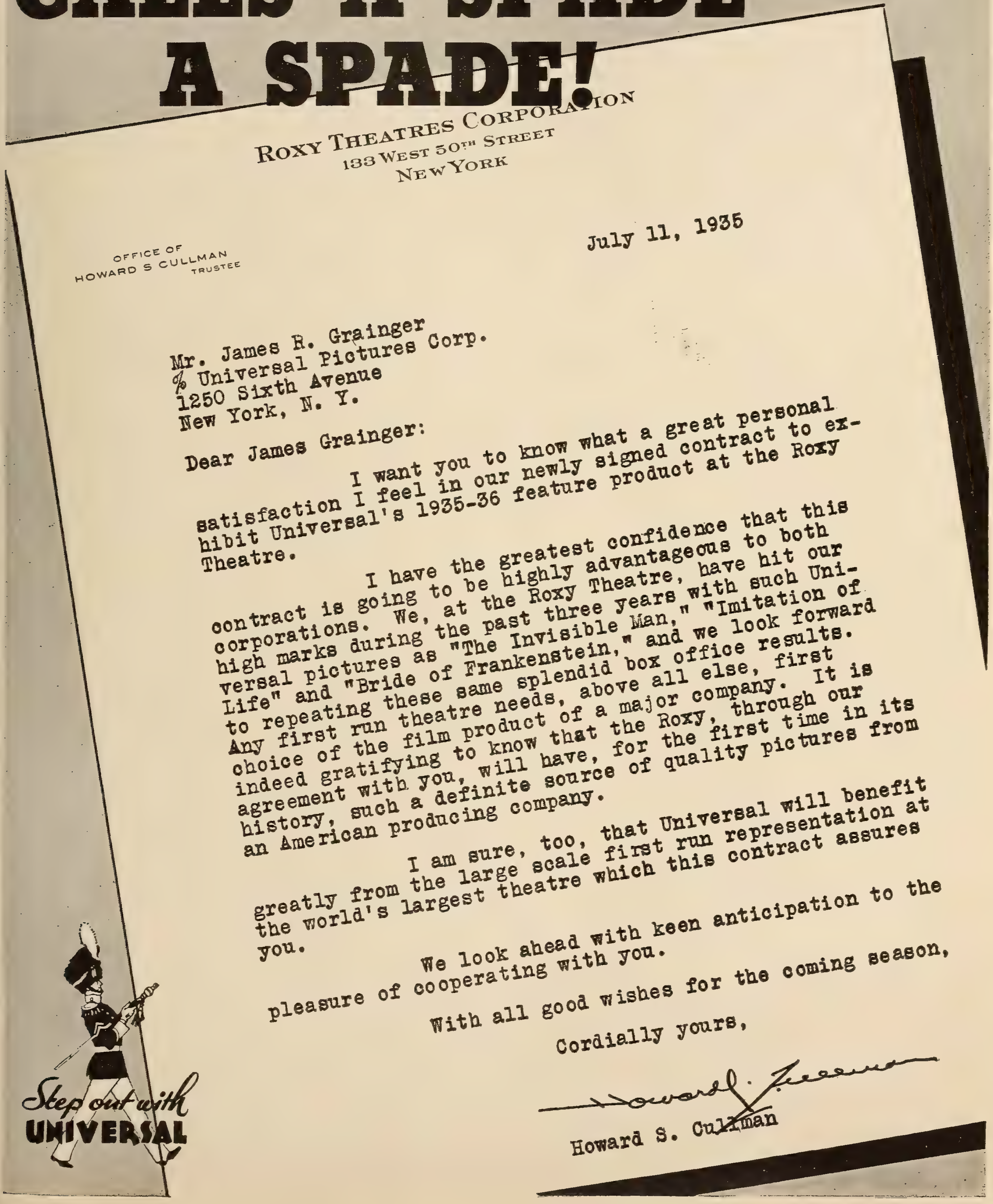
Oil vs. Films

SAN FRANCISCO, July 15.—An ordinance introduced here before the board of supervisors provides that the present distance permitted between oil stations and theatres, as well as schools and hospitals, which is 200 ft., be reduced to 60. The proposed measure is opposed by theatrical interests on the ground vehicle traffic close to a theatre disrupts patronage, while the oil station operators favor the measure because crowds bring business.

Mrs. Ellis Joins GFTA

ATLANTA, July 15.—Mrs. Fay Ellis has been named secretary of the GFTA Independent Theaters' Ass'n, replacing A. Jules Benedic, resigned.

MR. CULLMAN CALLS A SPADE A SPADE!



ROXY THEATRES CORPORATION
133 WEST 50TH STREET
NEW YORK

OFFICE OF
HOWARD S CULLMAN
TRUSTEE

July 11, 1935

Mr. James R. Grainger
℅ Universal Pictures Corp.
1250 Sixth Avenue
New York, N. Y.

Dear James Grainger:

I want you to know what a great personal satisfaction I feel in our newly signed contract to exhibit Universal's 1935-36 feature product at the Roxy Theatre.

I have the greatest confidence that this contract is going to be highly advantageous to both corporations. We, at the Roxy Theatre, have hit our high marks during the past three years with such Universal pictures as "The Invisible Man," "Imitation of Life" and "Bride of Frankenstein," and we look forward to repeating these same splendid box office results. Any first run theatre needs, above all else, first choice of the film product of a major company. It is indeed gratifying to know that the Roxy, through our agreement with you, will have, for the first time in its history, such a definite source of quality pictures from an American producing company.

I am sure, too, that Universal will benefit greatly from the large scale first run representation at the world's largest theatre which this contract assures you.

We look ahead with keen anticipation to the pleasure of cooperating with you.

With all good wishes for the coming season,

Cordially yours,

Howard S. Cullman

Howard S. Cullman

Milwaukee Warrant Reduces Giveaways

MILWAUKEE, July 15.—Giveaways have temporarily cooled here as a result of the issuance of a warrant for the manager of the Garfield, neighborhood Saxe house, who was charged with conducting a lottery. The theatre had been playing screeno.

The case has been postponed until Aug. 23, and while a number of houses have dropped the games, including Fox's Palace, which had posted the town advertising a five-day screeno carnival starting July 12, there are still a few neighborhood spots holding to the policy. Additional prosecutions are expected.

Latest competition reported is that of Fox's Kosciuszko, operating only Saturdays and Sundays and offering 10-cent admission prices for adults and children two for a nickel, any time. The I. T. P. A. is still endeavoring to establish some sort of home rule with a committee headed by B. K. Fischer working on the project.

Glynne Funeral in Southampton Today

(*Continued from page* 1)

the business some years ago as a partner in Ward & Glynne. That partnership built the Alhambra in the Ridgewood section of Brooklyn, the Century in the Flatbush section of the same borough and the Astoria, Astoria, L. I.

It is understood Charles M. Schwab was originally interested in the partial or complete financing of the Ward & Glynne houses, which were subsequently sold to the Loew circuit.

Glynne later concentrated his activities in Long Island exhibition and built houses in Bay Shore, Greenport and Patchogue, and at the time of his death he was operating a Prudential theatre for Joseph Seider at Southampton.

Gering Arrives on Coast

HOLLYWOOD, July 15.—W. C. Gering, newly appointed "drive leader" for the Sidney Kent drive, which will last 15 weeks, arrived here today for conferences with studio heads. He leaves Friday on a tour of 37 Fox exchanges accompanied by Roger Ferri.

Herman Wobber arrived here today for conferences with studio and exchange men on new product.

Meighan Very Favorable

Thomas Meighan was reported in a "very favorable" condition last night at Doctors' Hospital, where he was operated on last week for an obstruction of the bronchial tube.

N. H. House Going on Air

NEW HAVEN, July 15.—Station W1XBS opens officially Thursday with a one-hour program from the Poli stage. Bob West, organist, will broadcast daily from the theatre over the new station.

Sign Charles Vidor

HOLLYWOOD, July 15.—RKO has lifted its option on services of Charles Vidor, director, thereby converting his deal into a long-term contract. He is currently directing James Barton in an untitled feature.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"The Return of Peter Grimm"

(*Continued from page* 4)

nursery. Barrymore guarantees to try returning after death at the insistence of Edward Ellis, the family doctor, who believes in spiritualism. A shade of Barrymore comes back to find his friends slandering his memory, his nephew betraying his trust, Miss Mack in love with James Bush but breaking her heart by keeping her promise to marry his nephew. The scenes where Barrymore hovers in the shadows vainly trying to make his loved ones hear his voice and right the wrongs he did in life are touching and dramatic. Miss Mack and George Breakstone stand out in vivid, restrained portrayals. Allen Vincent is credible as a subtle heavy. Ethel Griffies, Lucien Littlefield, Greta Meyer and Donald Meek lend good support.

The photography by Lucien Andriot is superb with the shade of Barrymore moving in a diffused shadow instead of a double exposure.

Kenneth MacGowan produced. George Nicholls directed from a screen play by Francis Edward Faragoh. The film needs a concentrated campaign on the spiritualism angle to sell it.

No production code seal. Running time, 80 minutes. "G."

Looking 'Em Over

"Circumstantial Evidence"

(*Chesterfield*)

This unpretentious picture moves along at a merry clip once it passes the second reel and winds up as quite entertaining. It's another newspaper story and concerns the doings of reporters, in love and at work.

Director Charles Lamont, once he gets things going, keeps the cast well in hand and, except for Chick Chandler, they all turn in good performances.

The yarn has Chandler a reporter on the same paper as Shirley Grey and the two in love with each other. Chandler, after covering a murder trial at which the defendant is convicted on circumstantial evidence, sets out to frame a case whereby he will be convicted on the same grounds and then show up the country's jury system. The trick misses fire, however, when the intended victim is really murdered and Chandler is about to be executed when he escapes and the real murderer is uncovered.

Miss Grey is especially attractive in a role that fits her well. Dorothy Revier also turns in a good performance. Arthur Vinton and Clyde King round out the cast. The photography of M. A. Anderson is good.

Particularly in neighborhoods and on dual bills this picture should please. Production Code Seal No. 697. Running time, 60 minutes. "G."

"Rainbow End"

(*First Division*)

With a story that is plausible, fast action, lots of riding and enough fighting to satisfy any action fan, this Hoot Gibson western should more than appeal to lovers of this type picture.

Director Norval Spencer keeps the action moving right along up to the climax and then finishes with a punch. Gibson is his old self again and is ably supported by a capable cast. None of the tricks usually found in pictures of this class is resorted to and all of the virile action appears quite natural.

The story has Gibson the son of a cattle baron, but he is unable to agree with his father on certain matters, so he strikes out on his own and winds up as foreman at a ranch run in opposition to one of his dad's. The usual cattle stealing then starts and Gibson sets out to unravel the mystery and save the mortgage on his employer's property. In a bangup finish things are cleared up and all ends well.

Others in the cast are Warner Richmond, Ada Ince, Charles Hill, Oscar Apfel and June Gale, who combines with Gibson for the romance in the film.

This picture should get a favorable reception generally. Production Code Seal No. 787. Running time, 60 minutes. "G."

Poli Drops Amateurs

NEW HAVEN, July 15.—Poli New England amateur nights have been suspended all over the circuit for the summer, with the exception of Worcester, where the heat has not wilted the public's ardor for them.

Woolf Company Gets First British List

LONDON, July 3.—C. M. Woolf's company, General Film Distributors, Ltd., as its first releasing contract, will handle three films to be made by City Film Prod., Ltd., at Sound City.

* * *

Associated British Film Distributors, Ltd., will control world rights of the next two Joe Rock features, starring the British comedian, Leslie Fuller. Rock previously distributed through G. B., but got only a U. K. release. A. B. F. D also has releasing rights in U K. for "The Beloved Vagabond," Chevalier-Toeplitz feature.

It will not go into production until the end of the year. Preceding it will be a vehicle with an American star with whom a deal is pending.

Both pictures will be staged at the Ealing studio of Associated Talking Pictures, Ltd., producing affiliate of A. B. F. D. Toeplitz made "The Dictator" there.

* * *

Twickenham Film Distributors, Ltd., has issued a debenture, to cover an amount not exceeding £140,000, secured upon uncalled capital and contracts; holders, the nominees of London Assurance.

* * *

It is a possibility that Jack Davis of Cinema Supplies, who recently broke into the news theatre field with the Monseigneur in Piccadilly Circus as his star house, may tie up with the Beaverbrook group. Davis also runs the Sphere, Tottenham Court Road, and the Strand News Theatre in Agar Street. Apart from news theatres, he controls five London houses.

Dallas Betting Ends Until Court Ruling

(*Continued from page* 1)

high as 20,000, and another track was under construction in an even more central location when the District Attorney went into the district court asking for an injunction against betting. This injunction was granted and appealed and confirmed by the Civil Court of Appeals. A parallel court in San Antonio had previously handed down an opposite decision.

Theatres are keenly interested in the case, as both horse racing and dog racing have drawn heavily. In fact, it is generally understood that theatre interests are behind the Dallas County district attorney.

Boston Track Opens

BOSTON, July 15.—Exhibitors have acquired a new headache with the opening of the Suffolk Downs racetrack, built by the Eastern Racing Ass'n at a cost of $2,000,000. It is estimated $500,000 in bets were wagered the opening day at Massachusett's first pari-mutuel track. Unofficial estimates credit collections in small bets by "bookies" ran to about an additional $1,000,000.

Fish Gets New U. A. Post

HOLLYWOOD, July 15.—Ben Fish, Samuel Goldwyn's brother, has been appointed United Artists' western division manager, filling a newly created post. He was formerly Goldwyn's personal representative with headquarters in San Francisco.

The Leading Daily Newspaper of the Motion Picture Industry

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Alert, Intelligent and Faithful Service to the Industry in All Branches

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Senate May Probe Para. Fee Claims

McAdoo Says He Will Press the Issue

By BERTRAM F. LINZ

WASHINGTON, July 16.—Efforts of lawyers to collect $3,222,226 for services in connection with the Paramount reorganization may receive the attention of the Senate committee headed by Senator McAdoo of California which is investigating receivership and bankruptcy proceedings when the group enters into its survey of conditions in New York, it was learned today.

Senator McAdoo today denied published stories to the effect he would lay the Paramount case before his committee. While expressing indignation at the size of the fees which attorneys have charged in connection with the reorganization proceedings, he said it appeared to be a general practice about which little or nothing could be done.

The Paramount case, if it comes be-

(Continued on page 10)

Para. Reorganizing On Coast Near Now

LOS ANGELES, July 16.—Federal Judge Paul J. McCormick will confirm the reorganization plan of Paramount Properties within the next few days, it was indicated at a hearing yesterday. It was revealed that 72½ percent of outstanding mortgage bondholders have formally approved the plan. This figure substantially surpasses the 66 2/3 percent necessary under Section 77-B of the bankruptcy act.

The reorganization plan calls for the payment of a full six percent at interest disbursement on Sept. 1, it was pointed out. All bond interest payments have been met to date.

Para. Gets Thacher To Battle Big Fees

Thomas D. Thacher, former Federal judge, has been retained by Paramount to oppose all applications for fees in connection with the bankruptcy and reorganization proceedings which are regarded as excessive. This includes practically every application on file with the court, it was said.

The fees asked by lawyers, trustees, "experts" and protective committees aggregate $3,222,226. A hearing on the applications is being held tomorrow before Federal Judge Alfred C. Coxe.

Circuits Seek Contract Ban on Duals, Cut Rates

Many of Majors' Pacts Already Using It; Kuykendall Idea

Large circuits in many sections of the country are planning to use a contract rider imposing a ban on double featuring and the use of cut-rate admission schemes during the new season, it was learned yesterday.

Many of these circuits that have already closed for new season product are using the rider already and others will have it included in contracts when negotiations now in progress have been completed.

The rider, which is not unknown to the industry, having been used periodically in the past, was recommended by Ed Kuykendall, M. P. T. O. A. president, several weeks back as a regulatory substitute for certain trade practice provisions designed to curb cut-throat competition which were included in the defunct NRA code. As now being used, the rider binds a theatre which has subscribed to it voluntarily to maintain a fixed minimum admission and to refrain from lowering the scale agreed upon either by offering premiums or rebates of any kind

(Continued on page 2)

Hoyts May Join With Fox In Australian Production

By CLIFF HOLT

SYDNEY, Australia (*By Airmail via London*), June 26.—Hoyts Theatres, Ltd., have under consideration a proposal to enter into active Australian production in association with Fox of America. It is reported the proposition is entirely divorced from General Theatres Corp., which means that Hoyts will go into active competition with Greater Union Theatres and Cinesound as a producing factor.

Word of the Hoyts proposition followed a week of uncertainty in production circles, which received a first class shock when it became known what was in the wind. Distributors had been wondering how they stood under the New South Wales quota law if there are insufficient locally-made films available to fulfil their obligations.

Their position was since made fairly plain by the Chief Secretary of N. S. W., Mr. Chaffey. The possibility of their having to produce their own

(Continued on page 10)

Fox Unable To Produce Private Books

MINEOLA, L. I., July 16.—William Fox today told former District Attorney Elvin N. Edwards that his personal financial records from 1925 to 1929 had disappeared.

The ex-prosecutor is sitting as official referee in Nassau Supreme Court here in the taking of testimony before trial incidental to a suit in which Fox is being pressed for an accounting of the finances and the stock transactions of the Fox Theatre Corp. from Nov. 11, 1925, to August, 1930, when the firm entered into receivership. Stockholders and creditors of the corporation are the plaintiffs.

(Continued on page 12)

Boston Theatremen Hard Hit by Racing

BOSTON, July 16.—Nightly dog races a few miles outside Boston are draining the pockets of persons of limited means, according to theatremen. Now a horse track, the first established in this state under the recently passed pari-mutuel laws, is underway in Boston itself. Merchants join in the protests against the setup which is still under fire in the Legislature.

Not only do the horse and dog

(Continued on page 10)

MPTOA Urges Local Efforts On Regulation

Local exhibitor units are urged by M. P. T. O. A. to begin negotiations with distributor representatives immediately for regulatory trade practice provisions to be placed in effect wherever they can be worked out, it was learned yesterday.

This recommendation is being given, it is understood, largely as a result of the organization's belief that a voluntary code for the industry will be difficult, if not impossible, to achieved, and that, even in the event one is eventually drawn, it would take months to prepare it and its enforcement would be a doubtful subject.

(Continued on page 12)

Coast Writers' Fight Brought Into Open

HOLLYWOOD, July 16.—The fight which has been brewing for several months between the Screen Writers' Guild and the writers' branch of the Academy for the inside track with producers on writers' problems was brought out in the open today by the former group.

In a letter to heads of all major studios the guild charged that nego-

(Continued on page 7)

W. C. Bright Named An Official of Pathe

Willis C. Bright, treasurer of First Division Exchanges, Inc., has been elected a vice-president of Pathe Exchanges, Inc.

Bright, who was formerly with the *New York Times* and the Guaranty Trust Company, recently joined First Division as treasurer to fill the post vacated by Dario L. Faralla.

Bright's new position at Pathe will in no way conflict with his duties at First Division.

First Division to Keep Its Officers

No changes in the executive setup of First Division will be made, it was decided yesterday at a meeting of the board of the company at which the financial status of First Division was reported to be set for new season activities.

The decision to maintain the company's present executive lineup eliminates Joe Brandt, former president of Columbia, from consideration for a top

(Continued on page 2)

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Philadelphia Talks Of Booking Combine

PHILADELPHIA, July 16.—A movement to organize a booking combine in this city has been launched by a group of local theatremen under the leadership of the I.E.P.A. At the forefront of the movement are Morris Wax, I.E.P.A. head, and Harry Fried, chairman of the board.

Closes Canadian Deal

Jules Levy, vice-president and general sales manager of RKO Distributing Corp., is back from Canada where he closed a deal for the entire Radio lineup with Confederation Amusements, Ltd., operating a circuit of neighborhood houses in Montreal. Leo M. Devaney, Canadian district manager, and N. M. Durante, Montreal branch manager, acted with Levy for the distributor, while the circuit was represented by N. N. Lawand, its managing director.

Screeno Held Lottery

MILWAUKEE, July 16.—Screeno has been ruled a lottery and therefore illegal here in the U. S. District Court. Manager Milton Harmon of Saxe's Garfield has been fined $10 and costs.

Not for Release Here

"The Divine Spark," G.B. attraction which was reviewed yesterday from London, is not designed for distribution in this market, according to the company.

Insiders' Outlook

By RED KANN

THEIR recent experience ringing freshly in their ears, Joe Schenck and Darryl Zanuck no doubt will be gratified to learn some of their associates in several directions are more than a trifle weary of lawyers in huge and small gobs and, therefore, are seriously considering leaning on their own judgment as it applies to a number of situations in the field which need straightening out. It is the legal fraternity, which is to say the extremely cautious fraternity, that has been largely responsible for the do-nothing attitude on such matters of importance as clearance, minimum admissions and double featuring. . . .

▼

They have been worried about the anti-trust and other laws. Unexpressed has been lawyers' worry over lawyer jobs, it being apparent that when they have nothing to do there is little reason to keep them on the payroll. The attitude now gaining ground, however, is one of sidetracking bogies in favor of action whether or not legal advisors agree. The lawyers, now that the code has joined the procession of things that were, maintain a flood of suits will swamp the industry and, while two or three do not comprise a torrent, it is interesting to note that this many, at least, have been filed in various sections of the country since the NRA folded its clipped wings.

▼

If, then, suits are to descend in a barrage anyway, why not give attention to those needs which require attention and do something aside from talk about the essential job of putting this industry on what bears resemblance to an even keel? Working through the M.P.T.O.A., the sounding board is being struck by urging exhibitors in their own zones to meet and to work out a program of voluntary regulatory practices. Regardless of how the idea develops in practice, this department commends the concept because it takes into the field, where it belongs, the task of ironing out difficulties peculiar to specific sections. Decisions arrived at locally and representative of the opinion of the majority should take adequate care of all interests. Even if distributors do not appear in negotiations, actually they will be through participation by their theatre subsidiaries, wholly or partially owned. . . .

▼ ▼

Reported yesterday, but unconfirmed were cheers reaching into Broadway from agents' offices in the Bond Building when word got about Huey Long had decreed New Orleans must have a vaudeville theatre next fall and winter. New Orleanians have nothing at all to do with it; The Kingfish, like The Leader, had spoken.

"If we don't get vaudeville, then we will close you up and put up a vaudeville theatre of our own," Huey told Crescent City exhibitors who, in turn, suggested to the senator vaudeville would cost $5,000 weekly and make necessary a hike in admissions to seventy-five cents top.

Whereupon Long, always bending a willing ear to the will of his constituents, went on to say:

"There are too many movies here, but anyway we are going to have a vaudeville theatre if I have to put one up myself. I'm going to find out if Memphis, Houston and Atlanta have vaudeville and what it's like."

Lacking in substantiation was the report which reached New York last night that well up in the first vaudeville bill would be one of those comedy animal acts—the kind that takes two men to perform—and that Huey would be the rear end of the horse. . . .

▼ ▼

Patsy Ruth Miller, a one-time star in minor key, has been signed by Sam Goldwyn to write, the publicity issued declaring her first job will be "Barbary Coast." Miss Miller's debut statement in her new profession:

> "I'm glad I'm not a performer any more and don't have to worry about that extra wrinkle. Wrinkles look pretty sad on the screen, but fortunately don't show in a script."

No?

▼

In the general neighborhood of the Strand, this sign:

WARNER BROTHERS PRESENT
THE IRISH IN US

Opposition to New Cable Is Withdrawn

WASHINGTON, July 16.—After A. T. & T. representatives had explained to the Federal Communications Commission yesterday that its co-axial experimental cable between New York and Philadelphia would be confined to experiments for a year at least opposition was withdrawn by Postal and Western Union. This left the only remaining opponent, Ralph Vatner, who said he represented independent New York theatres.

Some of the predictions for the cable, if it proves a success, were astonishing. Among other things it was stated that all television broadcasting companies could lease it. A total of 2,400 simultaneous telegraph messages could be sent over it and 240 telephone messages.

Circuits Seek Pact Bans for Doubles, Cuts

(*Continued from page* 1)

or by showing two features for the admission specified in the rider.

In return for adhering to these restrictions, the subscribing theatre is given increased protection over its direct competitors which do not maintain a reasonable admission scale or which employ either double features or giveaways. If the distributor breaches his part of the agreement, the subscribing theatre is entitled to a 50 per cent rebate on film rental providing the exhibitor himself has not breached the agreement. The rebate is applicable to rentals on pictures played following the breach of the agreement.

If the exhibitor breaches the agreement his benefits under the rider are automatically cancelled. In the event a competing theatre also using the rider violates its provisions, that theatre may have an action at law brought against it by either the distributor or its theatre competitor.

The rider, of course, may not be available to exhibitors from all distribution companies whose product is normally used in the course of a year, but even though available from only several companies many leading exhibitors believe it will serve to curb cut-rate and cut-throat competition in many cities to a considerable extent. While it was not disclosed which large circuits are using or will use the rider during the new season, it was intimated that M-G-M, Warners, Fox, Paramount and United Artists view the use of the rider with favor.

First Division to Keep Its Officers

(*Continued from page* 1)

post in First Division. Brandt had been considered for the chairmanship of the board, along with a place in new financing arrangements for the company. The decision also means that Harry Thomas, First Division president, will continue to function as head of the company.

Indications are that First Division's new season activities will be along the lines of its original policy, involving the distribution of pictures from independent producers. While First Division may produce several features itself, it is believed that its activities will be confined largely to the distribution of product financed by Pathe.

Exchange March, Powell

HOLLYWOOD, July 16.—Warners has closed a deal with Fox-Twentieth Century for the loan of Fredric March for the leading role in "Anthony Adverse." In return Fox-20th Century will get Dick Powell for the top spot in "Sing, Governor, Sing."

Fire at Radio Ranch

HOLLYWOOD, July 16.—Heavy damage was caused by a fire which destroyed the property building and a set on the Radio ranch last night. Officials are investigating since this is the second blaze at the ranch in a week.

A SPECIAL REQUEST FROM WARNER BROS. TO THE NEW YORK CRITICS

Please do not let the tremendous enthusiasm of the trade previewers influence you to exhaust all your superlatives on "BROADWAY GONDOLIER" at the N.Y. Strand tonight. Save plenty for "THE IRISH IN US," with Cagney, O'Brien, McHugh and Jenkins. Here are two slight indications that you'll need them–

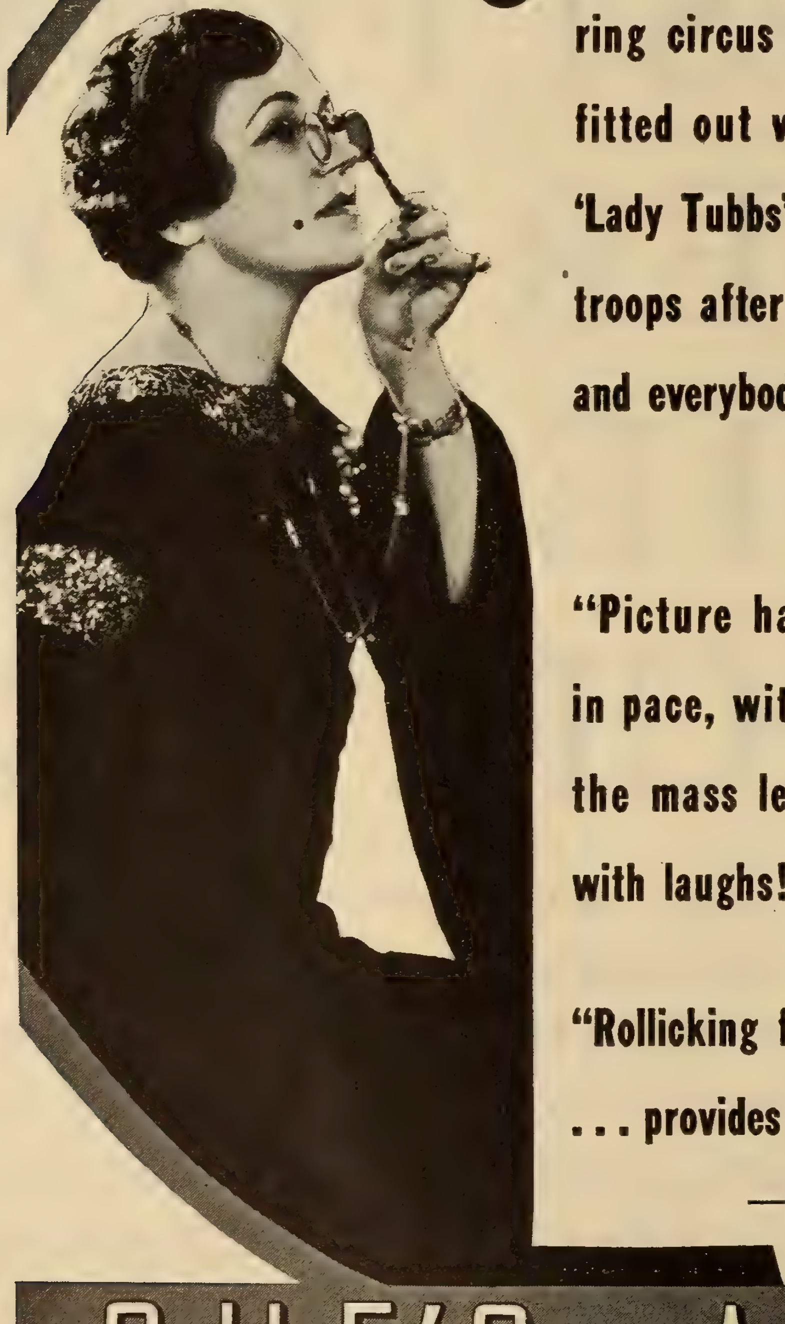
Variety Daily

"Grand, heart-stirring . . . fine, unashamed sentiment, gusty comedy, homely reality and slap-bang action, all geared for the greatest amount of entertainment for the greatest number of folk and a sure sock at the box-office! . . . Terrific suspense build-up. Cagney has never had a better role. Pat O'Brien gives one of his top performances . . . Mary Gordon will probably start an Irish mother screen cycle. Olivia de Havilland . . . unquestionably is going places. Lloyd Bacon has done a grand job of direction."

Motion Picture Daily

"Here is one to raise the roof with audience mirth. Comedy and sentimentality mingle for a wild Irish hit. Mary Gordon scores as the waddling, sweet, peppery mother . . . Allen Jenkins draws howls as a dim-wit fighter who starts to slug every time he hears the bell. McHugh causes three tidal waves of laughter. Olivia de Havilland looks like a coming bet. . . . Sure box-office material emphasized for laughter and sentiment by Director Lloyd Bacon. You can go the limit on this. It should keep 'em howling."

READ WHAT TH



"Swell comedy . . . It's a field day for Alice Brady and a three-ring circus for her audience when she's fitted out with such a trouping part as 'Lady Tubbs' offers her! . . . The audience troops after her shrieking with laughter, and everybody has a gorgeous time!"

—*Hollywood Reporter*

"Picture has been kept broad and fast in pace, without ever getting away from the mass level . . . is liberally studded with laughs!" —*Daily Variety*

"Rollicking farce, well played and directed . . . provides many laughs in this picture!"

—*Motion Picture Daily*

SHE'S A PANIC

Y'RE SAYING:

CARL LAEMMLE

presents

Lady TUBBS

UNIVERSAL
CTURE WITH

LICE BRADY — DOUGLASS MONTGOMERY
NITA LOUISE — JUNE CLAYWORTH
ALAN MOWBRAY
MILDRED HARRIS — HEDDA HOPPER
PHYLLIS BROOKS

From the novel by Homer Croy   Directed by Alan Crosland
L. L. Ostrow Associate Producer

"Ginger" and Show $19,000 Phila. High

PHILADELPHIA, July 16.—The two stage show houses came through last week to help the films to a respectable figure. With "Ginger" as the feature, the Fox knocked off $19,000 in seven days, almost enough to warrant holding for a second week.

The Earle, with "College Scandal" on the screen and Nick Lucas on the stage, grabbed a near $13,500, its best figure in several weeks.

Rest of the town, however, couldn't beat the weather and both "Stranded" and "Escapade," of which much was expected, languished.

Total first run business was $64,100. The average is $65,900.

Estimated takings for the week ending July 11 were:

"DEVIL IS A WOMAN" (Para.)
(2nd run)
ARCADIA—(600), 25c-40c-50c, 6 days. **Gross:** $1,700. (Average, $2,400)

"STRANDED" (Warners)
BOYD—(2,400), 40c-55c, 6 days. **Gross:** $9,500. (Average, $12,000)

"COLLEGE SCANDAL" (Para.)
EARLE — (2,000), 25c-40c-50c, 6 days. Stage: Nick Lucas, Duke Norman and Sara Lee, Fred Lightner and Roscella; Pettet and Douglas, Eno Troupe. **Gross:** $13,500. (Average, $12,000)

"GINGER" (Fox)
FOX—(3,000), 40c-55c-65c, 7 days. Stage: Jerry Mann, Joaquin Garay, Neiss Troupe. **Gross:** $19,000. (Average, 6 days, $12,000)

"NO MORE LADIES" (M-G-M)
(2nd run)
KARLTON—(1,000), 25c-35c-40c, 6 days. **Gross:** $2,900. (Average, $3,500)

"GOING HIGHBROW" (Warners)
KEITH'S—(2,000), 30c-40c-50c, 6 days. **Gross:** $2,700. (Average, $4,000)

"ESCAPADE" (M-G-M)
STANLEY—(3,700), 40c-55c, 6 days. **Gross:** $10,000. (Average, $12,000)

"THE RAVEN" (Univ.)
STANTON—(1,700), 30c-40c-50c, 6 days. **Gross:** $4,800. (Average, $6,000)

Omaha Taxes Are Cut

OMAHA, July 16.—County authorities have reduced tax assessments on the Paramount and Omaha, A. H. Blank houses, by $206,000. The Paramount has been dark for some time with the exception of three short intervals. The Omaha is valued at $237,250 and the Paramount at $377,790.

Puts Bathers on Stage

BOSTON, July 16.—Harry Wasserman, district manager of M. P.-Publix, has dropped radio auditions and has substituted bathing beauties as a box-office stimulant. He has made a tieup with a bathing suit manufacturer and a dancing school.

Omaha State Is Sold

OMAHA, July 16.—Ralph D. Goldberg has sold the State, vacant downtown house. It will be made into a garage. This is the fifth downtown house to be torn down or revamped in recent years.

Shift Two Warner Titles

HOLLYWOOD, July 16. — Warners have changed two titles. "Romance in a Glass House" is now "I Live for Love" and "The Real McCoy" has become "The Pay-Off."

Looking 'Em Over

"Danger Trail"

(Beacon)

While this western has small respect for intelligence and is a little dull in spots, it has enough deep-dyed villainy in it to get by with the youngsters. "Big Boy" Williams uses his fists to advantage and plays the hero acceptably enough.

Williams meets his father, a western badman, after many years. Pater had sent the boy away so that he might grow up unlike himself. Williams is badly disillusioned when he learns that dad and his foster-brothers are a bunch of brigands with a price on their heads. He decides to reform them, but gives up the idea when his father is killed by law officers while on his way to give himself up.

Williams vows to get even with the sheriff but can't go through with it. Through his efforts his cutthroat foster-brothers are brought to justice. This clears him in the sheriff's eyes and clinches his romance with his daughter.

Bob Hill directed the film, produced by Max and Arthur Alexander.

Production Code Seal No. 975. Running time, 60 minutes. "G."

"The Merry Monarch"

(Syndicate)

Produced by a French-English organization called Comptoir Francais Cinematographique, "The Merry Monarch" brings Emil Jannings back to these shores in a vehicle that gives small scope to his talents. Casting him as the jovial ruler of a mythical state with a wife for every day in the year, the film is obviously intended as satire. Its antics provide a laugh or two and its photography and settings are beautiful, having been filmed on the Riviera. Little more can be said in favor of the film. Several ensemble numbers have been worked into the film, but they are rather routine.

Jannings, who in the end decides to become a one-wife king, Sidney Fox being the lucky choice, is badly handicapped by the poor recording of the film.

To give a stronger romantic appeal to the picture a love match involving the king's daughter and a dashing young official of his realm has been threaded through the fabric of the satire. Jose Noguerro and Josette Day play the two lovers. The picture is based on "The Adventures of King Pausole" by Pierre Louys.

Alexis Granowsky directed. No production code seal. Running time, 57 minutes. "G."

"L'Ordonnance"

(France-Film)

Pathe-Natan has made a fine production of the Guy de Maupassant tale. Told with simplicity, feeling and tenderness,, "L'Ordonnance" ("The Colonel's Orderly") reveals itself as a tragedy of decided worth. The story has been photographed with artistry and acted out by a first-rate cast headed by Marcelle Chantal, now in Hollywood.

Mlle. Chantal plays a woman who loves not wisely but too well. Married to an elderly colonel (Alexandre Rignault) she enters into a liaison with a youthful lieutenant in her husband's regiment. The affair is discovered by the colonel's orderly (Georges Rigaud), who forces her to submit to his advances under threat of telling her husband. Revulsion at her degredation drives her to suicide. She leaves behind a letter of confession. The final scene shows the orderly being shot by the colonel.

The central character is played by Mlle. Chantal most effectively. Also in the cast are Fernandel, Paulette Dubost and Claude Lehman, who has the role of the lover. Simon Schiffrin deserves credit for his direction.

The picture has English subtitles.

No production code seal. Running time, 77 minutes. "A."

"L'Eredita dello Zio . . . Buonanima"

(Metropolis)

A hilarious farce comedy, "L'Eredita dello Zio . . . Buonanima," which has been given the English title of "The Rich Uncle," does credit to the Italian film industry. The picture, produced by Capitani Film of Rome, is a first class effort. Its humor is fresh, its acting superb, its photography and recording splendid. Angelo Musco, Italy's first comedian, dominates the film, turning in a grand performance.

Musco, a Sicilian of noble blood reduced in circumstances, believes his troubles are over when an uncle dies leaving a large fortune. A cousin, with whom he is at odds, feels just as certain the estate will be left to her. Everyone is kept guessing until the will is opened. Then

(Continued on page 7)

Providence's Grosses Land Below Normal

PROVIDENCE, July 16.—Despite the end of the horse race meet, blamed for keeping grosses here down, coupled with moderate weather, local houses continued under par again. Loew's State with an average of $12,000, collected $10,000 with "Escapade" and "Calm Yourself," reporting $3,700 more than last week to be the only theatre in the city to come anywhere near par.

The Majestic, with "Oil For the Lamps of China" and "Going Highbrow," grossed $4,000. The Strand with a revival week program advertised as "patron's request week," collected $3,500, while the two RKO theatres, Albee and Victory, stayed about the same, both going way under the average.

Total first run business, $21,856. Average business, $36,500.

Estimated take for the week ending July 11:

"OIL FOR LAMPS OF CHINA" (W. B.)
"GOING HIGHBROW" (F. N.)
MAJESTIC — (2,400), 15c-40c, 7 days. **Gross:** $4,000. (Average, $7,000)

REVIVAL WEEK
STRAND—(2,300), 15c-40c, 7 days. **Gross:** $3,500. (Average, $6,500)

"ESCAPADE" (M-G-M)
"CALM YOURSELF" (M-G-M)
LOEW'S STATE—(3,800), 15c-40c, 7 days **Gross:** $10,000. (Average, $12,000)

"ARIZONIAN" (Radio)
"HOORAY FOR LOVE" (Radio)
RKO ALBEE—(2,300), 15c-40c, 7 days **Gross:** $3,600. (Average, $7,000)

"BREAK OF HEARTS" (Radio)
"GUN SMOKE" (Para.)
RKO VICTORY—(1,600), 10c-25c, 3 days **Gross:** $750. (Average, $1,000)

"Caliente," "Hero" $5,300 in Lincoln

LINCOLN, July 16.—Regular schedules were pretty well bungled last week and pictures finished after from three to five days' play.

"Caliente," at the Stuart, was in for a week originally, but opened on July 4 and got such heavy week-end and holiday play it was milked out in five and was replaced by "Public Hero No. 1," which in its five days ran the total gross to $5,300, $2,200 above the seven-day average. "Mark of the Vampire" and "Flame Within" at the Lincoln on a split were over average with $2,300, which is $100 to the good.

Total first run business was $10,250. Average is $7,850.

Estimated takings:

Week Ending July 10:

"NITWITS" (Radio)
"MURDER IN THE FLEET" (M-G-M)
"NOTORIOUS GENTLEMAN" (Univ.)
COLONIAL—(750), 10c-15c, 7 days. **Gross:** $975. (Average, $850)

"LET 'EM HAVE IT" (U. A.)
"ALIAS MARY DOW" (Univ.)
"VAGABOND LADY" (M-G-M)
ORPHEUM—(1,200), 10c-15c-25c, 7 days. **Gross:** $1,800. (Average, $1,700)

"MARK OF THE VAMPIRE" (M-G-M)
"FLAME WITHIN" (M-G-M)
LINCOLN—(1,600), 10c-20c-25c, 7 days. **Gross:** $2,300. (Average, $2,200)

Week Ending July 13:

"CALIENTE" (F. N.)
"PUBLIC HERO NO. 1" (M-G-M)
STUART—(2,000), 10c-25c-40c, 5 days each. **Gross:** $5,300, on the 10 days. (Average, 7 days, $3,100)

Coast Writers' Fight Brought Into Open

(*Continued from page 1*)

tiations now under way between the Academy and producers for a harmonious working agreement are illegal under the provisions of the national labor relations act, commonly termed as the Wagner bill. Pointing out that the passage of the Wagner bill presents new problems to the industry with respect to relations between producers and employes and that the President in signing the measure emphasized his desire the act be utilized in the interest of industrial peace through the use of collective bargaining for the settling of disputes, the letter expressed hearty accord with the President's statement, asserting that under the provisions of this law the guild is the sole legal agency for collective bargaining for writers.

In advising producers that the guild has 770 members against the Academy's 38, the letter stated Section 9-A of the act provides that a majority constitutes the sole legal consideration for collective bargaining power, making not only a majority representation mandatory, but also raising the serious question as to the producers' good faith in bargaining with 38 writers as against 770.

The letter also charged producers were directly violating Section 8 (2) of the Wagner bill by lending financial support to the writers' group with which they have been negotiating.

The guild expressed the desire to appoint a committee for collective bargaining on behalf of writers under the provisions of the bill and invited producers to do the same.

Ernest Pascal signed the letter on behalf of the guild's executive board.

Cleveland Group Is For New Dual Plan

Cleveland, July 16—A plan to dual any time all pictures not having played downtown first run was approved today at a meeting of the Cleveland M. P. Exhibitors' Ass'n. President Ernest Schwartz reported approximately 50 theatres had signed, 82 signatures being necessary to make the plan unanimous and binding.

Schwartz appointed Henry Greenberger, John Kalafat, Paul Gusdanovic, Morris Berkowitz and Frank Gross as a committee to draft a code of fair practice for the Cleveland area proposing to eliminate premiums, bargains and all other practices held detrimental. The committee was instructed to present a code draft at the next meeting of the group.

Suburb Bans Nights

Cleveland, July 16.—Cleveland Heights, exclusive residential suburb of this city, today passed an ordinance prohibiting all schemes of chance under penalty of up to $500. Law Director G. E. Hartshorne said the ordinance was inspired by a proposed bank night in the suburb.

Ohio Injunction Lifted

Youngstown, Ohio, July 16.—Common Pleas Court here today dissolved the temporary injunction against bank night at the State, where the plan resumes July 18. Six local houses filed a complaint charging unfair competition.

Looking 'Em Over

"L'Eredita dello Zio . . . Buonanima"

(*Continued from page 6*)

Musco discovers that, while he has been named sole heir, nothing will be left after bequests to his cousin and her three sons are taken care of. Later, however, he comes into possession of several bank books which were left by his uncle in care of a friend. In the end he makes his peace with his cousin.

The attachments of his three daughters and his cousin's boys give a touch of romance to the picture. The production also contains some pleasant music.

Supporting Musco are Elsa de Giorgi, Lulu Marinelli, Zoe Incrocci, Rosina Anselmi, Enrico Marrone, Adolfo Geri and Sandro del Signore.

Those who know Italian are certain to enjoy this film, which has been directed by Amleto Palermi.

No production code seal. Running time, 85 minutes. "G."

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Men of Action"

(*Maurice Conn*)

Hollywood, July 16.—This, the first of a series to co-star Frankie Darro and Roy Mason, has been given a production which makes it entirely suitable for dual bills and smaller towns.

Concerned with dam building, the story is timely and fast moving. Edwin Maxwell, financier, is anxious to block completion of a dam so that he may buy the fruit orchards it is to serve at a low price. He hires Fred Kohler to sabotage the work. At the dam Darro's father is killed in an explosion started by Kohler. Arthur Hoyt, the contractor, and Mason, the foreman, then organize a police force to protect the workers, with Darro promoted from waterboy to one of the uniformed force.

Barbara Worth, as Hoyt's daughter and Mason's sweetheart, installs a radio patrol system. Exciting action follows with the force arriving just in time to prevent Kohler's men from blowing up the dam. The photography, mostly outdoor shots, is good and Director Alan James creates a fast tempo in the chase sequences, of which there are several.

The supporting cast, which includes Gloria Shea and Syd Saylor, serve adequately. The original story is credited to Peter B. Kyne, with screen adaptation by Forrest Sheldon, John W. Kraft and Barry Barringer. Previewed without production code seal. Running time, 63 minutes. "G."

Out Hollywood Way

Hollywood, July 16. — Karl Freund, M-G-M director gets offer from Toeplitz Prod., London, to direct Maurice Chevalier. . . . Next Mickey Mouse in technicolor to be "Mickey's Garden." . . . Lew Ayres and Ginger Rogers to take that delayed honeymoon as soon as they finish retakes in Fox's "Silk Hat Kid." . . . Nino Martini, Metropolitan Opera star, to hurry to New York as soon as he finishes in Fox's "Here's to Romance." . . . Will go to Italy. . . . Hermes Pan, Radio dance director, off to Tennessee to get ideas.

Paula Stone and Kenneth Thompson slightly injured in riding accidents while working on "Hop-a-Long Cassidy" for Radio. . . . Ben S. Cohen, vice-president of Burroughs-Tarzan, back from New York. . . . Earl Baldwin, Warner supervisor, at work on three scripts. . . . Franchot Tone approves "Thin Air" as his first for Warners. . . . Will Rogers finishes "Steamboat 'Round the Bend" for Fox. . . . Pat O'Brien, Mrs. O'Brien and daughter on vacation in Panama.

✚

Casting—Frieda Inescourt, stage star, signed by Samuel Goldwyn for "The Dark Angel." . . . Edward Small signs Hardie Albright to complete cast of Reliance's "Red Salute." . . . Thomas Beck and Andrew Tombes assigned to "Ball of Fire," Fox. . . . Fay Wray, Ben Lyon and Louise Henry in "Hard to Get," Fox. . . . Clem Bevans in "Way Down East," Fox. . . . Peggy Wood in "The Taming of the Shrew," Radio.

Lionel Belmore in "The Three Musketeers," Radio. . . . Warren William in "The Case of the Lucky Legs," Warners. . . . Robert Strange cast in "Special Agent," First National. . . . M-G-M borrows Claire Dodd from Warners for "Tarzan and the Vampires." . . . O. P. Heggie cast in "Ramona" at Fox. . . . Edward McWade added to Reliance's "Red Salute." . . . William Collier, Sr., in "Annapolis Farewell," Paramount. . . . Frank McHugh and Philip Reid cast in "Romance in a Glass House," Warners. . . . Johnny Downs, young Paramount player, assigned to "Coronado."

✚

Directors—William H. Seiter signed by Fox to a four-picture contract. . . . Ben Holmes, writer-director, and Dorothy Yost get termers from Radio.

✚

Writers—Jack McGoway, playwright, joins Fox scenario staff. . . . John Mercer and Matt Malneck working on lyrics and melodies for Radio's "To Beat the Band." . . . Marc Connolly to adapt "The Green Pastures" for Warners.

Cyril Hume, Harold Yates, Frank Terry and Felix Adler complete writing assignments at Paramount.

Short Subjects

"At Your Service"

(*Universal*)

Oswald the Rabbit is the owner and operator of an automobile service station in this cartoon. His little nephew comes over to help him out and then the trouble starts. Cars go through the roof, tires are blown out right and left and pandemonium reigns. A short subject fit for any program. Running time, 8 mins. Production Code Seal, No. 754. "G."

"Three Lazy Mice"

(*Universal*)

This cartoon, done in color, has the well known fable of the "three blind mice" as the basis for its story as well as very appropriate musical accompaniment. It traces the career of the three mice too lazy to work who try various tricks to get out of it finally hitting upon playing blind. Then they hook up with a cat and in the end are only too glad to work and remain safe in their home. Highly recommended and particularly appealing to children. Production Code Seal, No. 704. Running time, 10 mins. "G."

"My Girl Sally"

(*Universal*)

Sterling Holloway is his typical self here, but the comedy seems to be below the standard he set in previous members of this series. The picture is good entertainment, however, and Holloway fans will appreciate it. Sterling is a country yokel intent upon marrying millionaire Robert Grave's daughter. Her mother, on the other hand, wants her to marry a prince, who turns out to be phoney. A very funny hospital sequence winds up the picture, with Holloway winning out. Recommended. Production Code Seal, No. 819. Running time, 19 mins. "G."

Wanger at Gen'l Service

Hollywood, July 16.—The six productions which Walter Wanger will make for Paramount for the new season under the terms of the one-year contract he signed with the company last week will be turned out at the General Service Studios, where a new $100,000 sound stage is being built for his use.

Here's Shirley

IT SPILLS OVER WITH SUNNY SONG:

Shirley sings: "Animal Crackers In My Soup" and "When I Grow Up."

John Boles sings: "It's All So New To Me" and "Curly Top."

Rochelle Hudson sings: "The Simple Things In Life."

Five happy hits by Ray Henderson

—and Shirley dances, too!

Remember—

THIS YEAR'S PROFITS come from THIS YEAR'S PRODUCT

-as She really is!

HER joyous spirit reflects childhood's happiest days...as she lifts her rippling voice in two delightful songs . . . flutters her twinkling feet like flowers in the wind . . . and plays a mischievous Cupid to two hesitant lovers. It's what the world was waiting for...and they'll pack your house to see it!

SHIRLEY TEMPLE

in

'Curly Top'

with

JOHN BOLES

ROCHELLE HUDSON

JANE DARWELL

Produced by Winfield Sheehan

Directed by Irving Cummings. Screen play by Patterson McNutt and Arthur Beckhard. Music by Ray Henderson. Lyrics by Ted Koehler, Edward Heyman and Irving Caesar.

YOU HAVEN'T A SHOW WITHOUT **FOX**

◂ Purely Personal ▸

Charles Clyde Pettijohn, accompanied by Mrs. Pettijohn, C. C. Jr., and Bruce David, and Alfred Merkel, M-G-M executive in Toronto, sail today for Europe on the *Manhattan.*

•

Thomas Gibson of the J. E. Brulatour, Inc., Chicago office, was in town for a few days and has left for the Windy City by way of Rochester, where he will visit Eastman executives.

•

Bob Goldstein flew to Chicago yesterday. He'll be back Friday to resume his tennis lessons at the Westchester Country Club over the weekend.

Quip of the Day

Mox Shabbus has stepped off the fringe of Hollywood and is now in New York looking over the situation at 729. The first thing to attract his eagle eye was word Ben Fish has been named western division manager of U.A.

"My congratulations to Ben. He's a hustler," said Mox yesterday. "He's a smart boy, too, because when President Roosevelt called in all of the gold, Ben sent him all of his from his last name—Goldfish—and just kept the 'Fish' and the profit. When I get back to Hollywood and he tries to sell me U. A. product, I'm going to tell him I'm also on a silver basis."

Capt. Richard Norton of British and Dominion Films arrived from London yesterday on the *Ile de France.*

•

Burt Champion of United Artists is spending his vacation in Westchester and managing a few trips to town a week.

•

Joe Lee, general manager of the Fox exchange, is the latest addition to Laffoon's colonels.

•

Lem Kennedy has completed the first short in the "Fashion News of the Screen" series.

•

Jack Denny and his band are at work on a short at the Brooklyn Vitaphone studios.

•

Hal Horne is expected back from the coast Thursday or Friday.

•

Harry Ross and Claude Saunders are back from a fishing trip through Maine.

•

Harry Cohen, west coast manager for RKO; Bob Wolff and Fred McConnell among those at the Tavern yesterday for lunch.

•

. . . London

Herbert T. Kalmus, still at the Savoy, says his plans for Technicolor in England are still some way from being complete. Similar uncertainty now attaches to the date of his return to New York, originally scheduled for July 10 or 11.

Percy Furber of Trans-Lux keeping his presence and business as private as possible and not commenting on the story of his deal with Lord Beaverbrook and Will Evans for European rights of Trans-Lux patents.

Sir William Jury training for an active reappearance in the trade by looking in at trade functions. Does not deny that he may get busy again.

Helen Vinson and Walter Huston at the G. B. sports meeting, presenting prizes to the boys and girls.

Max Milder and Ralph Hanbury back from New York.

J. C. Graham of Paramount, chairman at a press lunch to Mary Ellis, celebrating the Carlton premiere of latter's vehicle, "Paris Love Song."

D. W. Griffith and Edward Everett Horton made first appearances in British films—in a trailer of Twickenham product screened at "Scrooge" trade show.

Loretta Young, the latest star arrival. U. A. gave her a press party.

BILL ROBINSON
in
"HOORAY FOR LOVE"
WILLIAM MORRIS OFFICE

Hoyts May Join With Fox In Australian Production

(Continued from page 1)

quota films was then more or less offset by Cinesound's announcement that it could supply the 20 pictures necessary to fulfil the 1935-36 quota if needed. Then independents took exception to Cinesound's stand on the ground that Cinesound, the company which had opposed the quota, while they had helped its passage, was now endeavoring to crowd the independents out and smother up the opportunities offered them by the law for which they had battled.

Hoyts' idea of going into production with Fox is viewed as being backed by sound reasoning. Fox holds a big interest in Hoyts, so that Fox will automatically share in any profits from any combined production enterprises here. Fox will be able to use the Fox-Hoyts' product to meet quota requirements, and if, as is proposed, Fox brings players from America, they will not only make pictures for the Fox-Hoyts organization, but also make personal appearances in Hoyts' city houses.

Hoyts do not intend to build their own studios, but will rent whatever local studios and production equipment are available. They do plan to import directors and technicians as well as players, however, with a view to making pictures of a sufficient box-office merit to ultimately justify inclusion in the regular Fox releases in the United States and Great Britain.

Unless they are able to secure sufficient locally produced films to fulfil their requirements under the N. S. W. law, it now seems clear that foreign distributors operating in this territory will be forced into Australian production.

The act says that distributors must acquire a certain percentage of quota pictures each year, and the word "acquire" is defined as including the "production or obtaining of films." Defining this passage in the regulations, Mr. Chaffey, Chief Secretary in N. S. W., told the Australian trade journal *Everyones* that under the law distributors are not compelled to manufacture pictures; "but the word 'acquire' has the meaning in the N. S. W. act as it has in the English Act. The spirit of the law is to encourage production. In England the distributors have joined in and acknowledged that spirit without the necessity for compulsion."

Chaffey declared that the Government expects distributors here to do the same. "We have no desire to embarrass them," he said, "but it is our definite intention that these people should participate in the interests of Australia and we hope it will not be necessary for us to take those drastic steps which the act empowers us to do if we see evasions or a campaign of non-cooperation."

In consequence of the confusion that still partly remains as to just what is the position of producers, distributors and exhibitors under the quota law, production has been at a standstill for more than six months. This will mean a shortage of quota film when the act comes into actual operation in 1936. Whereas exhibitors can escape their obligations if sufficient product is unavailable, it is now apparent that, under such circumstances, distributors won't escape so happily.

Clayton Sheehan, foreign sales manager for Fox, had no comment to make yesterday on the above dispatch.

Boston Theatremen Hard Hit by Racing

(Continued from page 1)

tracks attract the money which would otherwise go for products and entertainment from those who actually attend the race meetings, but bookies continue to pile up increasing profits. An attempt to run out booking rooms is practically nullified by radio stations which broadcast racing matinees during which race results are announced a few minutes after the nags have nosed across the line.

Name Maine Commission

Augusta, Me., July 16.—Gov. Louis G. Brann has appointed a State Racing Commission to regulate pari-mutuel harness horse race betting which was legalized in Maine for the first time recently. Former State Representative Milton S. Hancock of Casco, Clayton C. Steele of Presque Isle and Fred Weston of Skowhegan form the Commission and will receive $1,000 a year each for their service.

Toddy Leaves Columbia

Atlanta, July 16.—Ted Toddy has resigned as Columbia's southern division manager of public relations and exploitation. Before joining Columbia he was at the Universal home office.

Senate May Probe Para. Fee Claims

(Continued from page 1)

fore the committee at all, will be taken in its routine stride as part of a study of the attitude of the courts in New York in receivership proceedings generally, it was said. The company's reorganization is neither better nor worse than many others which have taken place under the bankruptcy reorganization act and, further, is being thoroughly probed by the Securities and Exchange Commission, it was pointed out.

Charging that lawyers were attempting to "milk" Paramount, Senator Nye of North Dakota declared that the case "calls for thorough investigation by Congress and legislation that will protect companies in difficulties from being milked by lawyers, who get theirs even if the rest go broke.

Attention of the McAdoo committee was focused on the Paramount case when the Securities and Exchange Commission at its hearings last month developed that members of "protective" committees had profited by trading in the company's securities at a time when they were supposed to be working for the protection of bondholders.

May Lead to Legislation

This disclosure, it was said, might lead to enactment of legislation next session outlawing such practices and also requiring that members of protective committees be actual holders of the stocks or bonds they were to protect, it having been shown that some of the Paramount committee members had never owned any of the company's securities.

While the Paramount case has served to center attention upon alleged abuses of the bankruptcy reorganization act, it is said that similar practices have been uncovered in a number of other bankruptcy and reorganization proceedings.

The discovery of these abuses, it was revealed, was the basis for the introduction of the resolution to broaden the investigation by the McAdoo committee, Senator McAdoo believing that the original resolution was not adequate for a study of all the ramifications of receivership proceedings which have been uncovered.

May Probe Paramount

Washington, July 16—A Senate investigation of the Paramount bankruptcy and reorganization was declared by Senator William G. McAdoo today to be a possibility.

McAdoo, who heads the Senate special committee for investigating receivership and bankruptcy proceedings, said that the Paramount case was brought to his attention through the filing of applications for more than $3,000,000 in fees by lawyers and others who participated in the Paramount proceedings.

Radio Signs Raymond

Hollywood, July 16.—Gene Raymond has been signed by Radio to a contract calling for his exclusive services.

BIG NEWS

WITHOUT a doubt Super X Panchromatic Negative is the big news of the year as far as raw film is concerned. Its unprecedented speed . . . its fine grain . . . the improved photographic quality cameramen are getting with it under greatly varying working conditions . . . these factors point to Super X as 1935's major film advance. Eastman Kodak Company, Rochester, N. Y. (J. E. Brulatour, Inc., Distributors, New York, Chicago, Hollywood.)

EASTMAN *SUPER X*

PANCHROMATIC NEGATIVE

Fox Unable To Produce Private Books

(Continued from page 1)

And there are other officers of the firm joined with Fox as defendants.

Under questioning by George Richards, counsel for the Fox Theatre Corp., Fox admitted at the outset of the examination that he could not produce his record books. Herbert Leitstein, an employe of the firm, kept them for him, he said. He added they disappeared when he retired from the firm. Questioning disclosed that Fox paid Leitstein $80,000 after his change of employment from the theatre offices to the role of Fox's personal bookkeeper.

Fox, in dark green sport coat, white trousers and shoes, and heavy black glasses, sat at one end of the counsel table close to Edwards, while Richards fired questions at him from the opposite end. Repeatedly he joked and laughed, and once he commented, "I was a better man in those days."

Fox testified he could not remember whether or not he had borrowed $1,057,000 from the corporation to buy 42,300 shares of stock at $25 a share. When he was shown a copy of his bank account dated Jan. 6, 1926, and indicating a deposit and withdrawal of $1,057,000, he said his recollection was not refreshed.

Tells of Hiring Friend

Later Fox testified he had hired a personal friend, Alexander S. Kempener, at a salary of $40,000 a year, from 1925 to 1930. He told Edwards, Kempener was paid from his personal account, and the theatre magnate maintained he did not discover the alleged error until the latter year. Then, he said, he was reimbursed to the extent of $135,000.

A similar situation, Fox said, existed concerning Jacob W. Loeb, manager of Actors' Personnel. Loeb, too, he asserted, was paid from his personal books, and at the end of the five-year period, Fox said, he collected $119,000 in reimbursements.

Fox denied he had used his executive authority to water the corporation's stock or divert it from sale to the general public, he denied the issues had been intended for sale to the public and maintained the brokers were authorized to sell at $25 a share, with a $3 profit on each share for themselves. He did admit, however, that he was to receive 25 per cent of what the brokers made on commission after their costs were deducted.

"I could have gotten $10,000,000 for the theatre property," he said, "but I decided to take $8,000,000."

Justice Meier Steinbrink signed the order directing the examination before trial on Jan. 16, this year, appointing Edwards official referee with the task of accumulating testimony relating to the complaint. The examination is upon 105 separate matters relating to the financial setup of the Fox Theatre Corp., the theatre magnate's personal negotiations in respect to salaries of employes, by-laws of the firm, real estate transactions and general conduct of the business.

As voluminous as the specifications for the pre-trial quiz is the complaint against Fox and the co-defendants, Jack G. Leo, Eva Fox, Carolyn Leaf Tauszig, John Zanft, Jacob L. Rubenstein and Bessie Livingstone, all of them connected with the company before its admission to receivership.

Prefacing the specific charges against Fox and his colleagues, the complaint reviews the setup of the corporation as follows: capital stock of 4,000,000 shares of common, of which 3,900,000 represented Class A, and 100,000 Class B, increased on Sept. 23, 1929, to 7,400,000 shares of Class A common and 100,000 shares of Class B.

The counts against Fox include the following:

That from Nov. 10, 1925, when the corporation was organized until April, 1930, Fox possessed the entire voting power of all of the voting stock of the corporation; that, during that same period, Fox caused the board of directors of the firm to consist of himself and various employes, among them several of his relatives; that he exercised complete domination over the board; that he conceived the plan of using the corporation for "his own enrichment, principally through the means of dealing in and with, and manipulating the stock of the corporation," and contemplated accordingly the distribution of large quantities of Class A stock.

Charges Misleading Statements

Also that Fox made numerous false and fraudulent statements to the corporation and its stockholders; that on Nov. 11, 1925, he entered into a secret agreement with Eisele & King, Taylor, Thorne & Co., brokers, whereby he was to receive 25 per cent of the commissions earned through the sale of 500,000 shares of Class A stocks at $25 a share; that he agreed the $40,000 salary of Loeb would be recharged against his personal account, yet contrived to cause the corporation to reimburse him to the extent of $120,000 for Loeb's compensation during three years.

Also that, during February and March, 1925, when the stock was selling on the New York Curb at over $25 a share, he failed to encourage buying and boost the stock, dealing instead "for private enrichment" with private pools; that, at the time of the panic, in the course of his stock market operations, he had accumulated in various accounts a large number of Class A shares; that such stock so accumulated consisted to a large extent of stock which the defendant had purchased through subscription from the corporation at $25 a share and which he had "washed" through various of his other accounts into the "transferred" accounts consisting of accounts standing in the names of Fox, Leo, Eva Fox (Fox's wife), and Bessie Livingstone (the wife of one of the employes of the plaintiff corporation); that Fox told the directors he was entitled to receive $1,600,000 as salary for services.

Everest Film Out Friday

Educational's special two-reeler, "Wings Over Mt. Everest," the official record of the Houston Mt. Everest flight, will be released through Fox on Friday.

Garbo to Make 'Camille'

HOLLYWOOD, July 16.—The Dumas play, "Camille," will serve as a vehicle for Greta Garbo with Irving Thalberg producing for M-G-M.

Wall Street

Small Losses Mark Big Board

	High	Low	Close	Net Change
Columbia, vtc	75	75	75	.....
Cons.	3¾	3¾	3¾	— ¼
Cons., pfd	16⅛	15½	16⅛	+ ⅜
Eastman	147	146	147	— ¾
Fox	17⅝	17	17¼	— ⅜
Loew's	42⅜	41½	41⅜	+ ⅛
Paramount	3⅜	3¾	3¾	.....
Pathe	⅝	⅝	⅝	.....
Pathe "A"	8½	8½	8½	.....
RKO	2⅛	2	2	— ¼
Universal, pfd	30	30	30	— ⅛
Warner	4	4	4	.....
Warner, pfd	25½	25½	25½	— ½

Technicolor Gains on Curb

	High	Low	Close	Net Change
Technicolor	20¾	20¼	20½	+ ½
Trans-Lux	2¼	2¼	2¼	.....

RKO Bonds Rise ¼

	High	Low	Close	Net Change
General Theatre 6s '40 ctf........	12½	12⅛	12⅛	— ⅞
Keith B. F. 6s '46	80½	80½	80½	— ¼
Loew's 6s '41 ww deb rights..	103¾	103¾	103¾	+ ⅛
Paramount B'way 5½s '51	62	62	62	.....
Paramount F. L. 6s '47	94¼	94¼	94¼	— ¾
RKO 6s '41 pp....	40½	40⅛	40⅛	+ ⅛
Warner Bros. 6s '39 wd	68¾	68	68	— ¼

(Quotations as at close of July 16)

Lincoln Men See No Hope in a New Code

LINCOLN, July 16.—A voluntary code won't work, in the opinion of exhibitor leaders here. It can't be enforced, they say.

Calvin Bard, former head of Independent Theatres, Inc., is sarcastic about the suggestion.

"I have always been in favor of a code of fair practice," he said, "but I don't see how this can amount to anything. I went to Washington in good faith on the other one and came away with nothing. There'll never be a good code as long as chain management has a stranglehold on buying and selling. We should have a means of getting recourse under a board setup which we can now get only through costly court procedure."

Robert Livingston, Capitol manager, considers enforcement essential.

"I'd like to see a workable code that nobody can break," he declared. "I'm in this business to make money and I'm not against the other guy making money, too. But there are too many monkeys in this business who'd rather lose a grand than see some guy earn a meal ticket."

Leichter Finishes First

HOLLYWOOD, July 16.—Mitch Leichter, in charge of production for Beaumont Pictures, has finished the first of a series of eight westerns starring Conway Tearle. It is "Trail's End."

Others which are to follow for 1935-36 release will be: "Desert Guns," "Senior Jim," "Whistling Scull," "Judgment Rock," "Hell's Haciendas," "Three Fingers" and "Devil's Goal."

Roy Brown Recovers

HARLAN, Ia., July 16.—Roy Brown, widely known exhibitor in this section of Iowa, has returned from Rochester, Minn., where he had gone for treatment. It was his second trip. He is reported practically recovered.

MPTOA Urges Local Efforts On Regulation

(Continued from page 1)

While the national organization would participate in efforts to draft such a code, its leaders, nevertheless, believe that much more effective regulatory measures might be realized more readily through localized effort.

M. P. T. O. A., therefore, is recommending to its member units that they proceed at once to work out plans for solving the most pressing trade practice problems in their localities, either by negotiations with distributors or by organizational agreements. The units are urged to take up such problems singly, solving one before passing on to the next.

It is pointed out by spokesmen for M. P. T. O. A. that the solving of trade practice problems through exhibitor-distributor negotiation has been thwarted in the past by the advice given distributors by their attorneys that such negotiations may result in violations of the anti-trust laws. M. P. T. O. A., however, believes that numerous examples of cut-throat competition now in vogue in the industry need to be stamped out and can be without a violation of anti-trust laws, company attorneys notwithstanding.

Cooperation Seen Likely

That the organization may get some distributor cooperation in its program is indicated by a growing sentiment among company heads which holds that certain practices need to be corrected and should be, and if they are not lawsuits and state and Federal regulation of the industry may develop regardless. Sidney R. Kent, Fox president, is reported to have given expression to this viewpoint recently in declaring that legal advice was checkmating many proper advances which might be made by the industry.

"I have found," Kent is reported to have said, "that I am in court oftener after listening to the advice of a lawyer than I am when I see something that needs doing and proceed to do it myself."

It is also pointed out that several trade practice problems of major import might be solved by organized exhibitors in local situations without distributors being called in to participate in the negotiations at all. An example cited was the possibilitiy of clearance and zoning schedules being agreed upon by exhibitors through mutual concessions. If first runs agreed to reduce protection taken by them in return for the maintenance of higher admissions or the elimination of duals or premiums by subsequents, complete clearance and zoning schedules might be drawn for numerous localities without a distributor ever being called in. If a first run agreed to reduce its protection to three or four weeks, no distributor, it is felt, would force the house to take five or six weeks, yet such a concession is regarded as being the key to the successful setting up of clearance and zoning schedules in many spots by exhibitors themselves.

Leases More Space

HOLLYWOOD, July 16.—Columbia has taken a lease on the California Studios in an expansion move.

The Leading
Daily
Newspaper
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Motion
Picture
Industry

MOTION PICTURE DAILY

Alert,
Intelligent
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Faithful
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Court Paring Of Para. Fees Is Looked For

Criticism Is General; Hearing on Today

A court rebuke of lawyers, protective committees and others who have applied for fees aggregating $3,222,226 for services in the Paramount bankruptcy and reorganization proceedings is predicted for today when the hearings on the applications open before Federal Judge Alfred C. Coxe.

The prediction is based upon a warning given the attorneys by Judge Coxe last month in setting a date for the filing of the applications for allowances. At that time Judge Coxe advised the lawyers to make applications for reasonable amounts, warning them against a "public scandal"

(*Continued on page* 5)

Joyce Disapproves Two Para. Claims

The proposed settlement of two creditors' claims against Paramount aggregating $162,900 was vetoed by Special Master John E. Joyce in a report presented to the U. S. District Court here yesterday and referred to Federal Judge Alfred C. Coxe for a later hearing.

The claims were those of Goldstein

(*Continued on page* 5)

M. P. Club Revival To Be Aim in Fall

Efforts will be made to revive the Motion Picture Club in the fall. There is no definite plan afoot, but individuals active in the club, such as Felix Feist and Louis Nizer, among others, are harboring the conviction that the club can be resuscitated on a substantial financial basis when the cool weather arrives. The Astor Hotel is being looked upon as a likely home.

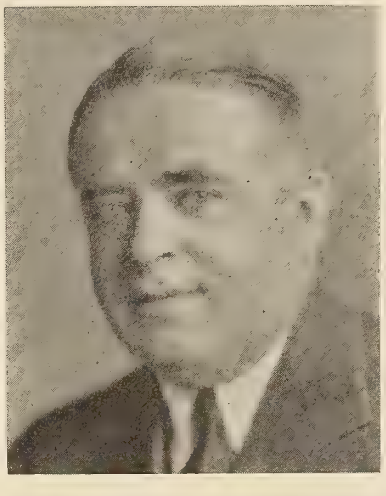
Fairbanks to Make Two for U. A. List

Douglas Fairbanks yesterday revealed that he would produce two pictures a year for release through United Artists. On Feb. 1, 1936, he will begin production activities on the coast and will make his home in Hollywood thereafter.

Fairbanks is now en route to England and expects to return here in January.

Winfield Sheehan Leaves Fox; Zanuck May Succeed

Winfield Sheehan



Noted producer who yesterday resigned as vice-president and general manager of production for Fox.

Withdrawal Amicable, He Says, After Talking To Kent, Schenck

Hollywood, July 17. — Winfield Sheehan resigned as vice-president and general manager of production for Fox this afternoon. His withdrawal, he said, followed an amicable agreement between himself, Sidney Kent, president, and Joseph M. Schenck, recently named chairman of the board, as one of the steps in the merger of Fox and 20th Century. While no successor was announced, all indications are Darryl Zanuck will replace Sheehan.

Sheehan will complete "Way Down East," which has about three weeks to go as a result of delays following injuries to Janet Gaynor. He has no plans at present, he says, other than to take a vacation, following which he will give consideration to two or three offers which he described as important.

It has been reported here that he has been offered a producer's berth at M-G-M.

Sheehan's contract, it is understood, had about a year and a half to run and gave him the title of general

(*Continued on page* 6)

Allied Sees No Hope for Cooperation

Washington, July 17. — Independent exhibitors must not look to New York for any hope of cooperation in their search for means of solving the problems confronting them, says Allied in its latest bulletin.

"The time evidently is not ripe for cooperation at the top," asserts the bulletin. "All efforts since 1929 to arrive at agreements with the industry heads in New York have failed. The conviction has grown that certain interests in the producer ranks who flourish on strife have been instrumental in kicking over all attempts at a fair setup.

"It would seem, therefore, that the first steps in enlightened cooperation will have to be taken in the territories and not in New York. The principals stand convicted of bad faith; the

(*Continued on page* 2)

Amusements Put in New NRA Grouping

By CLARENCE LINZ

Washington, July 17.—Creation of a division of business cooperation under the direction of Prentiss L. Coonley, consisting of five divisions, in one of which will be included amusements, was announced today by the NRA.

Section 5, which will include amusements, graphic arts, public agencies, public utilities and the service trades, will be administered by Leighton H.

(*Continued on page* 2)

Pennsylvania Gives Time on Tax Tickets

Philadelphia, July 17.—An extension of time from July 22 has been granted Pennsylvania exhibitors for using their present supplies of tickets for state admission taxes. Before enactment of the new law showmen had quite a supply of these on hand.

On July 22 when the new law goes into effect they will have to give an account of their supplies of old-style tickets.

British Film Making Boom On—Norton

Production in England has increased tremendously in the past few months. So much so, said Capt. Richard Norton of British and Dominions Pictures, who is here for a three-day visit, that there is practically no studio space available at all in England today. More independent producers have come to the fore than ever before, Norton continued, and with every stage in the country now in use the number of English pictures presented to the American market will be greater this coming year than heretofore, since everyone seems to be making pictures with an eye on this market.

"Unfortunately," Norton continued, "these independent producers will probably run into difficulties over here because of a lack of distributors for their product. Their distribution in

(*Continued on page* 6)

Celler Introduces New Booking Bill

Washington, July 17.—New legislation on blind and block booking differing in a number of respects from the measure he introduced earlier in the session has been submitted to the House by Congressman Celler of New York.

Celler today explained that the changes in the measure are largely technical and deal with matters of procedure, and were written to bring the bill into conformity with court decisions, and, inferentially, with the views of the Federal Trade Commission.

Unless the session is unduly prolonged, no effort will be made to press the bill this year.

Equity for Sliding Scales for Players

A graduated salary scale for actors is suggested in an editorial in the July issue of *Equity*, official organ of Actors' Equity, as a means of

(*Continued on page* 2)

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Phila. Council Will Act on Open Sunday

PHILADELPHIA, July 17. — With petitions being widely circulated in theatres and by hotelmen's and restaurant associations and the Philadelphia Boosters, the Sunday show question will get another boost on Thursday from Councilman Clarence Crossan who has promised to introduce a bill into City Council forcing the question on the ballot in the November election.

Predictions are that such a bill will pass the council and thus automatically render it unnecessary to get signatures of five percent of last year's electorate on petitions. It is not believed, however, that the petitions will be withdrawn from circulation, as they furnish an excellent means to keep interest in the measure hot until November, as well as giving a good showing of strength on the proposition.

Closes Product Deal

Guaranteed Pictures has acquired all foreign rights to the group of six action features and six "Big Boy" William westerns which Beacon Prod. is now producing.

JENI LeGON
in
"HOORAY FOR LOVE"
WILLIAM MORRIS OFFICE

◂ *Purely Personal* ▸

JULES LEVY, JOHN D. CLARK, CHARLES E. MCCARTHY, HERMAN ROBBINS, the junior SAM DEMBOW, WILLARD MCKAY and HERBERT YATES among those at "21" yesterday.

●

HAROLD F. CLARK has been appointed promotion manager of *True Story Magazine.* He was formerly promotion manager of the Macfadden Women's Group.

●

MARY BRIAN sails for London soon to star in ANDRE CHARLOT'S new show scheduled to open late next month. The William Morris Office arranged her contract.

●

SAMUEL MAYERS and MAURICE SEIFERT have been admitted to partnership in the firm of HAAS and SCHLESINGER, accountants who handle a number of theatre accounts.

Quip of the Day

Editor, M. P. Daily,

I see that Mox Shabbus, the infringer of Hollywood, is on sabbatical leave. May I remind him that "silence is golden and speech is silver" so that when he says that he's on the silver standard, I must agree with him. He's the silver-tongued haranguer personified—pickled tongue, that's it.

ALI GAGA

ARLINE JUDGE is cutting short her vacation at her home in Bridgeport and hurrying back to the Fox studios where production has already started on her next picture, "Fly By Night."

●

A. H. BLANK, G. RALPH BRANTON and JOSEPH DEITCH are in town from their native habitats on a buying trip. They'll return west over the weekend.

●

JACKIE COOGAN is here from the coast and stopping at the Essex House. He got in on the *Santa Rosa.*

●

THE YACHT CLUB BOYS are returning shortly for work in "Sing, Governor, Sing." The William Morris Office closed the deal.

●

CHARLES C. PETTIJOHN was booked on the *Manhattan,* which sailed for Europe yesterday, but without him. Too much to be done here.

●

ARTHUR MAYER is back from his Mexican siesta and vacation and so is MRS. M., who did not go to Hollywood after all.

●

PHIL REISMAN, foreign sales manager for RKO, expects to sail for Norway and Sweden in about two weeks.

●

BORIS MORROS will sail for Europe Saturday on a hurried trip to Moscow to visit his mother, who is ill.

●

CHARLES LAUGHTON arrives here next Monday by train from the coast. He's on his way to London.

●

LUCIENNE BOYER has been signed for four weeks at the Versailles starting in October. The William Morris Agency closed the deal.

●

MARIE STRAUSS, stylist, leaves today on the *President Taft* to study fashion trends in Hollywood.

●

. . . New Haven

A. E. SIRICA of the Waterbury State, is sailing for Italy with MRS. SIRICA and their two daughters.

GEORGE T. CRUZEN has taken to the sea in his new 31-foot cabin cruiser.

After resigning a few months ago, REVELLE KNIFFEN is back on the M-G-M sales staff, in place of the late MORRIS RABANUS.

HAROLD TABACKMAN has announced his engagement to EVELYN CHERNACK of New Haven. They will be married in October.

BEN LEO, operator of the State, Springdale, has moved from New York to Stamford.

●

. . . Cincinnati

ED MARSHALL, RKO division accountant, plus JOE ALEXANDER, manager of the RKO Palace, vacationing at Indian Lake, Ohio, and points in Michigan.

ROSE M. SCHMIDT, in charge of RKO general division office, has returned from trip to Hollywood and other west coast points.

Equity for Sliding Scales for Players

(*Continued from page* 1)

keeping worthy shows in financial difficulties from folding up.

Equity's proposal is that "after the first two weeks of a play's run all salaries should be on a sliding scale proportionate to the total receipts of the production." "At some point on that scale all players would receive their contractual salaries," the editorial adds. "As receipts rose above or fell below that point salaries would be increased or decreased in accordance with their variance from that point of normal balance."

Pointing out that in the past players "have unanimously declined to consider any sliding scales because they declared, quite correctly, that they slid only one way," the editorial asserts that "if they now had a chance to better their contractual salaries when connected with a hit they might well give serious consideration to the plan."

Under the plan, according to Actors' Equity, "the producer would be insured against crippling losses, and for that should be willing to have his books studied to determine debits and credits, including a standard method of bookkeeping."

Klorer Is Named as Censor in Louisiana

NEW ORLEANS, July 17.—John D. Klorer, editor of Senator Huey P. Long's *American Progress,* was yesterday appointed a member of the state board of censors in place of A. W. Newling, who declined the post offered him. The first meeting of the board is set for July 28.

Senator Long today said, "Producers must show first runs in Louisiana. The industry will not be permitted to dump second class pictures on us after they have been barred elsewhere."

Allied Sees No Hope for Cooperation

(*Continued from page* 1)

agents in the field, if unmolested, may show the way."

The opinion is expressed by Allied that "there is apparently no sentiment for a voluntary code outside of the paid employes of the late lamented Code Authority who are seeking to attach themselves to the industry.

"This is not due to the abandonment of the long-cherished concepts of helpful industry cooperation," the organization believes. "It is due to resentment over the imposed code and lack of confidence in certain of the administrators thereof. Plans for perpetuating producer domination of industry tribunals and keeping certain members and attaches of Code Authority in the saddle will not meet with approval."

It is maintained by Allied that "ways and means must be found to litigate to a final determination the right of the independent theatre owner to continue in business." "Compared to this," it asserts, "all activities in behalf of the exhibitors pale into insignificance."

Touching on the Pettengill anti-block booking measure pending in Congress, the bulletin declares that "the feverish efforts to discredit the bill by misrepresentation show the panic into which the 'Big Eight' have been thrown by the wide popular support which the bill is receiving."

Amusements Put in New NRA Grouping

(*Continued from page* 1)

Peebles, former division administrator for public utilities, as director, and William P. Farnsworth, former deputy administrator of the amusements divison, as assistant director.

Officials of the NRA said the new division would be primarily a contact with industry and probably would cooperate with the Federal Trade Commission in the negotiation of trade practice agreements, since the commission would be without adequate personnel in the event a number of industries simultaneously sought agreements.

The creation of the division was part of the program for skeletonizing the NRA, which eventually will be cut down to about 1,000 employes. There is a possibility that if there is widespread interest in trade agreements it may be transferred bodily to the commission.

RKO Hearing Delayed

A state court hearing scheduled for yesterday on cross motions in connection with the recent arbitration award in favor of the Hollywood and Apollo against RKO was postponed until tomorrow. The landlord of the theatres, both under lease to RKO, is seeking to have the court confirm the arbitrators' awards. RKO will ask to have the awards set aside as unjustified.

THE PICTURE OF THE WEEK

Because its New York engagement has definitely established it as the biggest of **BETTE DAVIS'** four consecutive hits, Warner Bros.' swift-moving newspaper comedy, **'FRONT PAGE WOMAN'**, heads the list of the week's screen releases. The extraordinary work of star-reporter Bette, George Brent, Roscoe Karns, Winifred Shaw, Director Michael Curtiz, is aptly recommended by Manhattan critics as 'a tonic for the mid-July doldrums'. Released July 20th.

Fox Hearing Will Continue in Secret

MINEOLA, L. I., July 17.—The examination before trial of William Fox will continue Monday in Nassau Supreme Court here behind closed doors.

The "visitors not welcome" edict that will make the remaining two or three weeks of the pre-trial inquiry into Fox's conduct of Fox Theatre Corp. and his financial manipulations a closed proceeding was announced at the start of the third day of the questioning today by former Nassau District Attorney Elvin N. Edwards, official referee presiding at the examination.

Reporters entered the courtroom today early, prepared for another day of hearing the theatre magnate give answers to the 107 questions called for in the examination before trial specifications. Edwards saw the news men and called a halt, explaining that there would be no outsiders at the hearing.

"By unanimous consent of counsel for all sides," he stated, "I have been requested to continue this examination behind closed doors. There was nothing for me to do but order the doors closed.

"I am not at liberty to say who moved for the executive hearings, because it was unanimous. The order of the court, of course, binds all counsel involved not to discuss the proceedings with the press after the session, not until a report is submitted to the Supreme Court."

How Ban Came About

The ex-prosecutor thereupon explained that it is not customary to hold an examination before trial in public, because the pre-trial quiz is merely for the purpose of providing attorneys with specific information pending a formal public trial on the main issues involved. Until yesterday, he indicated, proceedings were public because none of the parties made any objections to the presence of reporters.

What prompted the ban on reporters, it was understood, was the early invasion of the courtroom by a photographer, intent upon taking Fox's picture. Fox ducked the picture-taking, protested vigorously, and thereupon he and his counsel, Benjamin Reass, demanded that the press and photographers should not "harass" him.

The complaint upon which the examination before trial is based charges Fox in over 100 separate paragraphs with deliberately mismanaging the Fox theatre enterprises for his own "personal enrichment," alleging among other things that he put his personal friends and relatives on the company's payroll at huge salaries and endeavored to profit from sale of the company's stock by engineering a secret agreement with brokers whereby he was to secure 25 per cent of commissions on the Fox securities they sold.

Fox has entered denials to all of the charges, and when the case is tried in Nassau Supreme Court in the fall, he will have his counsel press a counter-claim against the plaintiffs, stockholders and creditors. The counter-claim asks for $250,000 for compensation allegedly due and $1,954,485.72, representing stock transactions against the plaintiffs, plus the value of 87,000 shares of Class A common stock of Fox Theatres Corp. with interest from Feb. 27, 1929.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"We're in the Money"

(Warners)

HOLLYWOOD, July 17.—Loaded with hokum and crammed with slapstick reminiscent of the Keystone cop era, this picture should fill the bill as an adequate laugh getter and should set well with audiences who like their entertainment lighter and funnier.

Following the precedent as a flippant dame combination, Joan Blondell and Glenda Farrell team as two "never say die" process servers. Hugh Herbert as an absent-minded attorney who employs the girls augments the laugh situations.

The story centers around four breach of promise suits filed by Anita Kerry, a golddigger. Miss Blondell and Miss Farrell pass out three subpoenas in short order but hit a snag on the last one when Blondell discovers her chauffeur lover is none other than wealthy Ross Alexander, who happens to be the victim of the fourth subpoena. From here on the slapstick flies wide and handsome, featuring wild automobile dashes, fast rides in runaway boats and people throwing each other into the ocean a la Keystone. A wrestling match between "Man Mountain" Dean and Chief Pontiac should bring down the house. The romance turns out as expected in the first reel but the audience won't care.

Director Raymond Enright keeps the story moving for chuckles. F. Hugh Herbert and Brown Holmes gave the screen play the works, adapting from George R. Bilson's original. Arthur Todd's photography is good.

Production Code Seal No. 1061. Running time, 65 minutes. "G."

"The Black Room"

(Columbia)

HOLLYWOOD, July 17.—A milder than average Boris Karloff chiller, this picture may have enough to satisfy most horror fans.

The story concerns twin brothers, overlords of a Bavarian estate, cursed from birth with the tradition that the younger will kill the elder in the castle black room. Karloff, portraying both roles, depicts the older twin as a sadistic fiend and the younger as kindly and amiable. When the villagers demand the life of the elder twin for wrongs done them, Karloff agrees to abdicate in favor of the younger. Instead, however, he murders his brother, assuming his identity which is defined by a paralyzed right arm.

When Thurston Hall discovers the ruse through seeing Karloff use the arm, the latter murders him, placing the blame on Robert Allen, the sweetheart of Marian Marsh, Hall's daughter. Then Karloff, about to marry Miss Marsh, is identified by his dead brother's dog, who knocks him into a pit in the black room, impaling him on a sword in the hand of the murdered twin as the lovers reunite.

Director Roy William Neill handles the mechanics of the plot nicely and the production of Robert North supplies some good 19th century backgrounds. The screen play, by Arthur Strawn and Henry Myers, from the former's original, introduces some clever dialogue.

Should satisfy but not for de luxe houses as suitable horror entertainment.

Production Code Seal No. 1009. Running time, 69 minutes. "A."

"Manhattan Moon"

(Universal)

HOLLYWOOD, July 17.—As drama dealing with character doubles this one should prove a suitable feature for double bills.

Dorothy Page plays a French actress who loathes her public. She also plays a tough little New Yorker hired to meet and rebuff the fans. When Ricardo Cortez, a night club owner raised by his own bootstraps from poverty, sees the actress he falls hard and fast. Through the services of a shady socialite (Henry Mollison) he arranges a meeting with the actress by threatening to expose the society man's bad check activities. First Cortez meets the double, then the star. Complications become intricate when Regis Toomey, the double's boy friend, goes on a rampage.

Miss Page, known as a radio singer, is pretty and adequate in the dual role in spite of her average song numbers. Mollison, another newcomer, impresses with his excellent work. The support includes Hugh O'Connell, Luis Alberni and Henry Armetta. The story is by Robert Harris and the screen play by Harry Trivers and Ben Grasman Kohn. Stuart Walker directed and Stanley Bergerman produced.

Production Code Seal No. 1047. Running time, 67 minutes. "G."

(Additional review on page 5)

Deery to Appeal in Salem Theatre Case

BOSTON, July 17.—John A. Deery, Salem and Haverhill exhibitor, said today he would appeal to the U. S. Supreme Court from a U. S. Circuit Court of Appeals ruling that he must serve one year and a day for violation of the National Banking Act in aiding and abetting misappropriation of $131,000 loaned to the Salem Realty Co. which is about to take back four houses from Paramount.

Deery is president of the company. He recently served another sentence because of irregularities in connection with the company.

The court said: "It was evidently the understandig that the lease to Olympia Theatres, Inc., should be assigned to the bank, but, although the lease was found in the files of the bank, no written assignment of it was found."

Deery is out on $10,000 bail pending appeal.

Four in St. Louis Closed for Summer

ST. LOUIS, July 17.—The Grand Central has closed for the summer and the Shubert and Orpheum, Warner first runs, have reverted to a single feature basis.

The Fox and Missouri and the Down Town Lyric also are dark.

The Community at Leadwood, Mo., has been taken over by the Lead Belt Amusement Co. from A. B. Deremiah. M. E. Gilltoz has transferred the Gilltoz to L. L. Lewis at Monett, Mo. Mrs. George Wells and J. H. Backer have taken over the Clarksville at Clarksville, Mo., and have reopened the house.

Detroiters Held on Lottery Complaint

DETROIT, July 17.—Jacob Schreiber, owner of the Colonial, and George Buckley, employe, must stand trial on charges of operating a lottery in violation of state laws in connection with raffling off cash prizes, it was decided here today. Judge Thomas Cotter, in reviewing the complaint against the theatre, ruled there was cause for action and the matter one for a jury to decide. The defendants were held under $500 bonds.

Bank nights and screeno were not involved in the case.

N. E. Openings Gaining

BOSTON, July 17.—Theatre openings in New England continue to outnumber closings. M. P. Watts has put the Town Hall in Bradford, N. H., back on the active list. Hoar and Pollack have opened the Acme in Belgrade, Me., and the Star at Newmarket, N. H., has been darkened by H. Haywood. J. Rabinowitz closed the Gem in Arctic, R. I., recently and in Northeast Harbor, Me., the Pastime has been opened by Newell Kurson.

W. C. Fields Re-Signed

HOLLYWOOD, July 17.—Paramount has signed W. C. Fields to a new long term contract. The comedian is scheduled to start on a new picture in November, and will rest until then. He has not fully recovered from his illness.

Court Paring Of Para. Fees Is Looked For

(Continued from page 1)

in the event his advice was ignored and exorbitant fees were asked. He also informed them at the time that the fullest publicity would be given the applications in advance of today's hearing. The size of the fees sought and the official and newspaper attention drawn to them during the past week have attracted much attention.

That the court will also see fit to make drastic reductions in the applications prior to authorizing payment of any fees is also freely predicted, largely on the basis of the past record of the court in passing upon the interim allowances sought from time to time by lawyers and trustees during the two and one-half years of the Paramount bankruptcy proceedings. It is pointed out that while applications for almost $2,000,000 in fees have been presented to the court heretofore, payments aggregating only $458,029 were actually authorized by the court. If the final applications now before the court receive like or nearly so treatment, the $3,222,226 of such applications may be reduced to approximately $1,000,000 before being allowed by the court. Inasmuch as the Paramount reorganization plan set aside $2,500,000 for the expenses of administration and reorganization, out of which fund the present applications would be paid, a final allowance of approximately $1,000,000 could hardly be regarded exorbitant.

Lawyers Expect Reduction

That the attorneys represented by the applications before the court themselves expect some such proportionate reduction to be made, and that this expectancy accounts in large part for the size of the fees asked, is freely admitted in many of the legal circles involved. Aware from past experience that applications for bankruptcy fees are habitually reduced by one-half or two-thirds before being allowed by the court, and that many applications are denied in their entirety, most attorneys fix the amount of fees sought accordingly. That is, it is customary to ask for a fee two to three times what they regard as reasonable remuneration for their services in order that the sum finally allowed them by the court will approximate what they think they should actually get.

Paramount, nevertheless, has retained former Federal Judge Thomas D. Thacher to oppose all applications regarded as excessive. Numerous other attorneys in the situation have also indicated that they, too, will oppose the allowance of fees sought by others independently of directions from Paramount.

Joyce Disapproves Two Para. Claims

(Continued from page 1)

Bros., New England theatre operators, for $127,500 for contingent liability on a mortgage on the Rivoli, Chicopee, Mass., and that of Lawrence Berenson, attorney, for $35,400 for legal services in connection with a Paramount stockholders' suit to restrain the company from repurchasing its own stock in accordance with agreements entered into between 1927 and 1930. Berenson contended that he had performed a beneficial service for the estate in this action. It was proposed to settle his claim for $20,000.

Joyce, in vetoing both settlements, held that the Goldsteins might be realizing a profit on the terms offered them and that the Berenson claim was of doubtful validity. The proposals to settle both claims were worked out with the claimants by the Paramount trustees and their counsel, Root, Clark, Buckner & Ballantine. So far as is known, these are the first of the scores of claims settlements worked out in the Paramount proceedings to be rejected in their entirety by the special master.

Judge Coxe yesterday approved claims settlements against Paramount aggregating more than $800,000. A claim of the Commercial Investment Trust Co. for $503,000 was allowed at the compromise amount of $382,000. A claim of the Salem Realty Corp. for $299,189 was allowed at an appreciable reduction, and an adjustment of a claim by George L. Rapp, Chicago theatre architect, was allowed at $4,000 after deducting from the original claim certain debts owed by Rapp to the Paramount Broadway Corp.

Out Hollywood Way

HOLLYWOOD, July 17.—JOAN CRAWFORD, just finished in "Glitter," to rest three weeks before starting "Elegance" for M-G-M . . . C. H. "DAD" ROACH back at his desk after a month's illness . . . THORNTON SARGENT of F. W. C.'s home office back from a Wichita vacation . . . HOWARD STUBBINS, manager of the Republic exchange, picked up a three-alarm sunburn at Hermosa Beach.

STUART ERWIN and MRS. ERWIN (JUNE COLLYER) have a new daughter, their second child . . . ALBERTINA RASCH to do some heavy commuting to New York when she finishes "The Broadway Melody of 1936" for M-G-M . . . GORDON and REVEL, Paramount songwriters, busy again after a New York trip . . . WILLIAM C. MELLOR, Paramount cameraman, has a new contract.

NINO MARTINI to stay here for preview of "The Gay Deception" by JESSE L. LASKY; expects to reach New York Sept. 15 . . . JOHN HAY WHITNEY studying six stories for Pioneer and conferring with MERIAN C. COOPER.

Radio starting six—"Freckles," with CAROL STONE and TOM BROWN; "To Beat the Band," HELEN BRODERICK and HUGH HERBERT; "Love Song," LILY PONS; "Sylvia Scarlett," CARY GRANT and KATHARINE HEPBURN; "Shooting Star," BARBARA STANWYCK, and "In Person," GINGER ROGERS . . . WALTER KOFELDT, formerly with F. W. C., joins Fox sales staff.

Casting — DOUGLAS WALTON and MONTAGUE SHAW in "Dark Angel," United Artists . . . WADE BOTELER in "The Three Musketeers," Radio . . . AGNES ANDERSON for "Last Days of Pompeii."

WALLACE BEERY borrowed from M-G-M by DARRYL ZANUCK for "The Message to Garcia" . . . IRENE HERVEY signed to a new M-G-M term contract . . . IVAN SIMPSON and CHARLES MCNAUGHTON in M-G-M's "The Bishop Misbehaves."

VIRGINIA BRUCE opposite LAWRENCE TIBBETT in "Metropolitan" for Fox-20th Century . . . RICARDO CORTEZ replaces RANDOLPH SCOTT in "Hangover Murders" with EDWARD ARNOLD in male lead . . . ROBERT ARMSTRONG, FRANCES DRAKE, FRANK LAWTON, JACK LARUE, ARTHUR TREACHER and BEULAH BONDI also in.

Directors—LLOYD BACON to direct "The Frisco Kid," First National . . . JOHN FORD laid up with a broken vertebrae, so can't direct "The Man Who Broke the Bank at Monte Carlo" . . . WILLIAM DIETERLE assigned to handle "The Fighter," PAUL MUNI'S next.

Title Changes—Radio changes "Leander Clicks" to "Hot Tip" . . . 20th Century's "Sing, Governor, Sing" now "Thanks a Million."

Story Buy—Fox has acquired a modernized adaptation of BOOTH TARKINGTON'S "Gentle Julia" for JANE WITHERS.

Looking 'Em Over

"McGlusky, the Sea Rover"

(Associated British Pictures)

LONDON, July 10.—The Flagg and Quirt formula, applied to a story with shipboard and desert backgrounds. A. G. Hales authored the original story, one of a series exploiting McGlusky, an Irish tough of heroic mold, here played by Jack Doyle, the boxer. Henry Mollison is his captain, rival and sparring partner.

McGlusky stows away on the ship *Sea Lion* with a boy protege and a dog. He lays out the bos'n who kicks the dog and then gets the worst of a fight with the captain. Made bos'n, he becomes accomplice to the captain's scheme to run machine guns to Arabs in revolt, but quarrels with his superior officer about a harem beauty whom the other brings aboard and finally leaves the ship in an eastern port.

The rough-housing is pretty well done and fortunately it's more important than the story. Mollison acts excellently and Doyle well enough; the others are not so hot.

Pretty crude stuff, but the action may get it by in neighborhood houses. Running time, 60 minutes. "G." ALLAN

"Broadway Gondolier," last night's opener at the Strand, was reviewed by wire from Hollywood on June 27.

"Don't Bet on Blondes," opening tomorrow morning at the Capitol, was reviewed on July 2.

"Ginger," this morning's opener at the Radio City Music Hall, was previewed by wire from Hollywood on May 27.

"Shanghai," which will be shown at the Paramount starting tomorrow, was reviewed from Hollywood by wire on July 3.

"Lady Tubbs," tonight's preview at the Roxy, was reviewed by wire from Hollywood on June 27.

"Love Me" Is Los Angeles' Top in Slump

LOS ANGELES, July 17.—This town went into a heat wave last week with only two attractions showing strength. "Love Me Forever," which ran up to $21,000, over par by $3,000, at the Paramount was the stronger of the two.

"Becky Sharp" reached $12,000, over the line by $4,000, at the Hillstreet, but failed to pull Warners' Hollywood out of its slump. The take there was $12,250, under par by $1,750.

Every other first run was hard hit by the torrid weather.

Total first run business was $68,850. Average is $75,700.

Estimated takings for the week ending July 17:

"GINGER" (Fox)
"MURDER IN THE FLEET" (M-G-M)
CHINESE—(2,500), 30c-55c, 6 days. **Gross:** $7,400. (Average, $12,500)

"MY SONG FOR YOU" (G. B.)
FILMARTE—(800), 40c-50c, 7 days. **Gross:** $1,000. (Average, $2,750)

"ESCAPE ME NEVER" (U. A.)
4 STAR—(900), 30c-55c, 6 days, 5th week. **Gross:** $3,200. (Average, $3,250)

"BECKY SHARP" (Radio)
HILLSTREET—(2,700), 25c-40c, 6 days. **Gross:** $12,000. (Average, $8,000)

"GINGER" (Fox)
"MURDER IN THE FLEET" (M-G-M)
LOEW'S STATE—(2,500), 30c-55c, 6 days. **Gross:** $8,100. (Average, $14,000)

"LOVE ME FOREVER" (Col.)
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: F. & M. revue, Rube Wolf and his orchestra. **Gross:** $21,000. (Average, $18,000)

"LADIES CRAVE EXCITEMENT" (Mascot)
"PHANTOM FLEET" (Olympic)
VOGUE—(900), 25c-40c, 7 days. **Gross:** $1,000.

"BECKY SHARP" (Radio)
WARNER BROS. (HOLLYWOOD)—(3,000), 25c-40c, 6 days. **Gross:** $12,250. (Average, $14,000)

"THE RAVEN" (Univ.)
"PARTY WIRE" (Col.)
PANTAGES—(3,000), 25c-40c, 7 days. **Gross:** $2,900. (Average, $3,200)

ITO Delays Election

HOLLYWOOD, July 17.—The I. T. O. has postponed the board of directors' election meeting, due to inability to obtain a quorum group at this time.

The election will be held within the next 30 days.

Sheehan Quits As Production Head for Fox

(*Continued from page* 1)

manager of production. Terms of the settlement were not divulged.

In a statement announcing Sheehan's resignation Kent said "an amicable settlement has been affected between the company and himself." The termination of Sheehan's contract had come about through his own wishes and was settled with regret, it was stated by Kent, who added an honest difference of opinion had brought about the resignation—a difference which, according to him, was in no way personal but had to do with the new setup of Fox-20th Century and the operation of its studios.

Kent asserted the company recognized Sheehan's position and his viewpoint. The statement declared that Kent would be ungrateful if he did not publicly acknowledge the fine relationship that existed between Sheehan and himself and that he and Fox were grateful for Sheehan's efforts during the years of the rehabilitation of the corporation which resulted in its present favorable condition.

Kent stated Sheehan's resignation did not forecast any shakeup in personnel, asserting he expected the present executive setup to remain unchanged.

"I and the corporation," Kent declared, "extend our best wishes to Mr. Sheehan in any endeavor he undertakes. This matter has been settled amicably and leaves a good feeling with all of us who have been involved in it."

Sheehan will not leave the studio until he finishes "Way Down East," of which he will be in complete charge, Kent stated.

The Fox president expressed appreciation also of the efforts of Sol Wurtzel and other Fox producers.

Fox Enlists His Services

Sheehan and Fox have been synonymous almost since the start of the company. William Fox had advanced only nine years from his nickelodeon days and was just beginning to acquire theatres when he decided he needed Sheehan, who then was something of a political figure as secretary to Police Commissioner Rhinelander Waldo and had made a name for himself as a reporter on the old *Morning World*.

He brought something new into the business—a shrewd sense of the news values of exploitation and their application to sales methods. He put Theda Bara on the front page and then buckled down to the more serious work of organizing the exchange system of Fox, first in this country and then throughout the rest of the world—reputedly the first of its kind. In January, 1914, he was general manager for Fox.

Fox at that time had a good selling organization, but lacked the right kind of pictures to keep it out front in a swiftly changing business, so Sheehan in 1915 started the West Coast producing organization and Fox Newsreel followed a couple of years later.

About 12 years ago he decided to take personal charge of production and before the advent of sound he had produced four of the outstanding films of the period—"What Price Glory," "Seventh Heaven," "Sunrise" and "Four Devils." Shortly after sound came in he became impatient with the limitations of soundproof stages and set out to make the first outdoor sound picture, "In Old Arizona." It put Warner Baxter back on the high road to popularity and injected new confidence into the company. "The Cock-Eyed World," which came shortly afterwards, was one of the biggest grossers of the boom period which preceded 1929 and is still regarded as a mark to shoot at.

His name has been connected since then with "Sunnyside Up," "Bad Girl," "State Fair," "Cavalcade," "The World Moves On," "Marie Galante," "Servants' Entrance," "One More Spring," "The Farmer Takes a Wife" and others.

Sheehan Possesses Daring

Daring has been one of his attributes. In the hectic days following the advent of sound he set out to build a whole new plant adapted to microphone use, and, by working contractors night and day, had most of it in operation within 90 days.

Prior to the advent of Kent as head of the corporation, Sheehan's word was absolute law in all production matters and his influence in other departments of the company, even under the Harley L. Clark regime, was important. He spent his days handling studio detail and most of his nights viewing "rushes" at his home.

In times of stress he had a way of pushing himself and his fellow-workers to a point of exhaustion that frazzled his own and the nerves of his associates, but in periods of relaxation his keen sense of humor and his charm came to the fore again and the net result was a group of men and women in the organization who were personally loyal to him above everything else.

Since Kent became company head, independent producers — Jesse L. Lasky, Robert T. Kane, Sol Wurtzel and John Stone—have shared the production reins to varying degrees.

After it became known that Fox and 20th Century would merge, with Schenck as board chairman and Zanuck as a producer with practically unlimited powers, most industry observers felt it would be only a short time before Sheehan would resign.

Wall Street

Loew's Issues Up on Big Board

	High	Low	Close	Net Change
Columbia, vtc	76	75	75	.....
Eastman	147½	147	147¼	+ ¼
Eastman, pfd	157	157	157	.....
Fox	17¼	16¾	16¾	— ½
Loew's	42¾	42	42⅜	+ ½
Loew's, pfd	106	106	106	+ ⅞
Paramount	3⅞	3⅝	3⅞	+ ⅛
Pathe	⅝	⅝	⅝	.....
Pathe "A"	8¾	8	8	— ½
RKO	2⅛	2⅛	2⅛	+ ⅛
Warner	4	3⅞	4	.....
Warner, pfd	26	26	26	+ ½

Technicolor Up Slightly

	High	Low	Close	Net Change
Technicolor	21	20⅞	21	+ ½
Trans-Lux	2¼	2¼	2¼	.....

Warner Bonds Lead Gain

	High	Low	Close	Net Change
General Theatre 6s '40 ctf.	12⅞	12⅝	12¾	+ ⅝
Keith B. F. 6s '46	81	81	81	+ ½
Loew's 6s '41 ww deb rights	103⅝	103⅝	103⅝	— ⅛
Paramount F. L. 6s '47	94½	94½	94½	+ ¼
Paramount Publix 5½s '50	96	96	96	—1
RKO 6s '41 pp.	41	41	41	+ ⅞
Warner Bros. 6s '39 wd.	69¾	68¼	69⅛	+1⅛

(Quotations as at close of July 17)

Analyze N. E. Time Change Sentiments

BOSTON, July 17.—Theatremen are interested in an ERA survey just completed here that shows only 52.68 per cent of the people in New England are in favor of daylight saving time, whereas 47.32 oppose it.

It was brought out by the survey that city areas favor daylight saving by 67 per cent to 33 per cent. Rural sections are 74 per cent against, however. While city men favor it in 74 per cent of the cases, only 55 per cent of housewives agree. Rural men oppose the action by 65 per cent, while their women are 87 per cent against it.

The time the extra hour of daylight gives for outdoor recreation is the reason 64 per cent of those voting for daylight saving gave for their action. Ten per cent believe that it saves electricity. Another 10 per cent contends that it gives opportunity to finish more work, while 16 per cent favor it for health reasons.

Warner Closes with B. & K., Great States

CHICAGO, July 17.—A deal said to involve more than $1,000,000, providing for the showing of Warner, First National, Cosmopolitan and Vitaphone product in B. & K. and Great States houses, has been closed here. Involved are 36 B. & K. theatres in Chicago and 60 houses operated by Great States in Illinois, Indiana and Wisconsin.

Voice Tests at Opening

A voice contest staged in the lobby of the theatre drew a big crowd last night to the opening of "The Broadway Gondolier," at the Strand. From 8:45 to 9:15 P. M. 80 contestants spoke into microphones that carried their voices to the studio of WNEW, where the judges listened in. The one with a voice most closely approximating that of Dick Powell, who is starred in the film, will get first prize, consisting of a spot on a sustaining program—for pay, 'tis said. There will be two other prizes.

Name Delta Directors

NEW ORLEANS, July 17. — An amendment to the charter of Delta Theatres, Inc., provides for the election, which has been accomplished, of six directors to serve one year. Directors need not be stockholders. Those who will serve for the coming year are: E. V. Richards, N. L. Carter, H. K. Olipint, George J. Schaefer, H. F. Wilkes. E. V. Richards, Jr., is president.

Meighan Holding Gain

Thomas Meighan was reported progressing favorably last night at Doctors' Hospital, where he was operated upon last week for an obstruction of the bronchial tube.

British Film Making Boom On—Norton

(*Continued from page* 1)

England will be taken care of, however."

When asked about his own company's production, Norton revealed that he was planning eight pictures for next season's release in this country. United Artists, distributor of all his previous pictures here, will also handle his entire American group, he asserted.

"The real reason for my visit here at this time," Norton explained, "is to personally discuss our future pictures with Al Lichtman and Maurice Silverstone. I have three films in mind at present and I won't make any at all for release here until I have discussed them with Lichtman. We would have started production by now, but unfortunately we rented our studios and they won't be available until September."

Norton was more than pleased with the reception Elisabeth Bergner's "Escape Me Never" received in this country. "It was most successful in practically every town it played in this country," he said, "and the reports that reached us in England pleased us very much."

Norton plans no future pictures with Miss Bergner, however, for she is under exclusive contract to Joseph M. Schenck and the latter, along with the star and her director-husband, Paul Czinner, are at present drawing up their own company to turn out her pictures. All their production is to be done in England, according to present plans, and probably at the British and Dominion plant.

Norton plans to sail for home Saturday on the *Ile de France*, provided his conferences with Lichtman and Silverstone are concluded by then. Silverstone, accompanied by Mrs. Silverstone and his brother, Emanuel, who is the local representative of London Films, also plan to sail with Norton.

Connecticut Group Honors Dr. Fishman

NEW HAVEN, July 17.—Fifty members of the Connecticut M.P.T.O., local exchange managers and other friends gathered at the Valencia today to wish Dr. J. B. Fishman, M.P.T.O. president, bon voyage when he sails for six weeks in Europe on Saturday.

Edward G. Levy presided and Barney Calechman of the Howard presented a motion picture camera on behalf of those present. Speeches were by Dr. Fishman, Abe Fishman, Harry L. Lavietes, Michael Tomasino, and heckling was by Arthur Lockwood and Jack Byrne.

A farewell dinner at the Racebrook Club was also tendered to Samuel Calechman of the Howard Theatre Co., who sails with Dr. Fishman.

Carlyle Ellis Resigns

HOLLYWOOD, July 17.—Carlyle Ellis has resigned as press contact for the Central Casting Bureau. The position will not be filled.

. . . CONTACT
back of the news

A great newspaper is more than news and print and white paper.

Back of it—the quality that gives it leadership in its field—is the human element, the editor and his staff and the multiple contacts, daily and hourly, with the industry leaders whose continuous activities condition the line of growth of the industry.

The extension of such contacts into the international field (Motion Picture Daily has correspondents in every important capital of the world) is another mark of its leadership among the wide reader group which it serves.

Add to this the genuine service which Motion Picture Daily renders, swiftly and accurately, in the interest of production, distribution and exhibition and it is easy to understand why it is awaited each day in thousands of places throughout the motion picture industry.

READ IT QUICKLY AND ACCURATELY IN

MOTION PICTURE DAILY

1790 Broadway *$6.00 per Year*

"Escapade" Is Kansas City's Top, $15,000

Kansas City, July 17.—"Escapade" at the Midland was the cool breeze in a week of high temperatures and only fair grosses at downtown first run theatres. This M-G-M offering grossed $3,000 over a normal for eight days of $12,000. A big July 4th helped.

"Let 'Em Have It," third shown here in the government dick cycle, did an average $8,000 in a seven-day run at the Mainstreet.

Average for the "Glass Key" at the Newman; average for "Doubting Thomas" at the Uptown in its second week, and $500 below par for "The Awakening of Jim Burke" at the Tower completed the rather dull box-office story.

Total first run business was $39,800. Average is $38,300.

Estimated takings:

Week Ending July 11:

"ESCAPADE" (M-G-M)
MIDLAND—(4,000), 15c-25c-40c, 8 days. **Gross:** $15,000. (Average, 8 days, $12,000)

"LET 'EM HAVE IT" (U.A.)
MAINSTREET—(3,100), 25c-40c, 7 days. **Gross:** $8,000. (Average, $8,000)

"THE GLASS KEY" (Para.)
NEWMAN—(1,800), 25c-40c, 8 days. **Gross:** $7,800. (Average, $7,800)

"THE AWAKENING OF JIM BURKE" (Col.)
TOWER—(2,200), 25c, 7 days. Stage: Billy Farrell and Dubs Taylor Co., Hap Hazard, Jackie Green, Ruthie Barnes, Nat Nazarro, Jr., Tower Adorables and Tower Orchestra. **Gross:** $6,500. (Average, $7,000)

Week Ending July 12:

"DOUBTING THOMAS" (Fox)
UPTOWN — (2,000), 25c-40c, 7 days. **Gross:** $3,500. (Average, $3,500)

"In Caliente" Hits $7,000 in Portland

Portland, July 17.—"In Caliente" secured the best take of the week with $7,000, or $2,000 over normal.

A double bill, "Shanghai" and "Ladies Love Danger" brought in $6,000 at the Paramount, or $1,000 over average.

Balance of first runs were average and below. A record breaking heat wave of 105 plus for three days and outdoor competition took its toll. The eight week lumber strike was another factor.

Total first run business was $27,900. Average is $24,700.

Estimated takings for the week ending July 13:

"THE VIRGINIAN" (Para.)
"MURDER IN THE FLEET" (M-G-M)
BROADWAY — (1,912), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

"THE MAN WHO KNEW TOO MUCH" (G.B.)
(2nd run)
BLUE MOUSE—(700), 15c-25c, 2nd week, 7 days. **Gross:** $1,400. (Average, $1,700)

"DARING YOUNG MAN" (Fox)
"THUNDER IN THE EAST" (U.A.)
MAYFAIR—(1,700), 25c-35c-40c, 7 days. **Gross:** $2,500. (Average, $3,000)

"HOORAY FOR LOVE" (Radio)
"NIT WITS" (Radio)
ORPHEUM—(1,700), 25c-35c-40c, 7 days. **Gross:** $4,000. (Average, $5,000)

"SHANGHAI" (Para.)
"LADIES LOVE DANGER" (Fox)
PARAMOUNT — (3,008), 25c-35c-40c, 7 days. **Gross:** $6,000. (Average, $5,000)

"IN CALIENTE" (F.N.)
UNITED ARTISTS—(945), 25c-35c-40c, 7 days. **Gross:** $7,000. (Average, $5,000)

Louis-Carnera Fight Film Detroit Wow; Gets $9,400

Detroit, July 17.—This is the home town of Joe Louis, and the home town folks, both white and colored, turned out in droves to see the picture of his fight with Carnera. A mixed bill consisting of "One Frightened Night," "Gow Headhunters," and the fight picture grossed $9,400 at the State. This is nearly double normal for the house.

"Becky Sharp" held up to $16,100 in its second week at the Fox. This is $1,100 over a first week average. Other spots were weak.

Total first run business was $59,100. Average is $60,000.

Estimated takings for the week ending July 11:

"ALIAS MARY DOW" (Univ.)
"THE RAVEN" (Univ.)
ADAMS—(1,770), 10c-40c, 7 days. **Gross:** $3,700. (Average, $5,000)

"BECKY SHARP" (Radio)
FOX—(5,100), 15c-55c, 7 days, 2nd week. Stage, 5 acts vaudeville. **Gross:** $16,100. (Average, $15,000)

"IN CALIENTE" (F.N.)
"PEOPLE WILL TALK" (Para.)
(Second Run)
FISHER—(2,975), 10c-40c, 7 days. **Gross:** $3,400. (Average, $5,000)

"ESCAPADE" (M-G-M)
MICHIGAN—(4,100), 15c-55c, 7 days. Stage, 5 acts vaudeville. **Gross:** $19,200. (Average, $20,000)

"ONE FRIGHTENED NIGHT" (Mascot)
"GOW HEADHUNTERS" (Salisbury)
LOUIS-CARNERA FIGHT (Oliver)
STATE—(3,000), 10c-40c, 7 days. **Gross:** $9,400. (Average, $5,000)

"PARIS IN SPRING (Para.)
UNITED ARTISTS—(2,070), 15c-55c, 7 days. **Gross:** $7,300. (Average, $10,000)

Canadian Managers Shift

Winnipeg, July 17. — The departure of Phil Sherman for New Haven, Conn., has brought about the appointment of Dave Griesdorf of Vancouver as manager of the United Artists' exchange at Winnipeg. Eddie Teal, on the Fox staff at Winnipeg for the past five years, has been appointed manager of the Fox office at Vancouver.

Canadian Universal has appointed William Popham supervisor of its Starland and College Theatres at Winnipeg, with Harry Hutchings being appointed house manager of the College in the promotions.

Scamahorn to Republic

Los Angeles, July 17.—Lee R. Scamahorn has joined Republic as salesman. Scamahorn was with Paramount for 17 years, and for two years was assistant to Col. Jason Joy at the Hays office.

M.J. McCarthy Joins G.B.

Los Angeles, July 17.—M. J. McCarthy, assistant booker at the Fox Exchange, has resigned to join G. B. as head booker. He replaces Harry Goodwin, who has been made a salesman.

Jack Mundstuk Promoted

Cleveland, July 17.—M-G-M has promoted Jack Mundstuk from booker to salesman. No definite territory has been assigned to him.

Moreno Gets "U" Role

Hollywood, July 17.—Antonio Moreno will return after an absence of five years in Universal's "Storm Over the Andes."

Variety Club

Kansas City

Kansas City, July 17.—A tribute is owed to F. E. Ritter, Fox Midwest; E. C. Rhoden, ditto, and Mike Roth, Columbia exploiteer, for the largest turnout at Variety since last winter. Especially does Ritter deserve the kudos for handling details. More than 75 were there, and there was plenty doing.

Harry Taylor, Columbia exchange manager, led the singing and later plugged Bingo nights for the club.

Gus Diamond, Warner office manager and general chairman of the annual Film Row-Variety Club picnic, called on chairmen for reports, and got—one, that of George Baker, program and publicity.

Wrestling and boxing will replace dancing on this year's program. Last year the dancing was done by outsiders, and film people could hardly get on the floor.

R. R. Biechele and Gus Kubitzki passed cigars in honor of grandchildren. For the K.M.T.A. secretary it was the first. For the Fox office manager, it was the third.

Ritter had Wurlitzer Music Co. talent for entertainment — Ernie Scrugg, m.c.; Ruth Royal and Lee Hyatt.

Among the guests were George A. Breon, Rockhill manager; Morrill Moore, Sears, Roebuck; Ralph J. Demotte, C. L. McVey of Herington, Kan.; Tom Steele, manager of the Fox Midland, Pittsburg, Kan., who was overshadowed by his six foot, two-inch son, Jack, and by Glen Hall, another husky youngster associated with Steele.

A heavy contingent from Fox Midwest offices included John Laughlin, Paul Baker, Ed Donnelly, Fred Klux, Charles Barnes, Thomas Brennan, Lew O. Honig. Fox Midwest auditor Charley Jones introduced them, without stopping for breath.

C. B. Fogel, M-G-M, Los Angeles, was there with "Truly" Wildman, M-G-M salesman, and Homer L. Blackwell brought E. S. Seiter, Swift & Co. credit manager.

Philadelphia

Philadelphia, July 17. — Several members of the local tent intend to join Tent No. 11 when the Washington group takes its show boat cruise down the Potomac River, July 20.

Summer program indicates a luncheon to be held later in July, a clambake-outing in Toms River, N. J., in August; first annual Variety Club golf tournament in September. Regular luncheons will probably be resumed fortnightly in September.

The pool tournament is coming along nicely. Barkers James Clark, Basil Ziegler, Herb Elliott are favorites.

Barkers Ike Levy and Doc Levy attended the broadcasters' convention at Colorado Springs recently.

Tent No. 13 is co-operating with the Showmen's Jubilee Week to be held in Atlantic City Labor Day week.

"She" Grosses $12,000, Best In Hub Slump

Boston, July 17.—Torrid weather and beach attractions hit grosses, but in spite of this "She" at Keith's Memorial took a par $12,000.

The only other normal draw was a dual, "The Arizonian" and "Mystery of Edwin Drood," at the RKO Boston, where the take was $11,000. "Ginger" and "Daring Young Man" were weak at both the Fenway and Paramount.

Total first run business was $62,000. Average is $67,000.

Estimated takings for the week ending July 12:

"GINGER" (Fox)
"DARING YOUNG MAN" (Fox)
FENWAY — (1,382), 30c-50c, 7 days. **Gross:** $3,000. (Average, $4,500)

"SHE" (Radio)
KEITH'S MEMORIAL—(2,907), 25c-65c, 7 days. **Gross:** $12,000. (Average, $12,000)

"ESCAPADE" (M-G-M)
"CALM YOURSELF" (M-G-M)
LOEW'S STATE—(3,537), 25c-55c, 7 days. **Gross:** $10,000. (Average, $12,000)

"PARIS IN SPRING" (Para.)
METROPOLITAN — (4,332), 35c-65c, 7 days. Stage: "Summer Frolic" featuring Howard, Fine & Howard with big cast, Elida Ballet and Fabien Sevitzky. **Gross:** $20,000. (Average, $22,000)

"GINGER" (Fox)
"DARING YOUNG MAN" (Fox)
PARAMOUNT—(1,793), 25c-50c, 7 days. **Gross:** $6,000. (Average, $7,000)

"THE ARIZONIAN" (Radio)
"MYSTERY OF EDWIN DROOD" (Univ.)
RKO BOSTON—(3,246), 25c-50c, 7 days. **Gross:** $11,000. (Average, $11,000)

"Vagabond," "Air" Best in Montreal

Montreal, July 17. — "Vagabond Lady" and "Air Hawks" on a dual bill at the Princess were the only pictures in town to reach par last week. The take was $6,000.

With no holidays for a change and plenty of heat, box-offices were literally "under the weather." At the Palace "Public Hero No. 1" took $8,500, under normal by $2,500.

Total first run business was $25,500. Average is $30,000.

Estimated takings for the week ending July 13:

"ALIBI IKE" (Warners)
"ALIAS MARY DOW" (Univ.)
CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $8,000. (Average, $9,500)

"SHADOW OF DOUBT" (M-G-M)
"CHASING YESTERDAY" (Radio)
IMPERIAL—(1,914), 20c-25c-34c, 7 days. **Gross:** $3,000. (Average, $3,500)

LOEW'S—Closed temporarily.

"PUBLIC HERO NO. 1" (M-G-M)
"HOORAY FOR LOVE" (Radio)
PALACE—(2,600), 25c-35c-40c-50c-65c, 7 days. **Gross:** $8,500. (Average, $11,000)

"VAGABOND LADY" (M-G-M)
"AIR HAWKS" (Col.)
PRINCESS — (2,272), 30c-35c-50c-65c, 7 days. **Gross:** $6,000. (Average, $6,000)

W. C. Tallman Gaining

East Liverpool, O., July 17.—William C. Tallman, who has operated the Ceramic here for more than a decade, is reported improving after a major operation performed at the Presbyterian Hospital, Pittsburgh.

Charter Film Library

Albany, July 17.—Century Library Inc., has been chartered here by Gerson H. Werner, Sally Jones and Dorothy Weinberger.

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Court Probes Into Details Of Para. Fees

Thacher Asks Complete Denial for Some

Individual applications for fees in the Paramount reorganization proceedings were liberally questioned by Federal Judge Alfred C. Coxe at the hearing in U. S. District Court yesterday, and Thomas D. Thacher, counsel for Paramount at the hearing, told the court that he believed many of the applications for the more than [illegible],222,000 of fees "should be disallowed in toto and that many others were excessive in amount."

The court's most direct criticism was leveled at members of creditors' committees who, Judge Coxe said, "give very little time" to the work and attend infrequent meetings "to have a good time and discuss reports put before them by lawyers."

This criticism of protective com-

(*Continued on page* 4)

Elections Will End IATSE 306 Control

The election of officers from among the nominations made at a meeting of the membership which got under way at midnight last night at the Central Opera House will mark the official end of the I. A. T. S. E.'s control of Local 306, it was learned here yesterday. Officers will be chosen at a meeting to be held in a week or 10 days.

Local 306 lost its autonomy a year ago, when it was taken over by the international in an effort to terminate internal dissension, with Harland Holmden, third vice-president of the I. A. T. S. E., appointed to administer its affairs.

Holmden presided at the meeting, at which George E. Browne, I. A. T. S. E. head, was present.

Canadian Copyright Inquiry Is Resumed

Toronto, July 18.—At the resumed sitting of the inquiry by Judge James Parker into the activities of the Canadian Performing Rights Society,

(*Continued on page* 2)

Federal Ruling Bars Missouri Tax Tokens

Jefferson City, Mo., July 18.—State Auditor Forrest Smith has found that his plan of issuing tokens

(*Continued on page* 2)

Heads Fox Studio

Darryl F. Zanuck, who succeeds Winfield Sheehan as general manager of Fox production.

Hollywood, July 18.—Darryl F. Zanuck, who succeeds Winfield Sheehan as general manager of production for 20th Century-Fox, today began the job of transferring physical assets from the United Artists lot to Fox Movietone City.

Abandoning earlier plans to concentrate solely on his own contribution to the combined programs for 1935-36, he declared he will devote his entire time to the schedule as a whole and does not propose taking screen credit for the product turned out under his about-to-start regime. That regime, if it runs its full course, will span a seven-year period, for this is the life of Zanuck's contract.

Darryl F. Zanuck, newly appointed production head of Fox, is a five-foot,

(*Continued on page* 4)

See Early Ruling on St. Louis Demurrer

St. Louis, July 18.—With Federal Judge George Moore scheduled to depart on his vacation about Aug. 1, it is believed that he will announce his decision on the motion for a demurrer to the Government's indictment presented by counsel for RKO and Ned E. Depinet in the anti-trust case that grew out of the local struggle for control of the Ambassador, Grand Central and Missouri theatres before he goes out of town. At the same time he may rule on the defense's request for a bill of particulars in the same proceedings. Paramount and Warners and their subsidiaries and several company officials are also defendants.

Recently the clerk of the U. S. District Court sent out notices to all interested parties that the case had been passed to the September term.

20TH CENT.-FOX TO BE NEW NAME

Speed of Shift at Fox Startles Coast

Hollywood, July 18.—The speed with which the change in the production administration at Fox developed continued today to find Hollywood a startled and somewhat dazed town. Naturally gossipy, the film colony had much to talk about and even more over which to speculate.

Sheehan, as announced, will complete "Way Down East" and then depart on an extended European vacation. He said today he had no plans for future production, nor any intention of producing abroad. "When I finish making pictures in America, I finish making pictures," he stated. Sheehan denied rumors he intended raiding other studios for talent. He said he would divulge his future plans upon his return sometime in October

Holds Large Stock Block

Winfield Sheehan, who amicably settled his post as general manager of

(*Continued on page* 4)

Dickstein to Seek Actor Bill Passage

Washington, July 18.—A special rule to secure prompt House consideration of his actor immigration bill will be sought by Representative Dickstein of New York, it was disclosed today. If the rule is granted, the measure may be brought up next week. No difficulty is anticipated in securing House approval.

It is planned to have the measure introduced in the Senate on Monday by one of the New York senators.

Goldwyn Now Holds U. A. Studio Alone

Hollywood, July 18.—20th Century's half interest in the United Artists studio has been sold to Samuel Goldwyn, placing the latter in complete control of the plant. Goldwyn is expected to put Abe Lehr, his general manager, in charge of the plant and lease space to outside producers releasing through United Artists.

Hollywood Group to Do "Lawrence" Film

Lawrence of Arabia, Inc., has been formed to produce in Hollywood an "authentic version of the activities of Col. T. E. Lawrence in the Near East during the World War," according to a press release issued yesterday by

(*Continued on page* 2)

Schenck Confirms Report Fox Banner Is to Be Subordinated

Sources close to the Chase National Bank maintained yesterday that the basis of the merger between 20th Century and Fox is slated for revision downward. The deal, as it now stands, is understood to place a valuation on 20th Century's assets at approximately $9,000,000 for which that company reputedly is to receive common stock. This is roughly 25 per cent of the declared assets of Fox Film Corp.

Hollywood, July 18.—Joseph M. Schenck said today he could not talk on the financial aspects of the merger until passed upon by the Federal Securities Commission, which will release the figures in 12 days, asserting he wouldn't know about stock holdings until then.

Hollywood, July 18.—Twentieth Century-Fox will be the trade mark under which the combined product of both companies will be released. Joseph M. Schenck, chairman of the board of Fox, is the authority for the statement which would indicate that persistent reports of subordinating the Fox name are to be borne out by fact. He and Darryl F. Zanuck took full charge of production today.

He added the reason the company is now selling under two trade names is because the merger deal was not consummated at the time both organ-

(*Continued on page* 4)

Long's Vaudeville Demand Is a Worry

New Orleans, July 18.—U. S. Senator Huey Long's demand for vaudeville coming with the picking of his new censorship board is regarded by exhibitors as something to worry about. He has considerable influence with the Auditorium Commission.

If the auditorium should be opened to vaudeville at a small rental or on a percentage basis, it would be just that much more competition.

Theatre men are off vaudeville because they say they can't stand the expense.

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Canadian Copyright Inquiry Is Resumed

(*Continued from page* 1)

Henry T. Jamieson, president, was subjected to considerable questioning regarding the basis of imposing license fees upon theatres and other music users of Canada.

Jamieson admitted that one of his greatest problems was the pressure which was brought to bear upon members of the Federal Parliament "to have acts passed against us." Letters written by Jamieson to Wilfred Mills of A. S. C. A. P. were produced in which the witness stated that the society must be prepared to lose many of the small music users "and to stop the use of our repertoire by them."

Asked by Arthur Slaght, lawyer for the Canadian Musical Protective Ass'n., what change in business or political conditions had occurred to justify the raising of the society's license fees, Jamieson replied: "I'm afraid I don't recall. I'm afraid there isn't much that I can add."

Whereupon Slaght offered his suggestion that Jamieson had "out-Millsed Mills" by introducing a minimum of 20 cents per seat in Canadian theatres, whereas the annual minimum in the United States was 10 cents.

A. I. Thomson, representing Famous Players Canadian Corp., declared that the fees charged by the society were entirely "theoretical since the society could not collect anything before amendments were made to the Copyright Act in Dec., 1931.

EMERSON TREACY
in
"CHAMPAGNE for BREAKFAST"
WILLIAM MORRIS OFFICE

Insiders' Outlook

By RED KANN

WINFIELD SHEEHAN ends two decades and more of service at Fox with a record on which he might justifiably rest if he were so minded. The years that separate his entry into that company from the executive branch of the New York police department and his retirement on Wednesday have been fruitful years, fraught with many changes, replete with many crises and many issues. Through them all, Sheehan has ridden, occasionally sent into a partial eclipse such as that which temporarily beclouded him a few years back when the Chase bank discovered it could not run production, but usually high in the saddle, fashioning the bullets as well as firing them. . . .

▼

To learn now that he gives up his twin posts as vice-president in charge of production and general manager of the Fox studio should occasion no surprise when the circumstances are considered. When Sidney Kent and Joe Schenck struck their bargain and thereby began the process which will graft 20th Century onto Fox, it was easily apparent that conflict loomed between Sheehan and Darryl F. Zanuck, who, all by himself, is virtually synonymous with 20th Century. It would be a trifle unnatural to expect that a man who has been accustomed to rule with a power nestling close to the dictatorial would willingly consent to a split of authority with a newcomer. When such a newcomer happens himself to be an individual of decision, power and demonstrated ability, the outcome at once becomes simple to deduce. . . .

▼

The man who was responsible for "7th Heaven," "Sunnyside Up," "State Fair," "Curly Top" and "The Farmer Takes a Wife," among others, by his deeds in Hollywood has stamped himself as a producer who counts. There cannot be much of an argument about it, if there can be any argument at all. Where Sheehan lights is currently unknown. Metro has been mentioned; United Artists, likewise. Regardless of where it may be, the affiliation will be interesting as well as significant, for Sheehan has made and again will make pictures that leave their impress on the box-office. . . .

Hummel Says Europe Likes Action Films

American action films have replaced musicals in the European public's favor, said Joseph R. Hummel, foreign general sales manager of Warners, who recently returned from a four months' tour of Europe during which he covered every country except England. Conditions seem to be improving all over the continent, Hummel continued.

While abroad Hummel made several changes. New offices were opened in Vienna and Athens with Ernst Reich in charge in Austria and V. Michalides in Greece. G. Westergaard was also placed in charge of the Danish office to take the place of C. Conradsen who was transferred to Sweden to fill the vacancy caused by the resignation of Knut Swenson.

Flash Previews

Smart Girl— . . . leans on performance of Joseph Cawthorn for most of its appeal. . . .

Westward Ho—Should be outstanding hit for houses featuring westerns. . . .

These films will be reviewed in full in a later issue of MOTION PICTURE DAILY.

Hollywood Group to Do "Lawrence" Film

(*Continued from page* 1)

Hirsh, Newman, Reass and Becker. A group of Britishers now engaged in Hollywood is interested.

Achmed Abdullah, author, is working on the script. Leslie Howard, who is under contract to Warners for a reported nine more pictures, is understood to have been approached for the lead. S. S. Krellberg of Amusement Securities Corp. will figure in the financing.

Hirsh, Newman, Reass and Becker are attorneys for William Fox, thus leading to rumors yesterday that the latter also may be enrolled in the enterprise.

Korda Going Ahead

LONDON, July 18. — Alexander Korda of London Films is proceeding with his announced plan to make a picture based on the life of T. E. Lawrence, who won the Arabian desert tribes for the Allies during the World War.

Would Produce in Fla.

FT. LAUDERDALE, FLA., July 18.—Anglo-American Film Renters of London has made a proposition to local authorities to produce here if the city raises $100,000 for a studio.

Loew's Boston Dividend

Loew's Boston Theatres has declared a regular quarterly dividend of 15 cents, payable Aug. 1 to stockholders of record July 26.

Purely Personal

BILL GREEN, press agent for DAVE RUBINOFF, is in town for a few days, after which he motors west to join the latter. RUBINOFF opens for a week at the Fox, San Francisco, today, and then goes into the cast of "Sing, Governor, Sing," DARRYL F. ZANUCK's first for 20th Century-Fox.

•

CICELY COURTNEIDGE, borrowed from G. B. by M-G-M for "The Perfect Gentleman," has left for the coast. She was given a sendoff at a cocktail party and press reception at the Waldorf-Astoria.

•

FREDRIC MARCH, MERLE OBERON and HERBERT MARSHALL, who are making "Dark Angel," will be heard in a condensed air version of the picture over WABC tomorrow evening at nine o'clock.

•

WALT DISNEY, accompanied by MRS. DISNEY and brother ROY, gets in tomorrow from a vacation in England. He's on the *Conte di Savoia.* SAMMY COHEN, U. A. foreign publicity director, is also on the boat.

•

JAMES FITZPATRICK returns from Africa tomorrow on the *Conte di Savoia.* Also on board is LUIC PIRANDELLO, coming here to do a scenario.

•

ARTHUR LOEW, head of M-G-M's foreign department, left for Hollywood by air yesterday to remain there only a couple of days. Then back to New York.

•

AL LICHTMAN, HAL and MRS. HORNE and MONROE GREENTHAL arrived from the coast yesterday.

Federal Ruling Bars Missouri Tax Tokens

(*Continued from page* 1)

to help facilitate collection of the state's one per cent sales tax, which becomes effective Aug. 27, is contrary to the Federal constitutional prohibition against the coinage of money. He had let a contract for 10,000,000 one-mill tokens and 5,000,000 five-mill tokens, but canceled it when officials at Washington informed him his plan could not be carried out.

The new act makes it mandatory for the merchant to pass along the tax to his customer. So Smith must find some new scheme that will meet the approval of the big shots at Washington. Street car companies and other private concerns have been using such devices for a score or more of years.

Fox Admits Judgment

William Fox confessed to judgment of $297,500 in Federal court here yesterday in an action brought by lessors of the Fox, Los Angeles, to recover for breach of lease on the house. The court denied the lessors approximately $250,000 in "future rent" involved in the claim, restricting the judgment to the part of the lease actually used.

"Front Page" $14,146

"Front Page Woman," which finished a week's run at the Strand, Tuesday night, grossed $14,146.

When a man is his own worst enemy

—only a girl can save him!

Too cocky to take advice . . . too scrappy to have sense knocked into him . . . he chose the shady path to ease. Until, for a girl, he fought the toughest battle of his life . . . against himself!

Crowded tight with breathless thrills that make the pulses pound!

SILK HAT KID

LEW AYRES • MAE CLARKE

Paul Kelly • William Harrigan
Billy Lee

Produced by Joseph Engel

Directed by H. Bruce Humberstone. Screen play by Eward Eliscu, Lou Breslow, Dore Schary. From a story by Gerald Beaumont.

YOU HAVEN'T A SHOW WITHOUT **FOX**

Remember
THIS YEAR'S
PROFITS
come from
THIS YEAR'S
PRODUCT

Court Probes Into Details Of Para. Fees

(Continued from page 1)

mittees' membership was launched during a plea by Nathan Burkan, counsel for the merchandise creditors' committee, for the applications of members of that committee for fees. Burkan's plea also elicited caustic comment from Judge Coxe concerning Erpi's position in this committee in the face of an application from R. E. Anderson, former Erpi treasurer and now financial vice-president of Paramount. Anderson asks $7,500 as chairman of the merchandise creditors' committee.

Erpi, it was brought out, had a claim against Paramount of $1,800,000, which was ultimately settled for something more than $1,100,000. Total claims held by this committee were given by Burkan as $2,400,000. From this, Judge Coxe drew the conclusion that the committee was engaged primarily in representation of Erpi's interest.

"It seems too obvious for discussion," the court remarked, "that Anderson was working for his own company. Why should Erpi be paid by this estate for pulling its own chestnuts out of the fire?"

Burkan, whose firm is asking $50,000 for itself for legal fees, replied that all Paramount merchandise creditors were invited to join the committee and to be represented by it.

Make Long Plea for Claims

The applications of the receivers and trustees, Adolph Zukor, Charles D. Hilles, Eugene W. Leake and Charles E. Richardson, for a total of $351,545, and of Root, Clark, Buckner & Ballantine, their counsel, for $700,000, were pleaded by Arthur A. Ballantine and Grenville Clark, partners in the law firm, in addresses to the court lasting one hour and 35 minutes. The work of the petitioners over the two-and-one-half-year period was detailed, and the law firm's application, the largest single fee sought, was defended on the grounds that it represented remuneration of $13.17 per hour for more than 79 partners and associates of the firm who put in a total of 72,113 work hours on Paramount.

Clark said that in arriving at the amount of the fee his firm was guided by the importance of the case, the biggest his firm had ever had; the kind of legal problems involved and the quality of work performed. The firm has received $250,000 in interim allowances heretofore.

Alfred E. Cook, speaking for Cook, Nathan & Lehman, which as counsel for the stockholders' protective committee and for Paramount as a debtor corporation, championed his firm's application for a fee of $250,000 and additional fees and disbursements for members of the stockholders' committee aggregating approximately $240,000.

Theodore Kiendl of Davis, Polk, Wardwell, Gardiner & Reed, counsel for the Vanderlip bondholders' committee, urged payment of a fee of $150,000 to his firm and an additional $222,000 in fees and disbursements to committee members.

Kiendl was questioned on dealings in Paramount securities by Frank A. Vanderlip, committee chairman, and admitted that the former National City Bank president had engaged in transactions last year totaling more than $200,000, and that an "appreciable profit" must have been realized on the trading.

"Yet he is asking for $50,000 for his services on that committee," the court remarked.

Judge Coxe also questioned a $52,000 fee for Dr. Julius Klein, member of the committee, asking for details on his work and expenditures. The court also questioned an application by Kuhn, Loeb & Co. for $114,287 for services and expenses, and one by Cravath, de Gersdorff, Swaine & Wood, Kuhn, Loeb counsel, for $150,812. These applications were pleaded by Robert T. Swaine, who detailed the guiding part taken by Kuhn, Loeb and Cravath in both the receivership and reorganization. Judge Coxe questioned their right to apply directly for remuneration, opining that unless they were "reorganization managers," which Swaine denied, their applications should be sponsored and pronounced "indispensable" by the Vanderlip and bank group committees.

Bogue Pleads for $150,000

Morton Bogue pleaded applications for $75,000 fees and disbursements for members of the bank group committee and an additional $75,000 fee for his firm, Beekman, Bogue & Clark, as counsel to the committee. Robert Szold, of Szold & Brandwen, championed that firm's application for a $75,000 fee and fees and disbursements of $7,945 for the committee.

Malcolm Sumner, an attorney representing $15,000 of bonds, who put in an application for $150,431 and fees for accountants and experts totaling $23,500, appeared to have a difficult time explaining to the court what his activities had accomplished. Twice the court interrupted him to ask what services had been performed, the second time remarking that "up to now, you haven't said one thing to justify paying you a dollar." Sumner eventually recounted activities in connection with the Saenger reorganization and in opposing Kuhn, Loeb activities in the reorganization.

Judge Coxe directed all applicants to file complete breakdowns of petitions for expenses with the court. The hearing will be resumed next Thursday when the balance of the petitions will be pleaded by the applicants and, that over, objections to the allowance of the fees will be heard.

Counsel for the Securities and Exchange Commission was present at the hearing in the nature of an observer.

Gets Four Para. Houses

BOSTON, July 18.—The Salem Realty Co., John Deery, president, takes back four Salem houses under the terms of a deal settled today. The houses are the Paramount, Empire, Salem and Federal.

A deal is under way for the company to take Joe Morency's Plaza, giving it control in Salem. Philip Bloomberg, Paramount manager, has been named city manager.

Chandlee Joins Lesser

HOLLYWOOD, July 18.—Harry E. Chandlee has joined Sol Lesser as an associate producer for Principal Pictures. Chandlee has been associated with Jesse L. Lasky and B. P. Schulberg in the past.

Wall Street

Slight Losses Mark Big Board

	High	Low	Close	Net Change
Columbia, vtc ...	74	73	74	—1
Eastman	148¼	147½	147½	+ ¼
Eastman, pfd	157	157	157	.....
Fox "A"	17¼	16¾	16¾	.....
Loew's, Inc.	42⅜	41½	41½	— ⅞
Loew's, Inc., pfd.	105½	105½	105½	— ½
Paramount Publix	3⅞	3⅝	3¾	— ⅛
Pathe	½	½	½	— ⅛
Pathe "A"	8⅛	8	8	.....
RKO	2¼	2	2	— ⅛
Warner	4⅛	4	4	.....
Warner, pfd	26½	26¼	26¼	+ ¼

Technicolor Off ¾

	High	Low	Close	Net Change
Technicolor	21⅛	20¼	20¼	— ¾
Trans-Lux	2¾	2¾	2¾	.....

Paramount Bonds Gain

	High	Low	Close	Net Change
General Theatre 6s '30 ctf	13¼	12¾	13¼	+ ½
Keith B. F. 6s '46	81¼	80¾	81¼	+ ¼
Paramount F. L. 6s '47	95½	95⅛	95½	+1
Paramount Publix 5½s '50	97¼	96½	97	+1
RKO 6s '41 pp....	41½	41	41½	+ ½
Warner 6s '39 wd	70	69¼	69¾	+ ⅝

(Quotations as at close of July 18)

Zanuck Starts Task Of Moving to Fox

(Continued from page 1)

seven-inch, 160-pound, brown-haired, blue-eyed bundle of nerves in his early thirties who forged to the front with the speed of Man o' War about five years ago because he had an idea.

It was simple—front page news was front screen drama, because it was life at the moment, not as it had been, or as somebody thought it ought to be. He applied the theory to Warner production so persistently that he began a number of production cycles instead of trailing into their backwash.

His front page films got him onto the front page and he has been there quite regularly since he expressed himself with some vehemence at Warners on the subject of restoring actors' pay at the end of the bank holidays following President Roosevelt's inauguration.

Zanuck and Joseph M. Schenck organized 20th Century Pictures and right at the start Zanuck said: "We'll either make a lot of money, or we'll lose a lot; we're going in for big pictures—stories with an idea behind them, not just stories." They made a lot.

Sidney R. Kent and Chase National Bank have been among those who have studied the returns from a list that reads like this: "The Bowery," "Blood Money," "Advice to the Lovelorn," "Moulin Rouge," "Gallant Lady," "Looking for Trouble," "The House of Rothschild," "The Affairs of Cellini," "The Last Gentleman," "Clive of India," "Folies Bergere," "Les Miserables," and "Cardinal Richelieu."

Zanuck has a ready answer for anything concerning production. In conversation he is in and out of his chair, around his desk, foot up on a window sill, lighting and re-lighting big cigars. When he has anything to say, he says it. His voice may be pitched a little high, but his meaning will be unmistakably clear.

Zanuck is of Swiss ancestry. He was born in Wahoo, Neb. Some say he was a theatre usher there. He was a laborer at San Pedro for a time. He took up short story writing and eventually got into the Warner story department, but he bounced out of that into a job as associate producer in charge of production in 1928.

20th Century-Fox to Be New Company Title

(Continued from page 1)

izations announced their lineups for 1935-36. After current product is delivered, however, the plan, he added, is to market as 20th Century-Fox.

Zanuck declares that his entire 20th Century staff will join Fox with a strong likelihood that changes will ensue. Both he and Schenck stated an immediate plan was to augment producer, writing and player rosters.

Sol M. Wurtzel, who has been in charge of the Western Ave. studio for Fox, will remain in that post, the chairman of the board asserted. There is also a possibility now that Jesse L. Lasky, who has completed his contract with finish of "Gay Deception" and "Here's to Romance," may remain with the company although admittedly no overtures looking toward a new contract have been made as yet.

It was announced Jack Gain would continue as studio manager, George Bagnall as treasurer, Julian Johnson as story editor and Gabe Yorke as studio publicity director.

Schenck returns to New York shortly, reputedly in connection with the financial aspects of the merger, but will make his headquarters in Hollywood with production duties similar to those which engaged him at 20th Century.

Zanuck's plan to transfer his entire staff to Fox will carry to Westwood Harry Brand, publicity director. There is a possibility his new post will not only concern 20th Century-Fox publicity, but duties actually identified with production as well.

Speed of Shift at Fox Startles Coast

(Continued from page 1)

Fox production in Hollywood on Wednesday, held only 1,125 less shares of Class A Fox Film stock than S. R. Kent, it was revealed when the company filed its registration statements with the Securities and Exchange Commission in Washington on May 7.

Sheehan was listed as the holder of 10,244 2/6 shares of "A" and 166 4/6 shares of "B." Kent was down for personally 1 1/6 shares of "A" and his personal holding company, the Berkshire Finance Corp., for 11,369 shares.

At yesterday's closing market, Sheehan's "A" stock was worth $171,587.

Murphy Joins Republic

Will C. Murphy has joined Republic Pictures as press sheet editor. Murphy formerly handled publicity for Fox, Warners, Universal and Tiffany here in the east and personal publicity for stars on the coast. He also served on the National Republican Committee in the northwest as publicity representative.

O'BRIEN SMASHES THROUGH WITH ANOTHER ACTION HIT

and gives you everything he's got in DRAMA and THRILLS!

"George O'Brien romps home to further stellar honors in his first hard action role apart from Western characters."
—*Variety Daily*

●

"Gaited and timed to hold the attention of the audiences every minute, and does. Lively, classy melodrama full of skillfully blended thrills and laughs."
—*Hollywood Reporter*

●

"Splendid pic of rugged type with thrills, comedy and good acting. O'Brien will make many new friends."
—*Showmen's Trade Review*

Sol Lesser and John Zanft present

GEORGE

O'BRIEN

in

Hard Rock Harrigan

with

IRENE HERVEY

Directed by David Howard

YOU HAVEN'T A SHOW WITHOUT **FOX**

Remember
THIS YEAR'S PROFITS come from THIS YEAR'S PRODUCT

THE SIX MAIN REASONS BEHIND THIS HAPPY *headline*

August 24th

MARION DAVIES

in PAGE MISS GLORY†

"Best Marion Davies picture in several seasons," Ruth Waterbury, editor *Photoplay.* "Season's best and most original comedy," Jimmy Starr of *L. A. Herald-Express.* "Laughter in every foot...Marion at her best," Louella Parsons of *Universal News Service*

THEATRE CLOSINGS HIT

Less Than 100 Houses Were

No wonder the boys are staying open for business, when they can do the kind of business these excited previews forecast for this amazing string of summer shows from

WARNER BROS.

August 3rd

CAGNEY and O'BRIEN

in THE IRISH IN US°

Only two reviews in so far—but take it from them it's a "sure sock at the box-office . . . Cagney never had a better role." (*Variety Daily*); "one to raise the roof . . . you can go the limit . . . should keep 'em howling!" (*M. P. Daily*)

°A First National Picture
†Pre-release date. A 1935-'36 Cosmopolitan Production
Vitagraph, Inc., Distributors

July 20th

FRONT PAGE WOMAN

with **Bette Davis** and **George Brent**

N. Y. Daily News **says you can "chalk up another hit" and the** ***Times, American*** **and** ***Post*** **tell the folks it's "as exciting as page one headlines . . . an excellent tonic for mid-July doldrums . . . the audience liked it lots . . . don't miss it!**

July 27th

BROADWAY GONDOLIER

with Dick Powell, Joan Blondell, Adolphe Menjou, Louise Fazenda

Film Daily **will "be surprised if the public doesn't go nuts over it" and the profit predictors for** ***M. P. Daily*** **and** ***Variety Daily*** **say it "should land in the important money—is hot and bankable at the box-office!"**

OW MARK FOR SUMMER

rkened During the Past Month

—*Film Daily*

August 17th

WE'RE IN THE MONEY

with Blondell, Farrell, Herbert

Our famous Gimme Gals are saying it with sub-oenas now — and the boys are saying it with hilarious screen fare . . . sure-fire grosser . . . ig entertainment audiences will eat up"— the latter by McCarthy of ***M. P. Herald*** **himself!**

August 31st

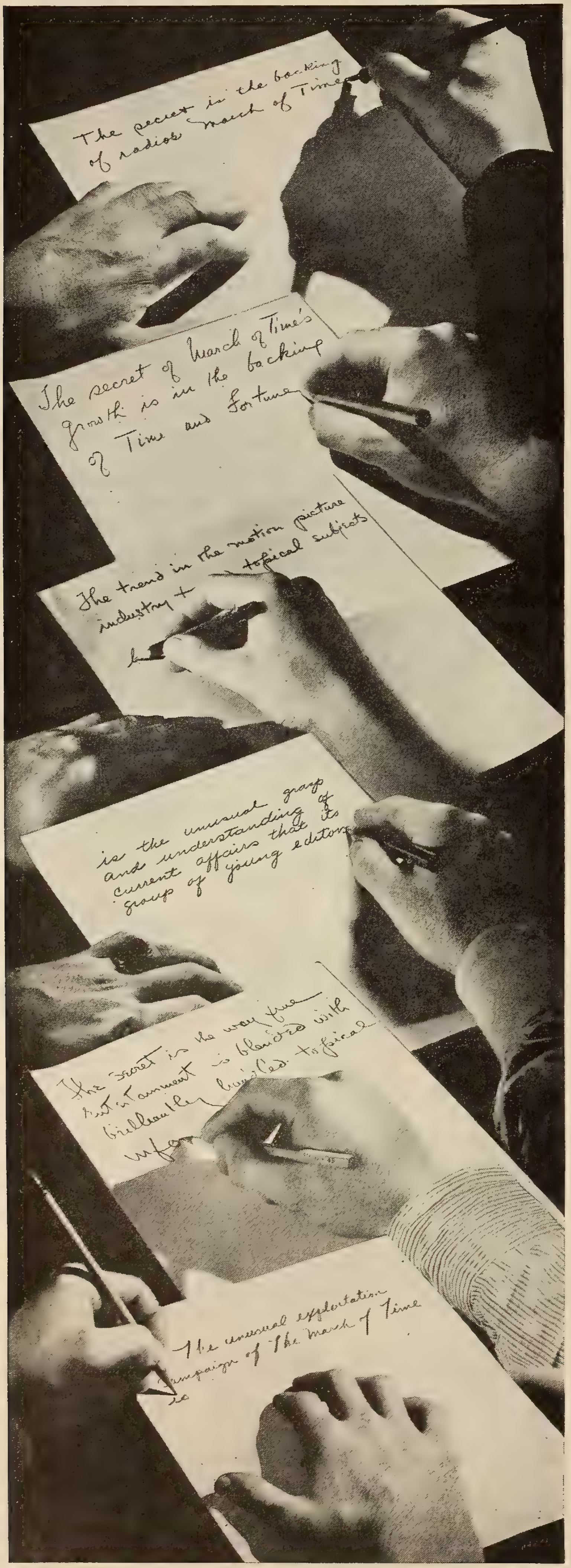
JOE E. BROWN

in BROADWAY JOE°

(tentative title)

with Ann Dvorak, Patricia Ellis

We're shielding this from all eyes for a while— but here's a quick tip-off; Joe and Ann sing and dance, there's a honey of a story, six tunes -- and *such* gals!



The secret is the backing
of radio's March of Time

The secret of March of Time's
growth is in the backing
of Time and Fortune

The trend in the motion picture
industry + topical subjects

is the unusual grasp
and understanding of
current affairs that its
group of young editors

The secret is the way fine
entertainment is blended with
brilliantly handled topical
infor

The unusual exploitation
campaign of The March of Time
so

SECRET

To write about any one feature of THE MARCH OF TIME as the secret of its development is absurd. Its greatest strength comes from directing all its features at one target, the public's fast-growing passion of curiosity. This has won for THE MARCH OF TIME a unique audience in a very few months—an audience that feels spiritedly about each new edition.

This audience does not always agree with what happens in the events presented. It welcomes, though, the authentic, unbiased manner in which THE MARCH OF TIME ferrets behind the news. It writes letters to the producers, to the theatre managers. The dramatic photo-reporting becomes a topic of its every-day conversation. In the theatre the subject gains tense attention, the audience breaking into applause or expression of disapproval as the hidden beginnings and startling developments of today's history appear.

Such was the case with the story of Germany's rearming, on the screen two days before the newspapers headlined the story. With the first transpacific passenger flight pre-enacted and shown three months before the actual flight. With the inside story of the Navy's war games. Even more keen was the reaction to such "scoop" pictures as those of Europe's mystery munitioneer Sir Basil Zaharoff and Louisiana's "Kingfish" Long.

This, we believe, is the most robust, honest kind of Audience Reaction and (if public interest and press comment are an indication) one of the strongest Box Office potentials any exhibitor can work with.

What issue No. 5, released by RKO on August 2nd, will contain, what news will be the biggest before the month is out, cannot be foretold. But this much is sure: it will be an uncommonly fast, courageous presentation of newsworthy events that will make audiences *talk* and *think* and *feel.*

Released by

R K O
RADIO
PICTURES

THE MARCH OF TIME

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 18 — NEW YORK, MONDAY, JULY 22, 1935 — TEN CENTS

Atlas Plans No Onslaught, Official Says

Film Penetration One of Investment Only

The Atlas Corp., large investment organization, which has become an influence in the industry during the past year through the acquisition of security holdings in Paramount, Fox and Warners, has "no desire to go into the film business as such," an official of the company stated on Saturday.

Atlas is headed by Floyd B. Odlum, a Paramount board member, and is affiliated with the so-called Fortington creditor group in Paramount, which in turn is represented by three additional Paramount board members and includes Lehman Bros., investment bank, which has two representatives

(*Continued on page 9*)

Portland Fighting To End Dart Games

Portland, Ore., July 21.—All exhibitors both downtown and suburban, have united in a fight to have the city eliminate three dart games, as they now realize they are getting a hold on former regular film patrons.

Dart game proprietors are paying from $1,000 a month up in licenses in order to have their business protected.

Moore Returning to Stage, Film Policy

Washington, July 21. — Tom Moore, veteran exhibitor, plans to return to his first love when the Rialto reopens in the fall with a radio, stage presentation and film policy.

The house, which is now being redecorated, has been under lease to Universal for some years.

Boom!

New Orleans, July 21.—Porters at the Saenger have discovered they can't smoke cigarettes while spraying rugs—that is, not when they are spraying them with inflammable cleaner.

A day or two ago one porter was spraying when another entered smoking. Both porters landed some distance from the scene. The damage was $75. The theatre cost $2,000,000.

Production at New High; 46 in Work

Hollywood, July 21.—Production registered a new high for the season last week with all companies showing a spurt to meet release dates. The weekly checkup showed 46 features and five shorts before the cameras, a gain over the preceding week which showed 44 features and three shorts in active work.

M-G-M held the top spot with 11 features on the sound stages, none preparing or slated for production within the next two weeks and 13 in the cutting room. Fox had six, two and six; Universal had six, four and one; Warners, six, two and nine; Radio, five, four and seven; Paramount, four, three and seven; Goldwyn, two, zero and zero; Columbia, five, zero and

(*Continued on page 9*)

General Theatres Devalued by Court

London, July 21.—Court approval has been given a reorganization plan of General Theatres Corp. which calls for reduction of the capital from £2,000,000 to £549,166. Preference shareholders are considering an appeal.

The approval was given by Justice Eve in Chancery Division after a week's consideration of evidence presented at a hearing on July 9.

Preference shareholders represented by Lionel Cohen demanded a discovery of documents and an investigation of accounts by an independent auditor.

(*Continued on page 9*)

Army Submits More New Theatre Plans

Washington, July 21.—Two additional theatre projects calling for $138,000 have been submitted by the War Department, it was announced yesterday by the Division of Applications and Information of the Works Program.

The applications ask $50,000 for a post exchange and theatre at Fort Randolph, Canal Zone, and $88,000 for new buildings, including a theatre, at Fort Ringgold, Texas.

Germany's Censors Pass 185 Features

By J. K. RUTENBERG

Berlin, July 21.—Of 185 films passed by the Board of Film Censors for the past season 104 were of German origin and 40 were American features which were partly distributed

(*Continued on page 9*)

4-Way Premiere

An international premiere in the four big English-speaking cities of the world is in work at Warners as part of the sweeping plans under way for "A Midsummer Night's Dream." London, Sydney, Toronto and New York are the spots, with the Hollywood Theatre locally already set for a run beginning Oct. 9. The plan also embraces an international radio hookup.

Summer activity at Warners is being focussed largely on the Reinhardt-produced spectacle. S. Charles Einfeld, director of advertising and publicity, who was recently named a vice-president of Vitagraph, is thigh-deep in Shakespeare and ideas, several of which will prove sensational if they jell.

Minneapolis Code Interest Dies Out

Minneapolis, July 21.—Code interest is at a low ebb in this territory.

J. B. Clinton, president of Allied Theatre Owners, one of the few who would talk, said: "A voluntary code might be all right, but it could be no better than the men who make it."

Al Steffes dismissed the subject with this terse comment: "What we need is business, not codes."

Des Moines Opposes Moves for New Code

Des Moines, July 21.—Code sentiment here is mostly anti. The general attitude seems to be that nobody would live up to the old code with government backing and the chances are nobody would pay any attention to a voluntary code.

Abe Frank, Casino manager, said: "I'm not in favor of any code setup,

(*Continued on page 9*)

Houston Men Worry About Overseating

Houston, July 21.—Speculation on overseating prospects is going the rounds as a result of what amounts to a theatre building boom.

Karl Hoblitzelle's announcement of plans for a 1,700-seat Interstate

(*Continued on page 9*)

Pennsylvania's New Levy Starts Today

Scranton, July 21.—Pennsylvania's new amusement tax law, signed by Gov. George H. Earle on June 22, be-

(*Continued on page 2*)

Distributors Shy Clear of Contract Move

Little Prospect Is Seen For General Use

Except for situations in which local conditions are favorable for its use, the contract rider imposing restrictions on reduced admissions, double featuring and giveaways is not likely to be approved by distributors for new season contracts, it was ascertained on Saturday.

Answers to queries put to ranking sales executives of major distribution companies on the extent to which they would be willing to make use of the rider in connection with new season pacts disclosed that there is little prospect of the rider coming into gen-

(*Continued on page 2*)

Kansas Hears Talk Of 10% Ticket Tax

Kansas City, July 21.—The Kansas legislative council, which is mapping out a group of special taxes for the special session of the Legislature set for September, is reported to be discussing a 10 per cent tax on amusements.

The session is being called to provide funds for old age pensions, unemployment insurance and relief, etc.

A sales tax will be one of the big issues of the session. Observers consider its passage probable. This may head off demand, if such should arise, for a special amusement tax—particularly anything like 10 per cent.

Booking Combine Up Next Week in Phila.

Philadelphia, July 21.—Though the booking combine idea launched by Morris Wax, president of the

(*Continued on page 9*)

Pretty Tough

Fulton, Mo., July 21.—Sol Bank, part owner of the Fulton, says things reached the height—or maybe it was the depth—of something or other here.

His partner, Dave Litvag, went off to the wilds of the Ozarks. The heat increased. There were four nights of free baseball in one week and two free band concerts. No Sunday shows.

MOTION PICTURE
DAILY
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Bergerman Secures Financing for Six

Stanley Bergerman, former Universal producer, has completed financing arrangements for six features which he will produce for new season release, he said on Saturday. Four of the productions will be made in Hollywood and two may be made here.

Bergerman is working out arrangements with directors and writers who have worked with him in the past, he said, to assist in the productions on a profit-sharing basis. Titles and casts are not ready for announcement yet, he said, nor has a distribution deal been concluded. He leaves tonight for the coast to complete production arrangements.

Pennsylvania's New Levy Starts Today

(*Continued from page* 1)

comes effective Monday, 30 days from the date of its final enactment.

The law imposes a tax of one cent on every 25 cents, or fraction thereof, on tickets, and every theatre owner or proprietor of any enterprise which falls within the terms of the law must obtain a permit to operate under the statute.

The tax is to be in effect for two years, with the first year's receipts earmarked for unemployment relief. It has been estimated that the tax will produce $3,000,000 yearly.

Becomes a Monthly

Mickey Mouse Magazine, which started its publishing career as a quarterly, goes to a monthly with the next edition.

Insiders' Outlook

By RED KANN

MAINTAINING the Hollywood standard for conservatism, Kenneth MacGowan has a lot of words to say about color and television in *Commentator*, a house organ sponsored by the Small-Landau Publishing Co., an offshoot of the agency of that name which numbers the producer among its clients. Reminding at the outset that it was MacGowan who made "Becky Sharp," there follows a smattering of quotes, centering, for this occasion, around color:

> "Color, today, seems the logical salvation. . . . I believe that after 'Becky Sharp' no picture can ever again stand out as an important vehicle unless it is made entirely in color. . . . By this I do not mean to imply that color films will entirely supplant black-and-white pictures. There will always be a certain number of these, just as there will always be a certain number of black-and-white illustrations by comparison with color illustrations. There is definitely a place for both. . . . There are two reasons . . . First, black-and-white will always retain a certain beauty of its own . . . The second reason . . . is that a certain number of cheap program pictures will of necessity be made without color. Ultimately, however, these will be far in the minority."

Color may be the industry's salvation, but there is no evidence as yet to bear out such a sweeping statement. MacGowan is quite right when he says black-and-white photography will retain a certain beauty of its own and quite wrong in asserting no picture can be important after "Becky Sharp" unless it is entirely in color. That's how this corner feels about it on a sultry Saturday and proposes being obdurate enough to brook no interference. . . .

▼

The estate of the harassed Hollywood star continues deplorable. Take Chaplin, for instance. In 1934, the assessed valuation of his property was $3,051,220; this year the Los Angeles County tax assessor found the maximum he could do for the comedian's holdings was $2,692,490. Miss Pickford's land wealth dropped from $1,950,770 to $1,465,740; Will Rogers from $322,920 to $226,440; Harold Lloyd from $864,545 to $443,640; Dick Barthelmess from $409,340 to $374,880; Connie Bennett from $190,025 to $146,015.

The awful facts threatened to sour a balmy summer weekend. . . .

▼

A mild dip into the past brings to light an interesting historical note, influenced into the open by the resignation of Winnie Sheehan last week. He is the last of the quondam "Big Five" associated with Bill Fox and the company he founded, a period, incidentally, during which Fox, the man, reached his pinnacle. One by one and for various reasons, the group has vanished from the corporation's roster. The men: Jack Leo, Jimmy Grainger, John Zanft, Saul Rogers. Sheehan rounds out the quintuplets. . . .

▼

William Randolph Hearst, a working newspaper man and a good one even though some of his editorial ideas annoy this menial, has determined financial news is of increasingly less import these days. He has, therefore, ordered an average of fourteen columns of ticker stuff be stricken from his string of newspapers daily and an identical quota of film news added. Enterprising press agents should be interested. . . .

▼

Now that Cohen—Manny—and Crosby—Bing—are partners in production, Ali Gaga, that funny man, thinks they should take a nickname like "G-Men" and call themselves "C-Men." . . .

Roach to Close a Month

HOLLYWOOD, July 21.—Hal Roach will have seven of the 24 shorts on the 1935-36 list completed by the end of this month. He plans to close the studio during August with the exception of writers and executives, who will prepare a schedule to start Sept. 1. "The Honesty Racket," a feature length comedy, is expected to start about that time. So is "Our Gang Follies of 1935," a two-reeler, as well as a four-reel Laurel and Hardy comedy.

Wall Street

Small Gains Mark Big Board

	High	Low	Close	Net Change
Columbia vtc......	72	71⅛	71⅞	— ½
Consolidated	3¾	3¾	3¾	.....
Eastman	147¾	147	147¾	+ ¾
Eastman pfd......	158	158	158	.....
Fox	16⅜	16⅛	16¼	— ⅛
Loew's	41¼	40⅝	40⅝	— ¼
Paramount	3⅞	3⅝	3⅞	+ ⅛
Pathe	⅝	⅝	⅝	+ ⅛
Pathe "A".......	8¾	8¾	8¾	.....
Universal	30½	30	30	.....
Warner	4⅛	4	4⅛	+ ⅛

Technicolor Up Slightly

	High	Low	Close	Net Change
Technicolor	20¼	20	20¼	+ ⅝

Warner Bonds Gain ¼

	High	Low	Close	Net Change
Keith B. F. 6s '46	81⅛	81⅛	81⅛	— ⅛
Paramount F. L. 6s '47............	96¾	96¾	96¾	+ ¼
Paramount Publix 5½s, '50........	98	97⅞	97⅞	— ⅛
Warner Bros 6s '39 wd...........	69⅛	69	69⅛	+ ¼

(Quotations as at close of July 20)

Distributors Shy Clear of Contract Move

(*Continued from page* 1)

eral use. Only in local situations in which exhibitors themselves had agreed in advance by majority action to restrict the trade practices which the rider seeks to control would distributors be willing to include it in contracts, they said. A single exception was made and that was for the so-called "closed" towns, where exhibition is dominated by one theatre organization. Such situations, however, are too few and relatively unimportant to have a bearing on nationwide trade practices.

While it was admitted that a few such situations have been granted the rider on applying for it for the new season, sales executives said they were convinced that any general use of the rider would be illegal. Answering M.P.T.O.A.'s recent criticism of distribution companies which shy at participation in trade practice "reforms" because of legal advice, these sales executives said that their wariness of the rider was founded more on past experience than on the advice of attorneys.

As one sales manager put it: "We know from having placed our hand on it that the stove is hot."

The nearest approach to the rider that has been upheld in court is a provision made in a Paramount contract with Karl Hoblitzelle of Texas, under which the distributor agreed with Hoblitzelle not to sell subsequent theatres which do not maintain a 25-cent minimum admission. This provision was taken to court last year and upheld. It does not, however, effect any important curb on double featuring or giveaways.

Numbers of distributors have in past years and are again this season including minimum admission and anti-dual clauses in their contracts. Company policy, however, does not permit rigid enforcement of the clauses except in uncommon circumstances.

Second Benefit Set

The second annual version of the "Night of Stars," will be held at Madison Square Garden Oct. 2. The proceeds of the huge benefit will go toward Jewish relief work in Germany.

Nathan G. Straus is chairman of the committee in charge of the affair. Associated with him are Nathan Burkan, Walter Howie, Louis Nizer, Dr. G. A. Lowenstein, Louis K. Sidney and Samuel Blitz.

Obrasky in New "U" Job

HOLLYWOOD, July 21.—Lou Obrasky has been appointed to handle foreign versions for Universal with the newly created title of "Foreign Representative." He will deal chiefly with Spanish films for the South American market.

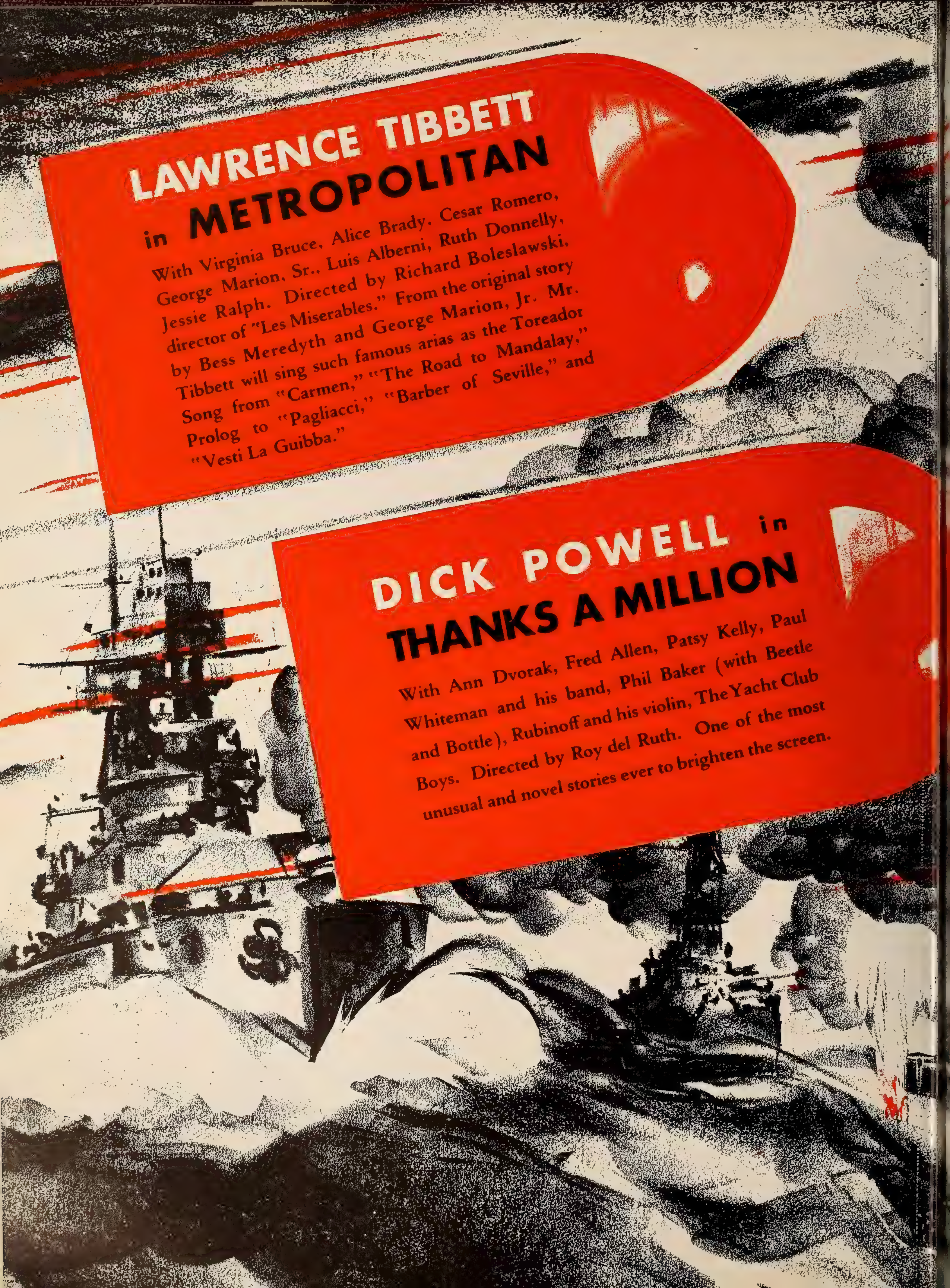
Ascap Retains Press Aide

Joseph R. Fliesler, publicist, has been appointed to act as press contact for the American Society of Composers, Authors and Publishers, according to E. C. Mills, general manager of Ascap.

And now the big guns roar!

Announcing
that
JOSEPH M. SCHENCK
presents
DARRYL F. ZANUCK'S
first group of
20TH CENTURY PICTURES
for the
SEASON OF 1935-36

Distributed by
Fox Film Corporation

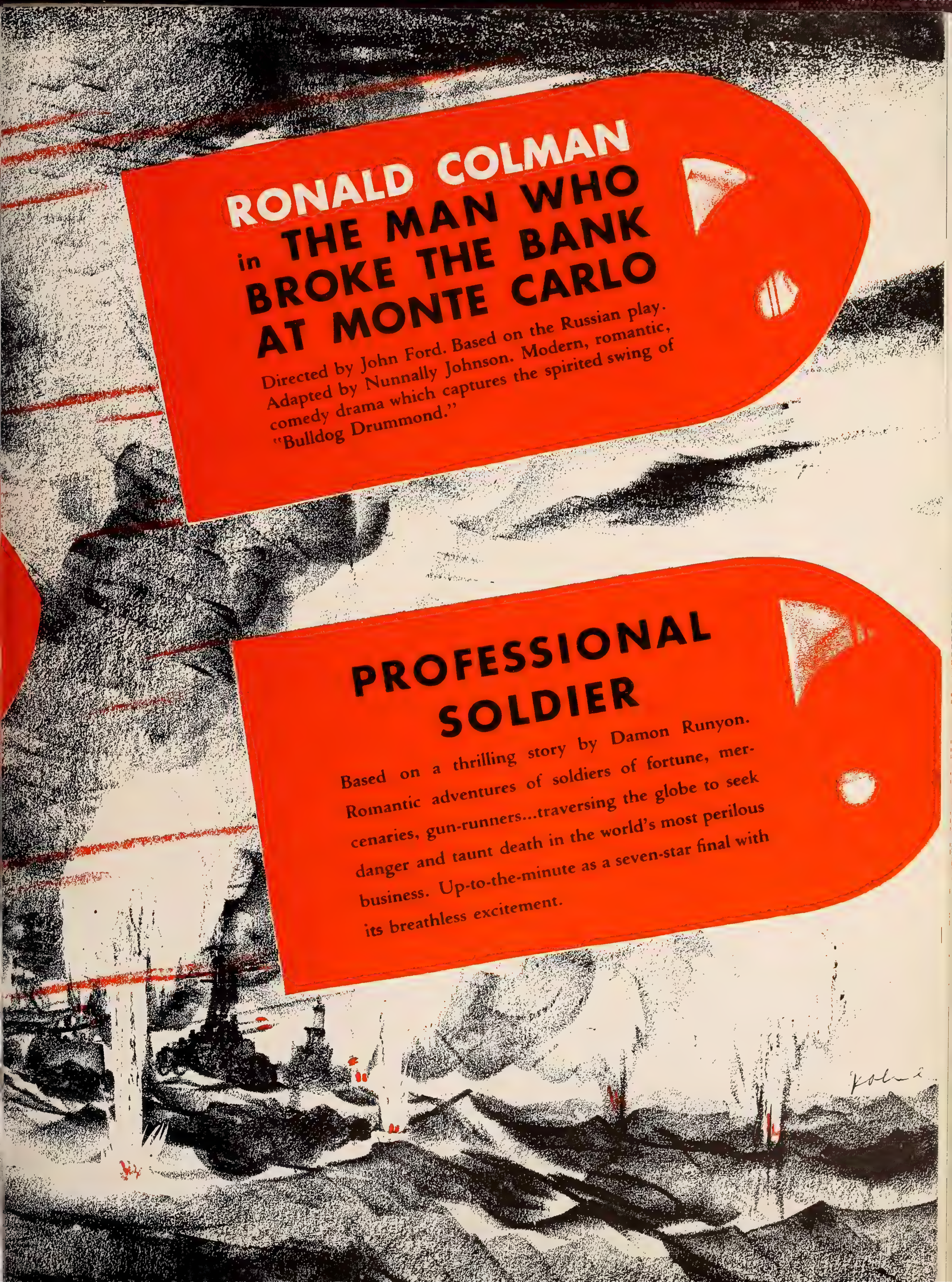


LAWRENCE TIBBETT in METROPOLITAN

With Virginia Bruce, Alice Brady, Cesar Romero, George Marion, Sr., Luis Alberni, Ruth Donnelly, Jessie Ralph. Directed by Richard Boleslawski, director of "Les Miserables." From the original story by Bess Meredyth and George Marion, Jr. Mr. Tibbett will sing such famous arias as the Toreador Song from "Carmen," "The Road to Mandalay," Prolog to "Pagliacci," "Barber of Seville," and "Vesti La Guibba."

DICK POWELL in THANKS A MILLION

With Ann Dvorak, Fred Allen, Patsy Kelly, Paul Whiteman and his band, Phil Baker (with Beetle and Bottle), Rubinoff and his violin, The Yacht Club Boys. Directed by Roy del Ruth. One of the most unusual and novel stories ever to brighten the screen.

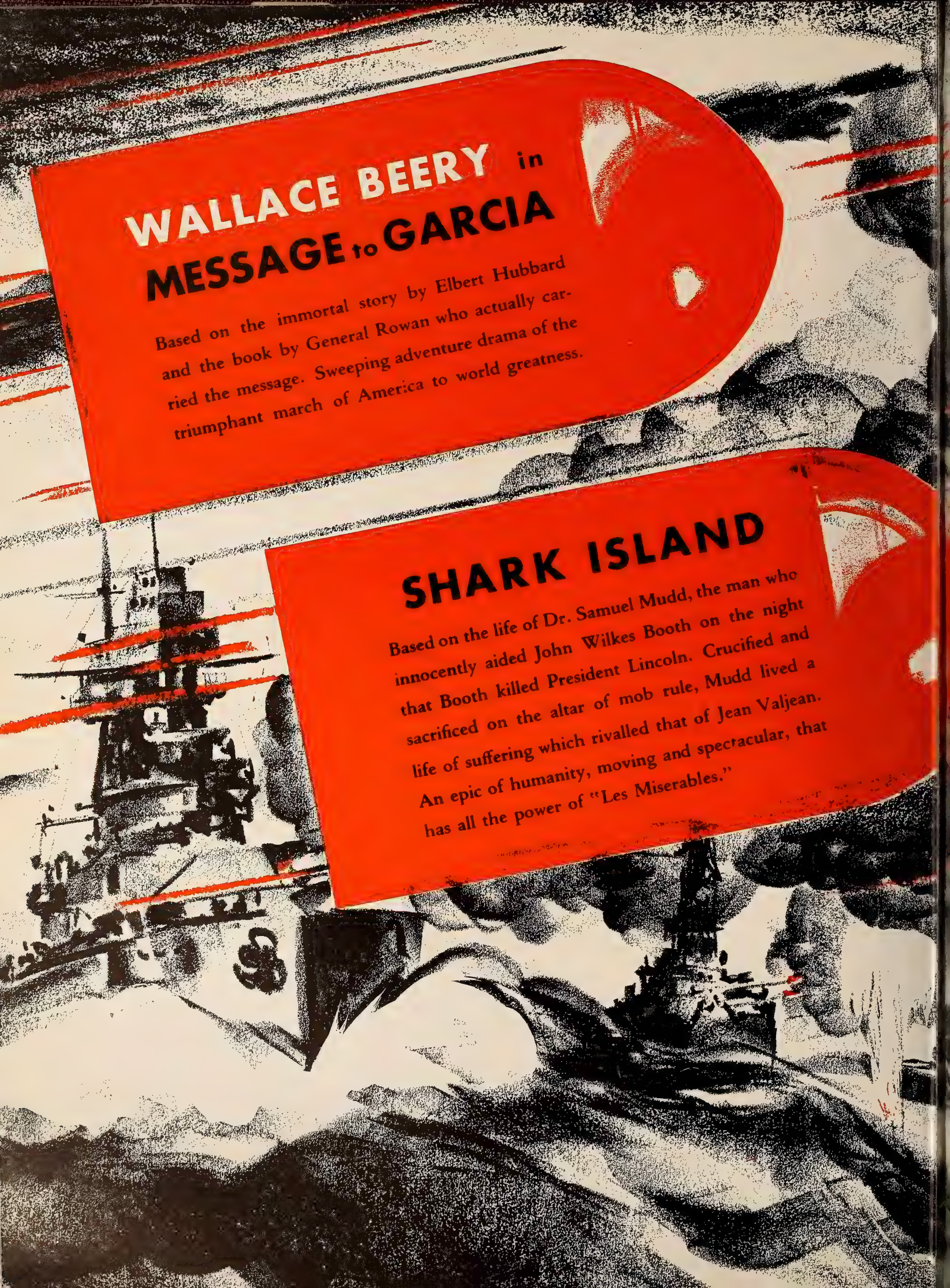


RONALD COLMAN in THE MAN WHO BROKE THE BANK AT MONTE CARLO

Directed by John Ford. Based on the Russian play. Adapted by Nunnally Johnson. Modern, romantic, comedy drama which captures the spirited swing of "Bulldog Drummond."

PROFESSIONAL SOLDIER

Based on a thrilling story by Damon Runyon. Romantic adventures of soldiers of fortune, mercenaries, gun-runners...traversing the globe to seek danger and taunt death in the world's most perilous business. Up-to-the-minute as a seven-star final with its breathless excitement.

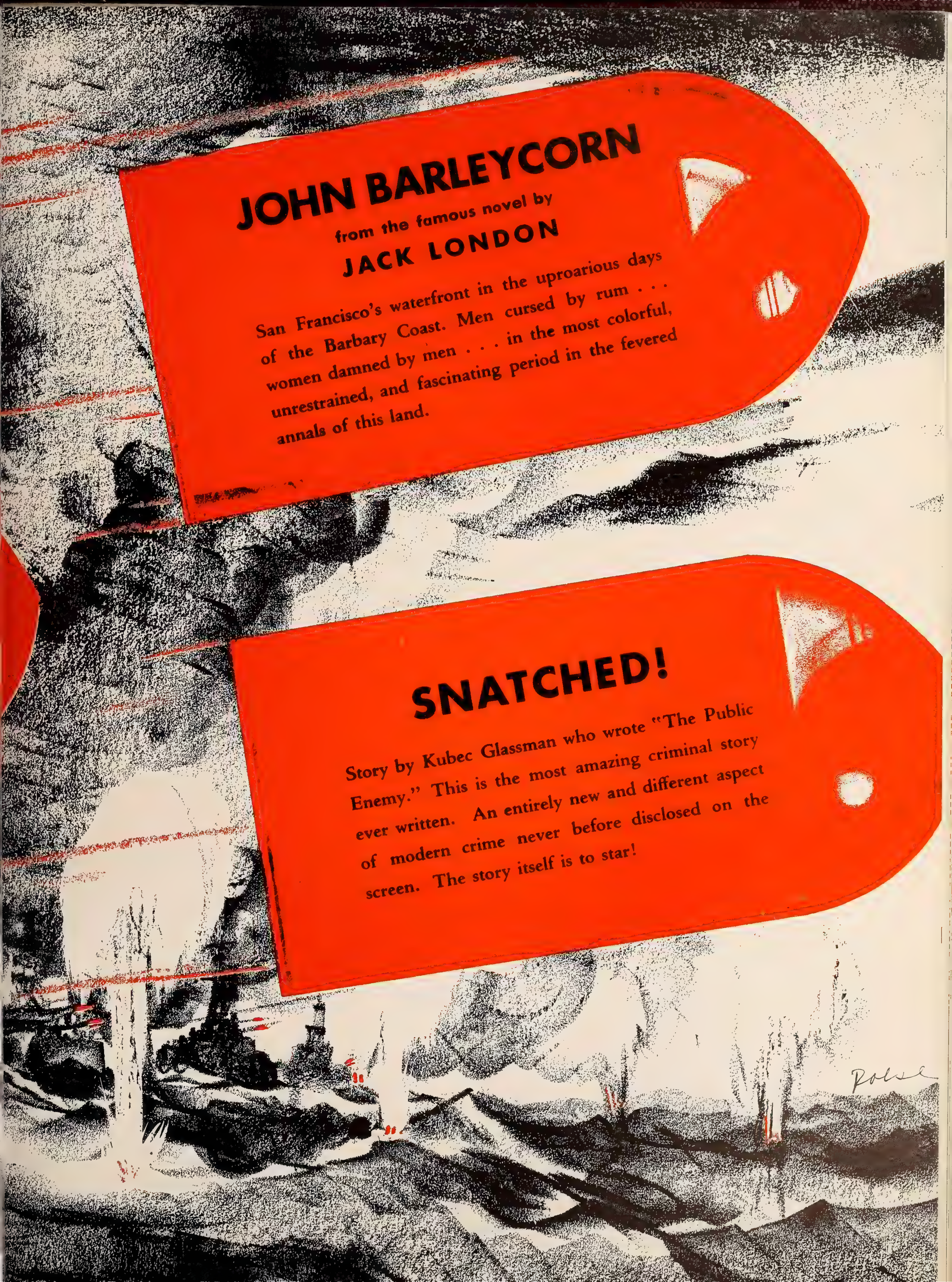


WALLACE BEERY in
MESSAGE to GARCIA

Based on the immortal story by Elbert Hubbard and the book by General Rowan who actually carried the message. Sweeping adventure drama of the triumphant march of America to world greatness.

SHARK ISLAND

Based on the life of Dr. Samuel Mudd, the man who innocently aided John Wilkes Booth on the night that Booth killed President Lincoln. Crucified and sacrificed on the altar of mob rule, Mudd lived a life of suffering which rivalled that of Jean Valjean. An epic of humanity, moving and spectacular, that has all the power of "Les Miserables."



JOHN BARLEYCORN

from the famous novel by

JACK LONDON

San Francisco's waterfront in the uproarious days of the Barbary Coast. Men cursed by rum . . . women damned by men . . . in the most colorful, unrestrained, and fascinating period in the fevered annals of this land.

SNATCHED!

Story by Kubec Glassman who wrote "The Public Enemy." This is the most amazing criminal story ever written. An entirely new and different aspect of modern crime never before disclosed on the screen. The story itself is to star!

20TH
CENTURY
PICTURES

TO THE TRADE:

When, two months ago, the Fox Film Corporation announced its product for the coming season the enthusiastic response from the exhibitors of the world was most gratifying. Now we are announcing the first group of Twentieth Century Pictures. But more than that, we are acquiring, in the organization headed by Mr. Joseph M. Schenck and Mr. Darryl F. Zanuck, man power and production resources which we feel certain will increase the confidence which exhibitors already have shown in these two great producing forces.

S R Kent

President, Fox Film Corporation

◀ Purely Personal ▶

EDWARD DE S. MELCHER, critic on the *Washington Star*, is author of "44 Below," his first stage play which is now being tried out by the Summit Players over in Jersey. Marie Nordstrom and Jimmy Spottsfield are being starred under George Sherwood's direction.

•

Jack McKeon gave a dinner party at the Biltmore prior to his sailing on the *Ile*. Among those present were Nathan and Mrs. Burkan, Mrs. Sidney R. Kent, Joe Pincus, Ed Wynn and Mrs. Jules Mastbaum.

•

Walt Disney and his brother, Roy; Luigi Pirandello, James FitzPatrick and Sam Cohen, the latter of the United Artists foreign publicity department, returned from abroad Saturday on the *Conte di Savoia*.

Quip of the Day

Arthur Mayer, back from Guatemala and Mexico and now surveying the site which once was the home of the Rialto:

"As soon as I leave town, they run my theatre into the ground."

Henry Ginsberg, vice-president and general manager of the Roach studios, is due in New York about Aug. 1 en route to Italy and other points on the Continent. Mrs. G. will accompany him.

•

Harry Moskowitz's South American construction job for Loew's which got going with his departure Saturday will keep him away from New York for a handful of months.

•

Lewis E. Lawes, warden of Sing Sing, has sold his story "The Comeback," to Warners. It is based on the life of Alabama Pitts.

•

Ed Churchill is now a commodore. He has purchased Nick Schenck's boat. Schenck has a new one.

•

Barney Oldfield, critic on the *Nebraska State Journal*, is in town on his honeymoon.

•

James Melton leaves for the coast tomorrow to report for work in Warners' "Radio Jamboree of 1935."

•

Si Seadler has developed a new technique for keeping cool while working. Details upon application.

•

Edwin B. Raschbaum of Raspin Prod., is the latest addition to Laffoon's colonels.

•

Joe Stein is beginning to look longingly toward Lake Minnetonka and Danny Finkelstein.

•

Bob Gillham is getting set for another fishing trip next week-end.

Sell Pasadena Theatre

Pasadena, July 21.—R. E. Perkins has sold the Raymond to Myron and Lillian Shellman, who will operate it as a subsequent run house.

Germany's Censors Pass 185 Features

(*Continued from page* 1)

by American companies and partly by German distributors.

The breakdown of films during the current season and for the past two years follows:

	Films 1934-35	Films 1933-34	Films 1932-33
Germany	104	122	121
U. S. A.	40	37	65
Austria	11	9	6
France	10	8	10
Czechoslovakia	5	7	3
England	5	6	—
Denmark	1	2	1
Hungary	2	2	4
Poland	2	1	—
Sweden	1	1	—
Switzerland	2	1	—
Italy	1	—	3
Finland	—	—	—
Holland	1	—	—
Total	185	196	213

* * *

A film export bank has been organized here with a nominal capital of 100,000 Reichsmarks. Trustees are the Association of Film Producers and Distributors, the Union of Non-Theatrical Producers and makers of educationals.

From 20 to 30 German films selected from the output of the lesser producers will be placed at the disposal of the bank in the first year of its operations. Alfred Klar, former managing director of Centropa Film Co., Ltd., will head it.

General Theatres Devalued by Court

(*Continued from page* 1)

They also wanted to choose three members of the board of directors.

Devaluation of the 1,250,000 preference shares was 13s, 4d, and they were converted into participating preference shares. Ordinary shares were reduced by 19s, and they were given 50 per cent of the equity in preference shares. G. B. controls all the 650,000 ordinary shares, and has complete control of the company, it was stated at the hearing.

Booking Combine Up Next Week in Phila.

(*Continued from page* 1)

I. E. P. A. and Harry Fried, chairman of the board, has been arousing considerable discussion in the territory, no definite move has yet been made. A meeting has been scheduled for July 29 at which time the proposed combine will take form.

Though originated within the I. E. P. A., the movement is not restricted to its members. Other indies in the territory are being invited to join.

Only present hitch in the idea seems to be that buying is already well advanced in the territory and the combine will have to work fast to figure in this season's deals.

Kenner Theatre Reopens

Kenner, La., July 21.—The Kenner has reopened under the management of Ed Thomassie who operates the Hollywood at Gretna. Shows are to be given three nights a week.

Production at New High; 46 in Work

(*Continued from page* 1)

two; Roach, zero, zero and one; independents, one, two and one.

Short subject production also registered again. M-G-M had one in work, one in preparation and five editing. Roach had two, one and four; Universal, zero, one and zero; Warners, one, one and zero; Radio, zero, zero and three, with the independents registering one, zero and zero.

Des Moines Opposes Moves for New Code

(*Continued from page* 1)

voluntary or otherwise. I prefer to handle my own business. There was too much chiseling under the code."

Frank D. Rubel, manager of Finkelstein Theatres, Inc., and Myron Blank, executive of Central States Theatres, were emphatic along the same lines.

L. H. Kahn, Grand, said if independents could get fair representation he might be for voluntary code regulation. Harry Hiersteiner, Family, couldn't see what good a code could do unless it had teeth in its enforcement provisions.

E. M. Garbatt, Variety, is frankly for some new kind of code arrangement.

Sunday Shows Asked By Phila.'s Council

Philadelphia, July 21.—City Council has unanimously passed a resolution petitioning the County Commissioners to place the subject of Sunday shows on the ballot for the fall election. The resolution was introduced by Fredric D. Garman and seconded by Morris Apt. Both spoke in favor of the bill, as did Councilman Clarence K. Crossan. There was no dissenting argument.

This action obviates the necessity of securing signatures for a petition to the County Commissioners. The petitions, however, are still being circulated in the theatre lobbies mainly as a publicity stunt.

Houston Men Worry About Overseating

(*Continued from page* 1)

house downtown, coming soon after starting four neighborhood houses from 1,000 to 1,200, caused a sensation.

I. Adelman of Fort Worth opened the new Delman last fall.

Hoblitzelle already controls all the major product except Loew's, and where films are coming from to supply additional houses mystifies observers.

Real estate men and unions are pleased.

Rome-Durkee in Deal

Baltimore, July 21.—J. Louis Rome has closed a deal with Frank Durkee whereby Rome's Gwynn becomes part of the Durkee Enterprises. Terms of the sale were not forthcoming.

Construction of the Ambassador by the Durkee interests, and located in the vicinity of the Gwynn will continue, it is said.

Atlas Plans No Onslaught, Official Says

(*Continued from page* 1)

on the board of RKO. These circumstances, together with an interest displayed recently by Atlas in acquiring an RKO investment, gave rise to reports that Atlas might become a power in a reorganized RKO and influence a merger of that company and Paramount.

It was pointed out in connection with these reports that in such an eventuality Atlas, with its other film security holdings, would occupy a dominant position in industry finance.

The official Atlas statement denying any and all such objectives on the part of the company follows closely upon a denial by John D. Hertz, partner in Lehman Bros., who is also a Paramount director and member of that company's Fortington creditor group, that the Lehman organization entertained any similar ideas. Hertz's denial was made before the Securities and Exchange Commission hearing on the Paramount reorganization held here recently.

The Atlas official stated that his company had disposed of its Warner holdings, had reduced its Fox holdings and was no longer interested for the present in making an investment in RKO. This last corroborates a Motion Picture Daily story of June 25 which set forth that Atlas had discontinued its study of RKO's position which was being made as a preliminary to a possible investment move.

Says Won't Enter Films

"Atlas is an investment organization and will remain so," the company official declared. "We have no desire to go into the film business, as such. Our attention was called to the investment possibilities of RKO exactly as it is called to those of hundreds of other companies regularly. We made a study of RKO in the usual manner, exactly as we do in any situation to which our attention has been called. Many such companies, we find, do not even merit a study. We decided from our RKO survey that we would do nothing at this time. The situation six months or a year from now may be different, however."

The Atlas official also referred to Special Master Thomas D. Thacher's recent report recommending the allowance of the Rockefeller Center claim against RKO at $8,750,000 as "introducing a new factor for consideration in RKO affairs." He said he doubted that the report could be very much in error as Thacher, a former Federal judge here, "should be pretty sure of his ground."

It was stated that Atlas had gone into Paramount solely for investment purposes, buying that company's bonds at around $30. Paramount bonds are now selling for approximately $97.

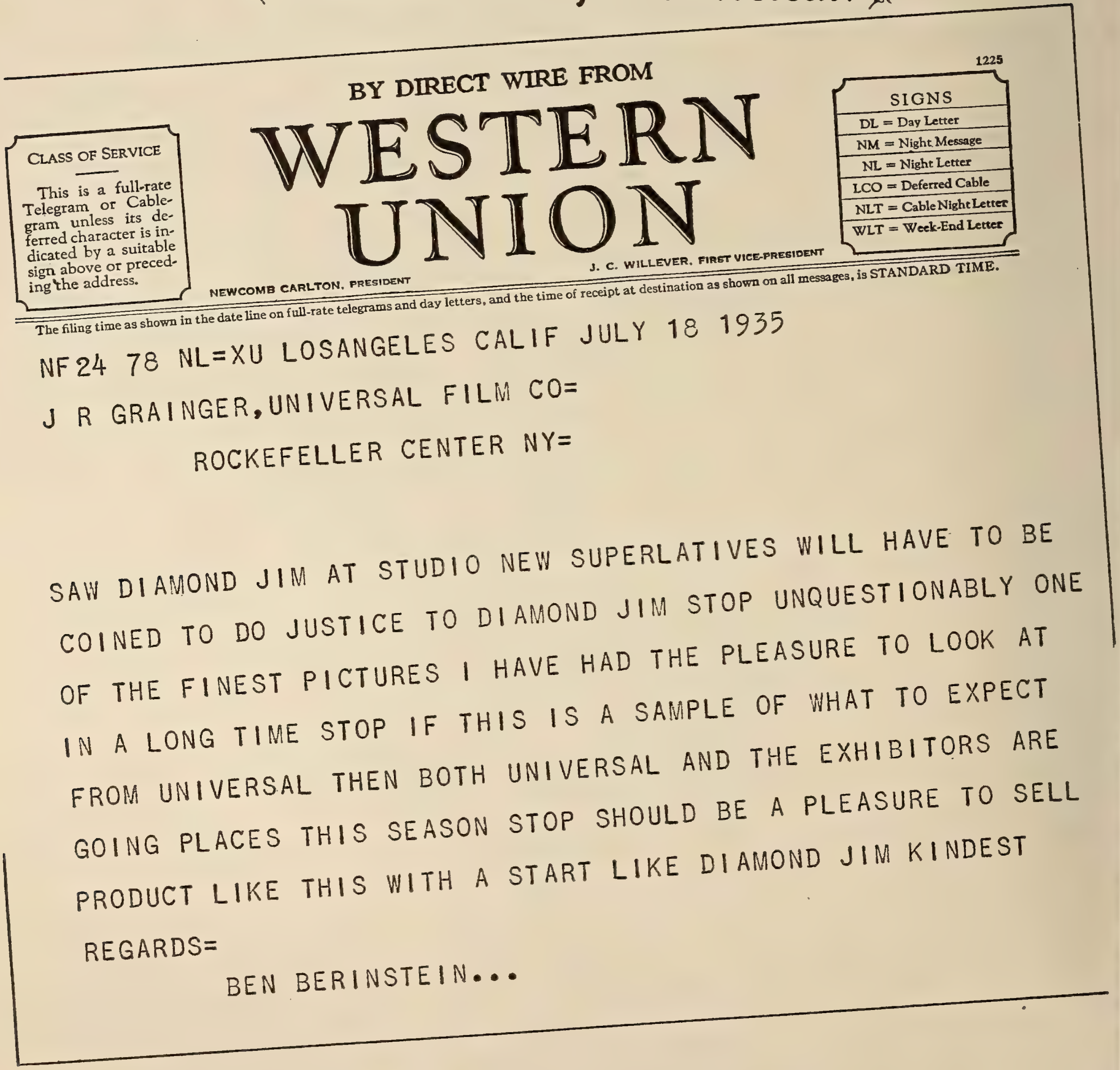
"Paramount turned out to be a good investment for me," the official commented.

Three More Bank Nights

Bank night has been contracted for in Loew's Gates, Brooklyn, and Loew's Boulevard, Bronx, and the Fox Brooklyn.

UNSOLICITED!

This telegram came out of a clear sky, and believe me the skies are clear for Universal!



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NF24 78 NL=XU LOSANGELES CALIF JULY 18 1935

J R GRAINGER,UNIVERSAL FILM CO=
ROCKEFELLER CENTER NY=

SAW DIAMOND JIM AT STUDIO NEW SUPERLATIVES WILL HAVE TO BE COINED TO DO JUSTICE TO DIAMOND JIM STOP UNQUESTIONABLY ONE OF THE FINEST PICTURES I HAVE HAD THE PLEASURE TO LOOK AT IN A LONG TIME STOP IF THIS IS A SAMPLE OF WHAT TO EXPECT FROM UNIVERSAL THEN BOTH UNIVERSAL AND THE EXHIBITORS ARE GOING PLACES THIS SEASON STOP SHOULD BE A PLEASURE TO SELL PRODUCT LIKE THIS WITH A START LIKE DIAMOND JIM KINDEST REGARDS=

BEN BERINSTEIN...

● Ben Berinstein, one of America's best-known independent exhibitors, operating independent theatres in the Los Angeles territory.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 19 NEW YORK, TUESDAY, JULY 23, 1935 TEN CENTS

False Returns Stop Films in Great Britain

K. R. S. Issues Official Percentage Warning

By BRUCE ALLAN

LONDON, July 10.—Any exhibitor discovered making false box-office returns on percentage engagements will be put out of business by distributors refusing to supply future film service, it is announced by the K.R.S. in an official warning.

"Although the refusal to trade may appear drastic, it is vitally necessary in the interests of the renters and the trade," says the statement from Secretary Frank Hill, who also points out that barred exhibitors will not be allowed to get away with it by selling their theatres.

"Removal from the barred list is

(*Continued on page* 3)

Charge a Canadian Copyright Monopoly

TORONTO, July 22.—In summing up evidence at the inquiry into the activities of the Canadian Performing Rights Society at the closing session before Judge James Parker, Joseph Sedgwick of the Ontario Auditor-General's Department, charged the society with being a combine in restraint of trade and argued that the evidence secured by the Federal commission was sufficient to bring the organization within the scope of the Combines Investigation Act for legal prosecution. The declaration caused a near sensation.

Louisiana Censors Set Up First Rules

NEW ORLEANS, July 22.—The new censor board has decided that all films which it has been unable to see by July 28, the date when the law goes into effect, will receive 10-day permits. Newsreels will receive immediate attention.

Films seen in the past by individual members of the board will be given approval. All exchanges have been notified to file on July 25 lists, of all films to be shown from July 28 to Aug. 5.

Protest Canada 5% Tax on Film Rental

TORONTO, July 22.—Col. John A. Cooper, president of the M. P. Distributors of Canada, has gone to Ot-

(*Continued on page* 4)

RKO Policy Shift of Week Stands Starts in the Fall

The RKO circuit will launch its first attempted move to inaugurate week stands in its major New York houses with "Top Hat," the new Rogers-Astaire musical which, incidentally, is the first release on Radio Pictures' 1935-36 program.

While a ranking circuit executive stated last night he hoped "we can get 40 pictures," expectancies end at roughly 20, a substantial number of the anticipated group to come from the 20th Century's contribution to Fox's program of 65 for the new season.

As the first sizeable step in a sustained effort to increase playing time for meritorious pictures, RKO bases its about-to-be-tried plan on the theory that films have not been played for their full value, but, in many instances, have been pulled more in deference to the currently established practice of two changes per week than

(*Continued on page* 24)

Strange

While substantial sections of the British press excoriated and poked wholesale fun at the Production Code Administration and the American industry for insisting "Nell Gwyn" had to be submitted to code machinery treatment before according it a seal, censors in Ontario, which is in Canada, a British dominion, looked at the B. & D. film and rejected it completely. The reason:

"While admitting the historical accuracy of this picture, the evidence is clearly demonstrated that King Charles II was already supporting one mistress at the time he commenced to support Nell Gwyn, which renders this picture unsuitable for Ontario."

Towns in Wisconsin Limit New Theatres

STURGEON BAY, WIS., July 22.—An ordinance has been adopted by the Common Council limiting the number of theatres here to one for each 5,000 population, unless the new theatre puts up a building costing $50,000 or more. Population of Sturgeon Bay is about 5,000 and the town has one house, the Door.

A similar ordinance is in effect in Baraboo, Wis., also a one-theatre town. Independent exhibitors control the situation in each spot and the ordinances are designed to protect them in the purchasing of film.

Philadelphia Going In for Many Repeats

PHILADELPHIA, July 22.—Claiming there isn't any money in the pictures being released at this time of year, ex-

(*Continued on page* 4)

New Theatres, Improvements Gain Rapidly

Construction and renovation have spread in recent months until they have now become general instead of a spotty indication of improvement in scattered sections.

In Missouri there have been five new companies incorporated in recent weeks. In New York formation of new companies is becoming an almost daily occurrence at Albany. Commonwealth Theatres and the Dickin-

(*Continued on page* 3)

Grosses Fall Off Again; More Key First Runs Dark

Summer weather, except in isolated spots where exceptional pictures were showing, resumed its depressing influence on box-office totals for the week ending July 4-5. The total for 22 key cities in 126 theatres was $1,063,119.

Key city first runs have fallen off to 126 from a high of 142 in operation during the latter part of April. Four first runs closed during the week.

The only cities that failed to join

(*Continued on page* 3)

Amity Marks Circuit Buys For New Year

Loew, RKO Acquire Need Without Tussles

Tussles over product supply for the two leading metropolitan circuits, Loew's and RKO, are being averted for next season, it is indicated by the progress of film buying done by each up to now.

Both circuits require a minimum of approximately 156 pictures for their metropolitan houses. Loew's has already closed with distributors for this number and has an additional 30 pictures in prospect, representing one-half of the Warner lineup, which has not yet been disposed of for the metropolitan area. RKO, although having actually closed for only 115 pictures to date, has 80 additional features still available to it. This would provide RKO with a maximum of 195 features as against 186 in prospect for

(*Continued on page* 24)

Zanuck Gets Jessel, McLaglen, Garnett

HOLLYWOOD, July 22.—Darryl Zanuck has taken up his new duties as Winfield Sheehan's successor at 20th Century-Fox with vigor. One of his first moves was to sign up George Jessel as a writer, Victor McLaglen to a starring contract and Tay Garnett to a one-year agreement as a director.

Jessel will immediately start on the script of McLaglen's first under his new agreement, "Professional Soldier," based on Damon Runyon's "Gentlemen, the King."

Appointment of Harry Brand as publicity head of the company was announced today by Zanuck. Gabe Yorke will remain as head of the newly created department of advertising and exploitation.

Zanuck has shelved "Fly by Night," due to story inconsistencies.

Loew's N. Y. Houses Get Half "U" List

Loew's metropolitan circuit has closed with Universal for half of the company's new season lineup of 36 features, according to J. R. Grainger, Universal sales manager, who described the deal yesterday as one of the most important contracts ever made between the two companies.

Last season Loew's had a selection of six Universal features, with the remaining 30 going to RKO.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

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Editor-in-Chief and Publisher
MAURICE KANN
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Terre Haute Houses Dark in Big Strike

Terre Haute, July 22.—Theatres are dark here along with all other business establishments in a "labor holiday" proclaimed by all unions after an attempt to end a strike here by using strikebreakers.

Operators are striking in sympathy with union mill workers. No effort has been made to open theatres or any other business pending some form of agreement.

To Discuss Recording

Hollywood, July 22.—High-volume recording will be discussed at a meeting of the technicians' branch of the Academy Tuesday night at M-G-M. The speakers will be Director Victor Schertzinger, who will talk on the psychological and dramatic effects of high volume sounds; M. A. Lightman, whose topic will be the bearing of high-volume recordings on the public and the box-office, and Douglas Shearer, M-G-M director of sound recording, who will speak on recent developments in recording extremely loud sounds. Shearer will preside. Lightman arrived here today.

GUY KIBBEE
in
"DON'T BET ON LOVE"
WILLIAM MORRIS OFFICE

◂ Purely Personal ▸

G. E. BATTERSBY of Warner theatres in the Philadelphia zone has been presented a gold watch in recognition of 25 years of service with the company. The presentation was made by Ted Schlanger, circuit manager in the Philadelphia territory.

•

Frederick Owens has resigned as manager of Loew's Lexington because of poor health and has been succeeded by Grace Niles, who managed the Astor when it was a two-a-day house and latterly has been assistant manager at Loew's Sheridan Square.

•

A. C. Blumenthal deserted the Westchester Bath Club last week-end for the costume party at the Atlantic Beach Club down Long Beach way. Capt. Richard Norton of British & Dominions spotted in another party at the same affair.

•

John Findlay, new producer for Fox in England, leaves Friday for London to begin his first assignment at the Wembley studio after nine months of production training at the Fox west coast studio.

Quip of the Day

"Imagine," schmoozed Mox Shabbus, showman from the edge of Hollywood, "I'm on my vacation in New York and a salesman from U. A. tries to book me Anna Sten, for my showcase—on my holiday, too."

"Why should I play her?" I asked.

"'She's S.R.O. wherever she plays,'" tells me the salesman, nu nu, as if I was a farmer.

"So what does S.R.O. stand for?" I asked.

"So he told me, and I told him, I wouldn't play her because by me she means 'Stenning Room Oser.'"

P.S. The weather here is most unusual:

"Raining cats and balaban."

Ned E. Depinet was back at his desk yesterday after a quick visit to the RKO studios last week to see screenings of the company's new product. He has a special rave for the new Fred Astaire picture, "Top Hat."

•

Oscar Hammerstein, 2nd, is on his way back to New York from the coast, where he has been working at the Paramount studio on "Song of the Nile," Jan Kiepura's first American film.

•

Bing Crosby and family will be in town shortly before going up to Saratoga for the races. The Crosby colors will be seen at the Spa track for the first time this year.

•

Charlie Einfeld, who teamed with C. M. Shachter over the week-end in the four-ball foursomes for the Sports Committee Trophy at Oak Ridge, did some fancy golfing.

•

Howard Hughes has flown back to the coast. Work on his new speed plane was being delayed, so he jumped back to handle the job personally.

•

Mrs. Lou Brecher is a qualifying medalist in the Class A championship at Progress. Golf, of course.

•

Lindsley Parsons' original, "Mountain Men," has been purchased by Republic for John Wayne.

•

Georgie Price is at work on a two-reeler at the Brooklyn Vitaphone plant.

•

Joe Shea of the Fox studio publicity department is in town on vacation until next Friday.

•

Joseph I. Breen arrives Thursday after a six week's European vacation.

•

J. J. McCarthy returned from a two week's vacation yesterday.

•

Gertrude Niessen opens a four-week engagement at the Versailles tomorrow night.

•

Charles Laughton arrives from the coast today on his way to England.

Donkey for Horwitz

Houston, July 22.—A baby donkey, decorated with red ribbons, was the surprise gift of a group of employes to Will Horwitz, Houston independent operator, at a birthday party given at his farm at Dickinson, 20 miles from Houston.

The gift was a tie back to the 1928 Democratic convention when Horwitz brought to Houston 48 donkeys to represent the 48 states, and led them through the streets each day of the convention, with his theatres plugged by placards.

Wall Street

Big Board Shows Small Gains

	High	Low	Close	Net Change
Columbia, vtc	71⅛	70	70½	+ ⅜
Consolidated	4	4	4	+ ¼
Cons., pfd	16	15½	16	+ ½
Eastman	147¾	147	147	— ¾
Fox	16¾	16⅛	16⅝	+ ⅜
Loew's	41½	40¾	41¼	+ ⅝
Paramount	4⅜	3⅞	4¼	+ ⅜
Pathe	⅝	⅝	⅝	.....
Pathe "A"	8¾	8¾	8¾	.....
RKO	2⅛	2	2	.....
Universal, pfd	30	30	30	.....
Warner	4½	4⅛	4½	+ ⅜
Warner, pfd	28⅞	25¾	28	+1⅜

Little Change on Curb

	High	Low	Close	Net Change
Technicolor	21¾	20½	20½	—1
Trans-Lux	2⅛	2⅛	2⅛	.....

Warner Bonds Lead Gain

	High	Low	Close	Net Change
General Theatre 6s '40 ctf	14	13⅞	14	+ ¼
Keith B. F. 6s '46	81⅜	81⅜	81⅜	+ ⅛
Loew's 6s '41 ww deb rights	103⅝	103⅝	103⅝	.....
Paramount F. L. 6s '47	98⅜	97⅝	97⅞	+ ⅞
Paramount Publix 5½s '50	100	99⅛	99¾	+1¼
RKO 6s '41 pp	41¼	41	41	— ¼
Warner Bros. 6s '39 wd	71	69	71	+2

(Quotations as at close of July 22)

Five Are Nominated For 306 Presidency

The list of nominees for Local 306 office was announced yesterday. The voting was conducted by letter.

Joseph Basson, Wally Byrne, Nathaniel Doragoff, Ben Norton and Bert Popkin were nominated for the presidency, with the following named to run for the vice-presidency: Jesse Hopkins, Frank M. Inciardi, Howard Paxton, Frank Ruddock, Paul Seigman, Robert Scras and Dick Weis.

The treasurer's post will be fought for by James Ambrosio, Arthur Costigan, Samuel Davis, Pincus Herbst, Jack Lazarus, Max Rosenberg and John Wedekind. Charles Beckman, Dave Engel, Frank Nealy, Frank Pircher and Martin Rago were put up for financial secretary. For recording secretary the following names were offered: Dick Cancellari, Herman Ghelber, Daniel Finnerty, Abe Horwitz, Si Innerfield, Joe Klineman and Bill Sweeney.

New York business agent will be elected from among Sam Goldfarb, Jack Kieley, A. Lanzette, Herman Spivak, Jack Teitler and Jack Wolheim. Nominees for Brooklyn business agent are Frank Bishop, Jack Kelban, Charles Kielhurn, James Lefanti, Arthur Muller, Abraham Perlmutter and Sam Rubin.

Elections will be held Thursday at Palm Garden by voting machine. Officers will be installed at a meeting of the local the same night. The election of officers will mark the return of Local 306 to autonomy. The union has been under I.A.T.S.E. control the past year.

Reid Rates Stories, Action Above Stars

Story values and action properly combined are rated higher as a box-office tonic than star names by Cliff Reid, RKO associate producer, who is here for a week's stay.

Reid said that the story and action formula had been followed in "The Lost Patrol" and "The Informer" and has been applied to "The Three Musketeers," now in work at the Radio studios. All three pictures, he said, were cast according to the suitability of individual players for individual parts, without regard to name values. "The Life of Annie Oakley," the new Barbara Stanwyck picture, and "The Plough and the Stars," both of which are on Reid's production schedule of 12 pictures for the new season, will carry out the same idea with the value of a fast-moving story being stressed over other considerations.

Reid is here to conclude negotiations with Dudley Nichols, writer, for a new original story for RKO production.

Army Applications In

Washington, July 22.—Receipt of applications from the War Department for funds for the construction of three additional army post theatres was announced tonight by the Division of Applications and Information of the Works Program.

The department, it was stated, has asked for $87,642 for the construction of a theatre and training camp facilities at Camp George Wright, Washington; $4,000 for the improvement of the theatre at Fort Lewis, Washington, and $40,000 for a theatre at Vancouver Barracks, Washington.

New Theatres, Improvements Gain Rapidly

(*Continued from page* 1)

son circuit are expanding in both Missouri and Kansas.

Interstate is feeling the effects of an oil boom in some parts of Texas and has a number of new houses on the way.

Reports of reopenings are mounting steadily in the midwest and on the coast. In New England, of course, these are especially numerous, due to the many small houses in towns frequented by summer visitors. They counterbalance closings in this territory.

Form 5 Theatre Companies

St. Louis, July 22.—New incorporations include five theatre companies.

They are: Reding's Mill Amusement Co., Joplin, formed by J. C. Finke, C. Meeker, P. A. Christman, I. J. Albright, C. D. Christman, Dorothy Hays, Tom Comerford, Beulah Sharp Powers, W. A. Kirkpatrick, W. P. Christman, Arthur Christman, Grover C. James and Hadley Tatum; Theatre Development Co., St. Louis, formed by R. M. Freed, C. F. Gissler and David Baron; Winwood Operating Co., Kansas City, by C. H. Winger, Charles J. Winger, Lena Schluntz and P. S. Staats; Commonwealth Columbia Theatre Corp., Columbia, by C. A. Schultz, Robert F. Withers and A. C. Kemp; Valley Theatre Co., St. Louis, by Stanley H. Schwartz, R. P. Brous and E. L. Ellis.

More Bay State Openings

Boston, July 22.—Theatres continue to open in Massachusetts despite the general seasonal slump. The Gates at Lowell, formerly the Opera House, has been opened with vaudeville four days weekly and double features the other three. Sternberg & Kaplan are operating. The Capitol in Monson is due for an early revival under the control of Peter Skwack, to whom it has been transferred by C. M. McGriel. The house was formerly operated by Mary Skwack. The Elm in Edgartown has been put into lights by Alfred Hall, independent circuit owner.

Dickinson Takes House

Kansas City, July 22.—Glen Dickinson has taken over the lease on the Eagles at Herington, Kan., a 300-seat house dark for some time, and is remodeling for Sept. 1 opening.

Capacity is being increased to 750 seats and Wide Range sound is being installed along with full stage equipment. It will be the Dickinson on reopening. Dickinson's lease is for 10 years.

Lease on the Eagle formerly was held by C. L. McVey, who recently joined Commonwealth Theatre Enterprises. McVey is managing the Dreamland.

Shift Connecticut Houses

New Haven, July 22.—Lou Gordon of Boston has sold the Strand at Wallingford to John Kata, who also owns the State at New Britain.

Dave Magliora has taken over the lease of the Windsor Locks Theatre from the estate of Leo Viola. Magliora was manager for the house.

Grosses Fall Off Again; More Key First Runs Dark

(*Continued from page* 1)

the procession of falling totals were Cleveland, Detroit, Los Angeles, New York, Oklahoma City, San Francisco and St. Paul.

How the latest reports compare:

	Week Ending July 4-5		*Week Ending June 27-28*	
	No. Theatres	***Gross***	***No. Theatres***	***Gross***
Boston	6	$48,000	6	$60,500
Buffalo	5	30,800	5	40,600
Chicago	8	105,000	8	127,000
Cleveland	6	45,600	6	40,100
Denver	6	17,800	6	22,700
Detroit	6	71,600	6	61,900
Indianapolis	4	20,000	4	22,500
Kansas City	4	29,300	5	32,700
Los Angeles	9	66,050	9	53,950
Minneapolis	5	20,000	6	23,500
Montreal	4	26,000	4	27,000
New York	7	207,869	7	186,300
Oklahoma City	4	13,100	4	11,400
Omaha	3	16,000	3	17,200
Philadelphia	8	52,000	8	60,100
Pittsburgh	4	33,450	5	45,500
Portland	6	26,700	6	28,700
Providence	5	21,150	5	35,100
San Francisco	9	104,100	9	67,100
St. Paul	5	18,000	5	17,000
Seattle	6	27,800	6	28,800
Washington	6	62,800	6	80,200
	126	$1,063,119	129	$1,160,370

Comparative grosses for the last available periods:

Week Ending	***No. Theatres***	***Grosses***
Sept. 27-28	132	$1,419,815
Oct. 4-5	132	1,412,844
Oct. 11-12	132	1,344,137
Oct. 18-19	131	1,385,533
Oct. 25-26	133	1,386,935
Nov. 1-2	135	1,288,992
Nov. 8-9	134	1,386,736
Nov. 15-16	133	1,389,743
Nov. 22-23	136	1,305,450
Nov. 29-30	137	1,369,576
Dec. 6-7	136	1,401,989
Dec. 13-14	135	1,244,610
Dec. 20-21	135	1,070,800
Dec. 27-28	139	1,408,788
Jan. 3-4	141	1,719,887
Jan. 10-11	138	1,361,450
Jan. 17-18	138	1,251,130
Jan. 24-25	138	1,251,130
Jan. 31-Feb. 1	137	1,354,350
Feb. 7-8	135	1,332,415
Feb. 14-15	136	1,381,960
Feb. 21-22	137	1,318,630
Feb. 18-19	140	1,405,417
March 7-8	139	1,295,650
March 14-15	137	1,358,384
March 21-22	135	1,325,360
March 28-29	137	1,334,375
April 4-5	139	1,242,487
April 11-12	140	1,205,456
April 18-19	139	1,115,386
April 25-26	142	1,421,800
May 2-3	140	1,250,132
May 9-10	145	1,417,888
May 16-17	138	1,236,100
May 23-24	137	1,235,650
May 30-31	137	1,152,200
June 6-7	134	1,119,900
June 13-14	134	1,155,950
June 20-21	134	1,089,850
June 27-28	129	1,160,370
July 4-5	126	1,063,119

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Honor Harry Michalson

Pittsburgh, July 22.—More than 50 film executives gathered at the Hotel Schenley for a testimonial dinner to Harry Michalson, who has just been promoted to sales manager for RKO shorts. Prior to his advancement, Michalson was RKO's district sales chief in the territory encompassing Pittsburgh, Cleveland and Detroit.

Art Levy was chairman and John Maloney of M-G-M presented the guest a silver cocktail set. On from New York with Michalson for the dinner was Fred McConnell, sales head for the "March of Time" newsreel.

False Returns Stop Films in Great Britain

(*Continued from page* 1)

not a necessary consequence of a change of proprietorship . . . a purchaser entering into a contract for the purchase of a kinema takes the risk of finding out afterwards that the same is on the list." All such buys, he says, should be prefaced by enquiry to the K.R.S.

Exhibitors retaining for Sunday films booked for six days only will also go on the black list.

The K.R.S. includes all major distributors but Gaumont British.

* * *

The General Council of the Cinematograph Exhibitors' Ass'n. has remitted to the branches throughout the country for discussion and recommendation the question of the attitude to be taken up to Films Act revision.

The matter came up on a report from the General Purposes Committee and during the discussion Thomas Ormiston, who is a member of Parliament, expressed the view that there was unlikely to be an amending act unless an agreed policy was arrived at between producers, distributors and exhibitors.

As producers are agitating for an increase in the stringency of the quota provisions, while exhibitors want the approaching 20 per cent obligation reduced to 10 per cent, importers are likely to find a measure of comfort in Ormiston's statement.

* * *

Statements of accounts of Nelson Films, Ltd., in compulsory liquidation, show that this company, formed to produce "Don Quixote," with Chaliapin and George Robey, lost close on $500,000 on the project. Actual figures are Liabilities £102,795 (expected to rank, £82,695) and assets 5:10d cash.

"Don Quixote" was released by United Artists in U. K.

* * *

Neville Chamberlain, Chancellor of the Exchequer, resisted amendments to the Finance Bill, during the House of Commons debate on the measure, which would have had the effect of extending the "living performers" concession to sporting events.

He intimated, however, that he might be disposed to consider a small reduction of duty in the case of film houses which employ a full time orchestra.

K. C. Surprised by PWA Theatre Grant

Kansas City, July 22.—A grant of $155,000 from the PWA office at St. Louis has been received by Kansas City, and—amazing!—city officials did not know for what it was intended. A follow-up letter explained it was to aid in completing the new municipal auditorium theatre and function room. The amount represents 30 per cent of the cost of the project.

No plans or policies for the theatre have been worked out, nor will they be until the auditorium has been completed, according to George Goldman, who will manage the entire setup.

Protest Canada 5% Tax on Film Rental

(*Continued from page* 1)

tawa to urge upon the Canadian Government a reconsideration of the special tax of five per cent which has been imposed upon payments for film rentals to home offices in the United States by Canadian exchanges.

The situation arose without warning when the government included films in an order-in-council providing for the surtax on funds going to the United States for copyrighted publications, originating in that country, which were being sold in the Dominion. The tax had been imposed as a special tariff protection at the request of book and other publishers in Canada, but the Federal authorities at Ottawa included films in the regulation as being copyrighted publications. Incidentally, the original order called for a tax of 12½ per cent. on film rental payments to the United States, but this was later reduced to five per cent.

The regulation has given added preference to British films because the surtax does not apply to films, books and other publications brought from Great Britain for sale or rental in Canada.

Philadelphia Going In for Many Repeats

(*Continued from page* 1)

hibitors here are turning to reissues and repeat showings.

With "Murder in the Fleet" and "Glass Key" both flopping after three and four days, respectively, at the Arcadia, that second run house brought back "Naughty Marietta" for another downtown showing.

The Europa, foreign language house, has been varying its ready fare with revivals during the summer and has made out well with "It Happened One Night," "One Night of Love," "The Thin Man" and "Count of Monte Cristo."

Meanwhile, in the neighborhoods, the following repeats are listed: "House of Rothschild," "Bright Eyes," "Ruggles of Red Gap," "Little Caesar," "I Am a Fugitive," "David Harum," "Too Much Harmony," "42nd Street" and "Great Expectations."

N. E. Not Expecting Jolt to Dual Bills

BOSTON, July 22.—Any suggestion that contract riders may be used to limit dual bills is received with shrugs in this territory. Duals started here and seem to be a permanent fixture.

A recent story in MOTION PICTURE DAILY to the effect that circuits want the riders stirs little interest hereabouts. All agree that doubles are a firmly rooted exhibition habit in this section.

Agua Caliente Closed

AGUA CALIENTE, July 22.—Gambling casinos and betting rings at local tracks were ordered closed here today by President Cardenas.

Joseph M. Schenck, Baron Long and H. V. Aldrete, heads of the luxurious pleasure plant, were reported today en route to Mexico City to request a reopening of the resort, claiming that hundreds of Mexican citizens will be thrown out of work by the official order.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"China Seas"

(M-G-M)

HOLLYWOOD, July 22.—This should bring a tidal wave of tickets to the box-office with Clark Gable and Jean Harlow back in their beloved roles of tough guy and tougher gal against a background of riotous, Oriental skullduggery.

Gable plays a British naval officer who resigned for the love of a nice girl, Rosalind Russell. Six years as a captain of a steamer in the China seas have made him feared by sailors and followed by Miss Harlow, who plays China Doll with a flamboyant determination to get her man. Gable, carrying a shipment of gold bullion, discovers Malay pirates aboard disguised as women passengers. He does not suspect Wallace Beery, ostensibly a big game hunter, is in league with the pirates. Breath-taking tornado sequences include Gable's fight to leash a monster engine which breaks loose and careens through screaming crowds in the steerage. This, followed by the capture of the ship by swarms of pirates, is hard to top for tension during the torture of Gable. Gable, Miss Harlow and Berry are just the way people like them.

Speedy direction by Tay Garnett, a brilliant screen play by Jules Furthman and James Kevin McGuinness from the book by Crosbie Garstin give full opportunity to the brilliant cast, including Lewis Stone, Dudley Digges, C. Audrey Smith, Lillian Bond, Edward Brophy and Ivan Lebedeff. Albert Lewin produced for Irving Thalberg and M-G-M.

The photography by Ray June does much for the picture's mood. Bill this one for its excitement and speed as well as cast.

Production Code Seal No. 899. Running time, 89 minutes. "A."

"Steamboat 'Round the Bend"

(Wurtzel-Fox)

HOLLYWOOD, July 22.—Will Rogers' playing for dramatic rather than comedy values makes this picture important. Rogers gives a vivid characterization as a river man with a problem.

John McGuire, Rogers' nephew, has slain a man in a brawl over his fiancee, Anne Shirley. Convicted of murder and denied an appeal, McGuire can be saved only by the testimony of Berton Churchill, an Evangelist, who was a witness to the fight. With a steamboat and a war museum with which to raise funds, Rogers plies the Mississippi seeking Churchill. Finally, forced into a steamboat race to reach the state capital in time to get gubernatorial intervention, Rogers defeats his river rival, Irvin Cobb, wins the race and saves McGuire from the gallows.

Although the ultimate ending is never doubtful, Director John Ford builds exciting suspense throughout, making several individual scenes sparkle with dramatic tenseness. Miss Shirley, giving a grey performance at the opening, shades her character later, easily capturing second acting honors.

Cobb's role, though small, is well handled, as are the parts of Stepin Fetchit, Francis Ford and Eugene Pallette. The Dudley Nichols-Lamar Trotti screen play extracts the utmost from Ben Berman's novel.

Sol Wurtzel's production supplies beautiful mounting and George Schneiderman's photography is a pictorial delight.

Rogers fans should go for Will as a dramatic actor as enthusiastically as they do for him as a comedian.

Production Code Seal No. 1058. Running time, 97 minutes. "G."

"Bonnie Scotland"

(Roach-M-G-M)

HOLLYWOOD, July 22.—Here is a creditable vehicle for the Stan Laurel-Oliver Hardy laugh team, giving the duo ample opportunity to display their routine acts. The picture is loaded throughout with excellent gag situations and also contains dramatic element in the plot to fill the bill in breaking the comedy monotony. Although a sure-fire laugh-getter and certain to please Laurel-Hardy fans, the film's main fault lies in its length, which renders impossible the ability to keep the vehicle at a comedy peak.

Laurel and Hardy, reaching Scotland to claim Laurel's portion of a Scottish estate, find the listing only bagpipes and a snuff box. The team then follows an advertisment offering a free suit of clothes and getting into army headquarters by mistake are forced into service. Meanwhile the background romance is carried by June Lang, who is also an heiress to the Laurel estate, and William Janney. The comedy duo is then assigned to India, where a series of farcical situations satirize the "Lives

(*Continued on page* 24)

Three French Film Groups Are Joined

WASHINGTON, July 22.—The creation of a new association—the Comite du Film—is reported to the U. S. Department of Commerce by Assistant Trade Commissioner Earle C. Taylor from Paris.

This association is a union of three individual groups—the new Syndicat des Produceurs de Films, Bureau de L'Union Syndicate des Distributeurs de Films and Union des Chambres Syndicales Francaises des Theatres Cinematographiques.

It is believed that the new association may have a beneficial effect on the present foreign film situation, particularly as the former U. S. D. includes representatives of all large American film companies distributing in France.

Say France Fourth In Exhibition Field

WASHINGTON, July 22.—With 4,586 theatres having gross receipts in 1934 of 832,158,000 francs, France lays claim to fourth place among the nations of the world in exhibition, according to a report to the U. S. Department of Commerce from Assistant Trade Commissioner Earle C. Taylor in Paris.

The 1934 gross is approximately $55,250,000.

Of the 4.586 theatres in continental France and its colonial possessions, approximately two-thirds, or 3,032, are wired.

Melford Forms New Producing Company

Frank Melford, who was formerly associated with Sol Lesser, has formed his own company to produce six pictures for independent release.

Four of the stories have been picked and work on the first will start this week with the arrival of Melford in Hollywood.

The stories already set are: "Modern Buccaneer" by J. H. Forster, "Thunderbolt Express" by Henry Karns, "Dynamite Bill" by Jules Simon and "Green Gold" by H. T. Powers.

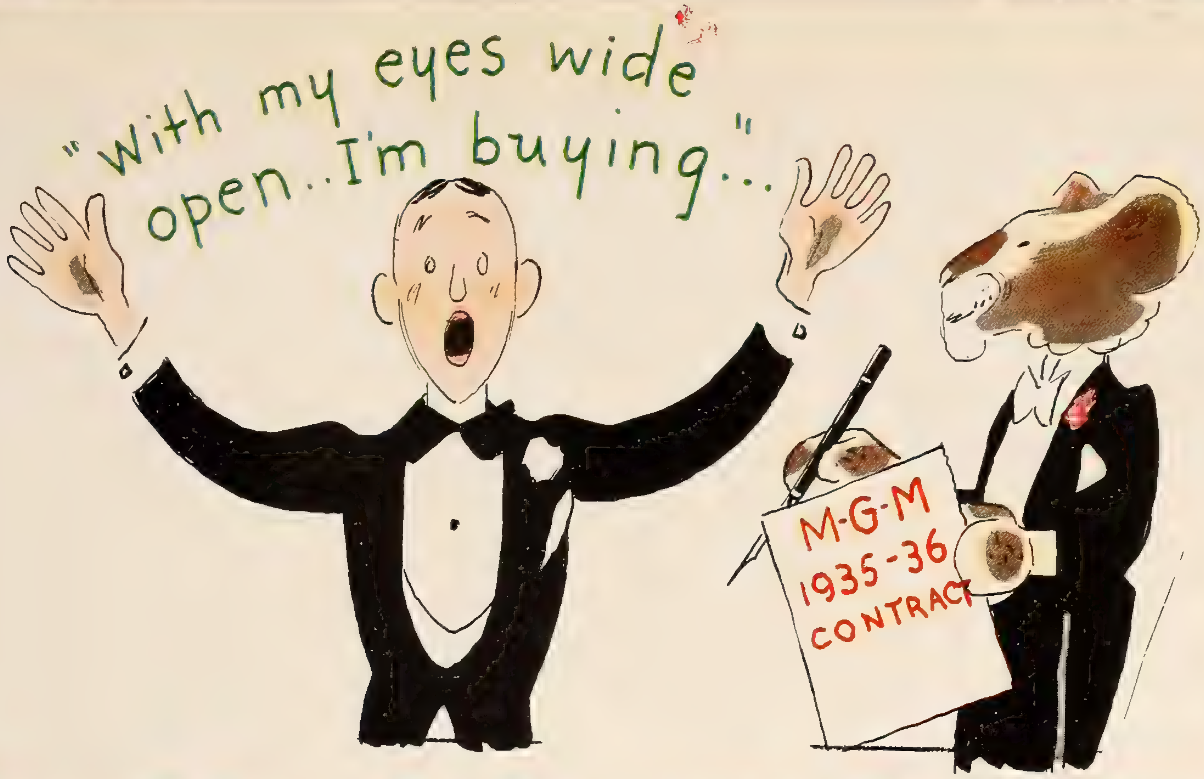
Testimony Finished On Cleveland Appeal

CLEVELAND, July 22.—Hearing of testimony on an appeal from Common Pleas Judge Frederick Walther's decision denying an injunction to stop bank night at the Haltnorth has been finished before Referee Saul Danaceau. As soon as certain facts are agreed upon between the opposing attorneys, the testimony will be turned over to the Court of Appeals.

In the meantime, seven Cleveland theatres are continuing to bank night without interference.

Jersey City Wants Its Films Earlier

A campaign to obtain for Jersey City de luxe houses the right to show new films at the same time they are exhibited in New York has been started by *The Jersey Journal.* Mayor Frank Hague of Jersey City is understood to be among the backers of the movement.


"With my eyes wide open..I'm buying..."
M-G-M
1935-36
CONTRACT

M-G-M '35-'36 RELEASES!

COMPLETED!

PREVIEWED!

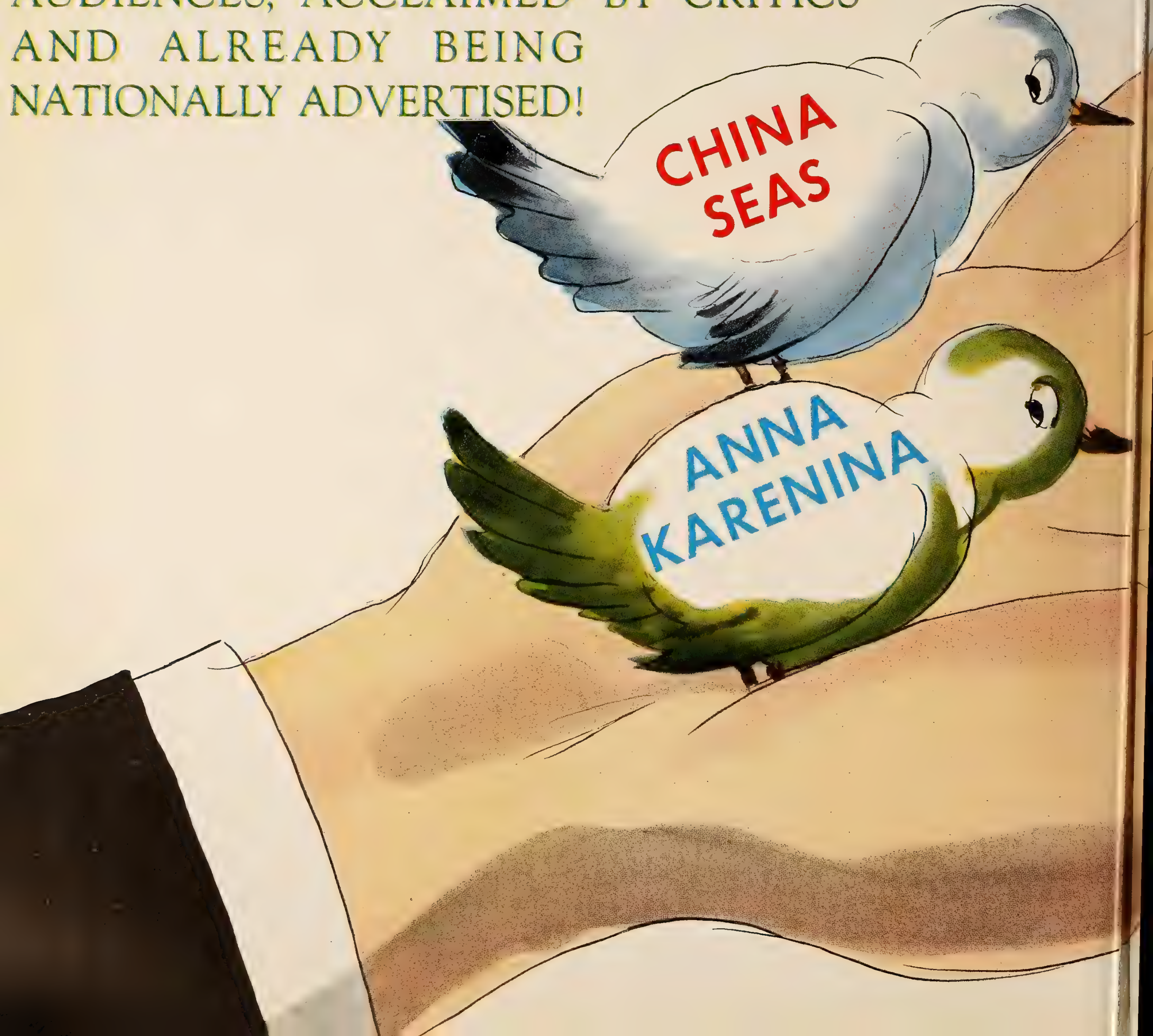
ACCLAIMED!

(Only ONE Company can be FIRST)

—Sure, it's great news. Go on please-

TWO BIRDS IN THE HAND—

No use beating around the bush! M-G-M Giant Fall Releases not only *scheduled* but COMPLETED, PROVEN BEFORE AUDIENCES, ACCLAIMED BY CRITICS AND ALREADY BEING NATIONALLY ADVERTISED!


CHINA SEAS
ANNA KARENINA

If you've already seen the great Coast reviews, skip the next page and keep going. **BUT THESE REVIEWS MERIT RE-PRINTING AND RE-READING**

so here they are—

WE REPEAT!

(Reading 'em the second time they sound better than ever)

June 29, 1935

THE Hollywood RE

MGM'S 'ANNA KA
AN OUTSTANDI

THE Hollywood REPORTER

June 24, 1935

'CHINA SEAS' CINCH HIT; THRILLING ENTERTAINMENT

Gable, Harlow And Garnett The Tops

"CHINA SEAS"
(MGM)

Associate Producer............Albert Lewin
Direction ....Tay Garnett
Novel ....Crosbie Garstin
Screen Play: Jules Furthman, James Kevin McGuinness.
Photography ....Ray June

Cast: Clark Gable, Jean Harlow, Wallace Beery, Lewis Stone, Rosalind Russell, Dudley Digges, C. Aubrey Smith, Robert Benchley, William Henry, Live deMaigret, Lilian Bond, Edward Brophy, Soo Young, Carol Ann Beery, Akim Tamiroff, Ivan Lebedeff.

"China Seas" is one of the best straight movies produced in many a day. It has everything that any audience could want and is chock full of the stuff that shoved the picture business to the top of all amusement enterprises.

Any picture that offers the combined talents of Clark Gable, Jean Harlow and Wallace Beery is destined for great box-office success, but place these three in a story that has all the thrills, chills and entertaining values of "China Seas," and you have an important picture and one that will bring out the old fans and create a lot of new ones.

Jules Furthman and James K. McGuinness have taken what was an idea by Crosbie Garstin and shaped it into a story with at least a half dozen plots, all taking place on a boat sailing the China seas, mastered by Clark Gable. On this boat are passengers from all walks of life, with entirely different destinations, plus a cargo of gold that is the bait for Wallace Beery and his conniving pirates. During the voyage you are treated to a typhoon, a great drunk by Robert Benchley, and Harlow's greatest characterization as a lady of easy virtue in love with Gable.

The yarn is packed with suspense and moves at lightning speed, with the main characters backed by as fine a cast as has ever been thrown together for any one picture, all under the masterful direction of Tay Garnett. There is never a dull moment in the picture, nor is there a moment for the audience to relax, for if it's not sitting on the edge of its seat thrilled by the plot's intrigue, it is laughing at the antics of Benchley and others or enraptured by the romance indulged in by Harlow in her winning battle for Gable.

Clark Gable plays the captain of the ship with ease and assurance that will win him many new admirers (as though he needed any new fans). The captain is a natural for Gable, a kindly fellow who hides his warm heart with gruffness. It is a grand piece of casting.

Jean Harlow takes another step forward as a dramatic actress. It is unquestionably the finest portrayal she has ever given, one that offers a wide emotional range.

Wallace Beery is swell as the undercover leader of the pirates. His work is minus any of his usual mannerisms and he plays a straight menace. Lewis Stone, too, has a greater opportunity than has fallen to his lot for some time. Rosalind Russell is again impressive. She is going far. Robert Benchley does the best drunk the screen has ever seen.

Among the others of the perfect cast, there are particularly outstanding moments by William Henry, an up and coming juvenile, Dudley Digges, C. Aubrey Smith, Akim Tamiroff, Lilian Bond, Ivan Lebedeff and Edward Brophy.

Production is ace high in every department, and the photography of Ray June tops even his usual high standard. Several of his shots, the lighting on the bridge for instance, should be framed. The storm sequence is a technical wonder. Herbert Stothart's musical score also deserves your attention.

"China Seas" is sure to ring a merry tune on every cash register. It has everything.

SHOWMEN'S
TRADE REVIEW

ANNA KARENINA
MGM Drama 96 mins.

FINEST GARBO PICTURE TO DATE; WILL GIVE EXCELLENT ACCOUNT AT B. O. LAVISHLY PRODUCED

ENINA' TRIUMPHS;
G FILM ACHIEVEMENT

It Is Garbo's Best Picture and Brown's Supreme Directorial Effort; Production A Stand-out

"ANNA KARENINA"
(Metro-Goldwyn-Mayer)

Producer	David O. Selznick
Direction	Clarence Brown
Original Story	Leo Tolstoy
Screen Play	Clemence Dane and Salka Viertel
Dialogue Adaptation	S. N. Behrman
Photography	William Daniels

Cast: Greta Garbo, Fredric March, Freddie Bartholomew, Maureen O'Sullivan, May Robson, Basil Rathbone, Reginald Owen, Phoebe Foster, Reginald Denny, Gyles Isham, Joan Marsh, Ethel Griffies, Harry Beresford, Sarah Padden, Cora Sue Collins, Mary Forbes, Guy D'Emery, Buster Phelps, Sidney Bracy, Harry Allen, Ella Ethridge.

A glorious, vital Garbo . . . A Garbo who is not only allure personified but with a new grace and charm, a vivacity that will send her fan following soaring to new heights. It's a classic love story told magnificently pictorially, that is thrilling in its production qualities, that is a triumph for Clarence Brown and that has a glorious music score by Herbert Stothart.

Perhaps this is still further argument for re-makes. At any rate, it is proof that practice makes perfect, and this well known story lives once more on the screen and is faithful to the tragedy of unhallowed love. Anna dies once more in her tragic flight to love from a cold, cruel husband. A love for which she gives up her child and a love which must eventually desert her.

Garbo's pedestal is not only restored, but is made to look unbreakable in this picture. Her moods are varied and sincere. There is a minimum of close-ups devoted solely to her beauty. She is a woman to love and to be loved. Frederic March, as the lover, is necessarily over-shadowed by both the character and portrayal of Garbo, but his work is good and there's plenty of reason to believe that a woman would leave home for him.

Freddie Bartholomew snatches scenes away from people before they know it. He is a remarkable actor and literally stops the picture twice with his genius. Basil Rathbone is magnificently irritating as the convention-bound, petty government official who is the husband of Anna. Reginald Owen, Maureen O'Sullivan, Phoebe Foster, Reginald Denny and Gyles Isham, score in their parts, and the others in the large cast give generously to make that cast good.

Clarence Brown, definitely, should always direct Garbo. He seems to be the one who can bring out all the facets in the brilliantly fashioned Garbo, and he has an especial talent for making the familiar bright and new.

A very special bow must go to Adrian for his costuming. It's an awkward era to which he brings grace, and Garbo has never looked lovelier. And another very special bow to Daniels for his photography. Particularly for the train scenes. And still another bow to Herbert Stothart for the music.

No offense to the writers for putting them last . . . the others so seldom get a break. Their work is good . . . it's sincere . . . and beards do not grow on their words. Not to forget the Chester Hale Mazurka and the Wallman ballets.

From a production standpoint, even MGM has rarely if ever achieved such a triumph. Cedric Gibbons and his competent staff of art directors have simply outdone themselves with the sets and their dressings—never gaudy, but always luxurious. It is one of the finest jobs we have seen for many a day.

"Karenina" is destined to be a terrific money maker. It will renew that big box-office interest in Garbo, will send early patrons out talking and bringing to the theater others who have, for too long, been sitting at home.

Showmen should and must get behind this attraction, build it for one of their greatest openings. The rest will take care of itself.

DAILY VARIETY DAILY

Preview!

China Seas

Here's a holiday in Dixie for theatre operators. Few pictures come along that will stand the limit in exploitation then live up to the bally. 'China Seas' not only lends itself to exploitation, but is crammed with selling angles. It should pay the interest on many a theatre's mortgage.

Ably produced by Irving Thalberg and supervised by Al Lewin, have stinted nothing to make it top notch entertainment. Picture is eyefilling from start to finish. Jules Furthman and James McGuinness have compiled a yarn of piracy on the China coast that is almost perfect picture material. Tay Garnett's robust direction of the story gives the fans all they want in the line of romance, thrills and s.a. To top this, the Beery-Gable-Harlow trio contribute performances that are standouts.

Gable is the skipper of a tramp in the China coast trade. He is mixed up with Jean Harlow, the Orient's number one trollop. Beery heads a gang of Chinese pirates. Gable sails for Singapore with the three on board plus Rosalind Russell, his old sweetheart in England. The two girls fail to hit if off when Miss Harlow decides she is getting the air for the English girl. Boat is carrying several million pounds in bullion which Gable is out to get.

Typhoon comes up, almost sinks the ship. With better weather, Beery enlists the aid of the jealous Harlow to steal the guns from the ship's arsenal. Pirates headed by Ivan Lebedeff board the ship, kill half the crew, torture Gable but find no money. Gable suspects Beery and the girl, questions them and she spills the beans. However, she had tried to warn Gable of the impending holdup only to be thrown out of his cabin. Before much can be done Beery committs suicide and Gable realizes he loves Miss Harlow after all. In the end he decided to make her an honest woman.

With a good story to start with Garnett has given the picture everything. He has not missed a single opportunity in giving the picture suspense, dramatic tension and smoothness. Dialog is near perfect for this type of picture. It's no easy job to make a flock of renegades tough through dialog. In most cases, screen tough guys express themselves like pansies. In this case they're tough and there's no mistake.

Gable, Harlow and Beery turn in performances that should bring raves from their fans. Rosalind Russell makes her portrayal of the cultured English girl, a direct contrast to Miss Harlow, one of the picture's standouts. Robert Benchley, as a drunk, gets a load of laughs with swell dialog. William Henry, the juve, is pleasing as a young officer though his scenes during the typhoon could be cut considerably. C. Aubrey Smith is excellent as the owner of the steamship line. Dudley Digges, as the chief officer, handles his assignment neatly. Lewis Stone, though his assignment is small, makes it count. Lillian Bond, Eddie Brophy and Akim Tamiroff, in small assignments are very good Charles Irwin and Pat Flaherty as officers on the ship also keep up the standard of good performances.

Ray June's photography is class throughout. Art direction, particularly the scenes of the Hong Kong docks, is excellent.

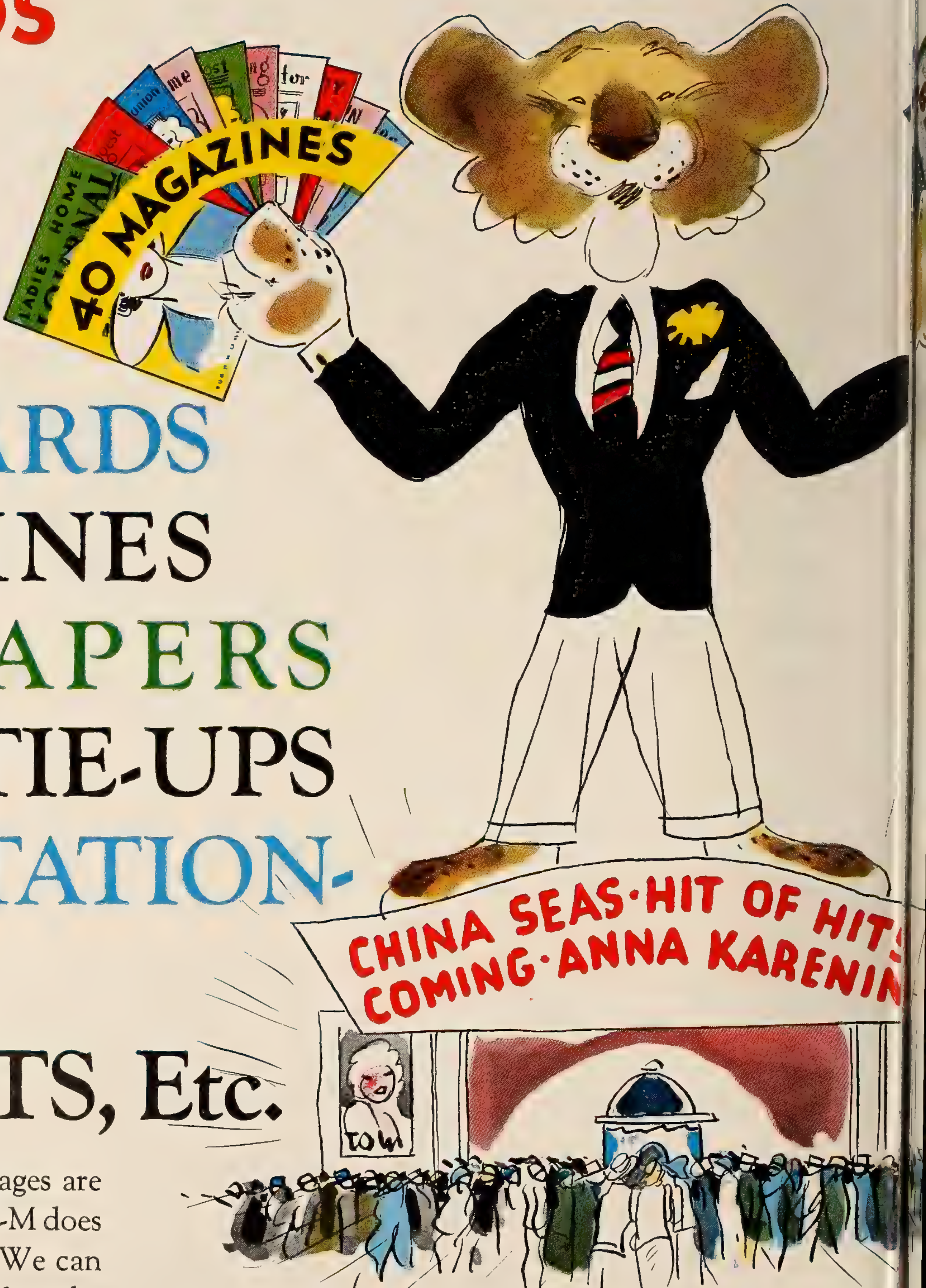
HOW WE ADVERTISE THEM—

Next page tells it—

$2,500,000

Only ONE company does it! Bigger than Ever!

LEO STANDS BEHIND YOUR THEATRE *with*

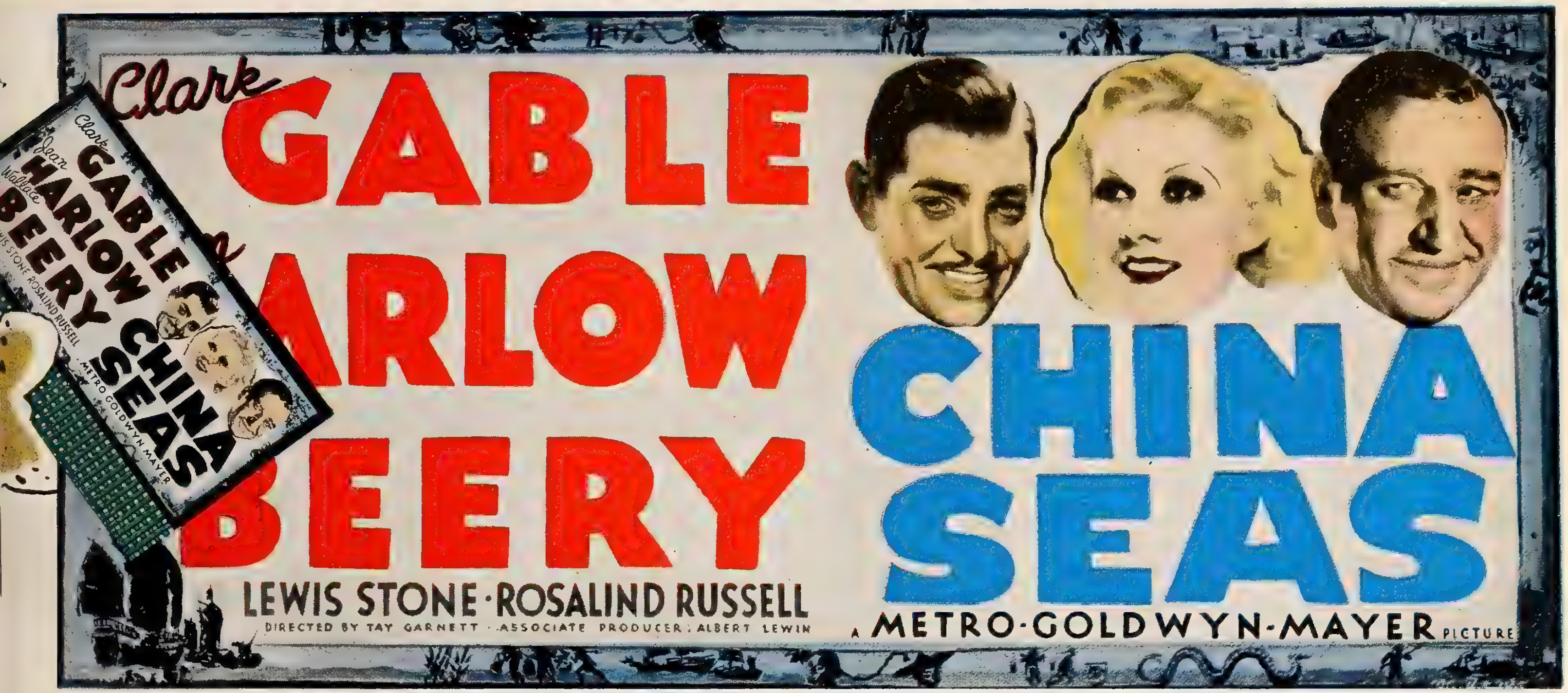

40 MAGAZINES
LADIES HOME JOURNAL
CHINA SEAS·HIT OF HIT
COMING·ANNA KARENIN
TOW

BILLBOARDS
MAGAZINES
NEWSPAPERS
RADIO TIE-UPS
EXPLOITATION-STAFF
CONTESTS, Etc.

On this page and following pages are just a few samples of what M-G-M does to promote its great product. We can only scratch the surface here, but the many and varied promotional services other than what you see will be explained by any M-G-M representative.

PROMOTION!

1935-36 M-G-M Showmanship Budget Makes History!

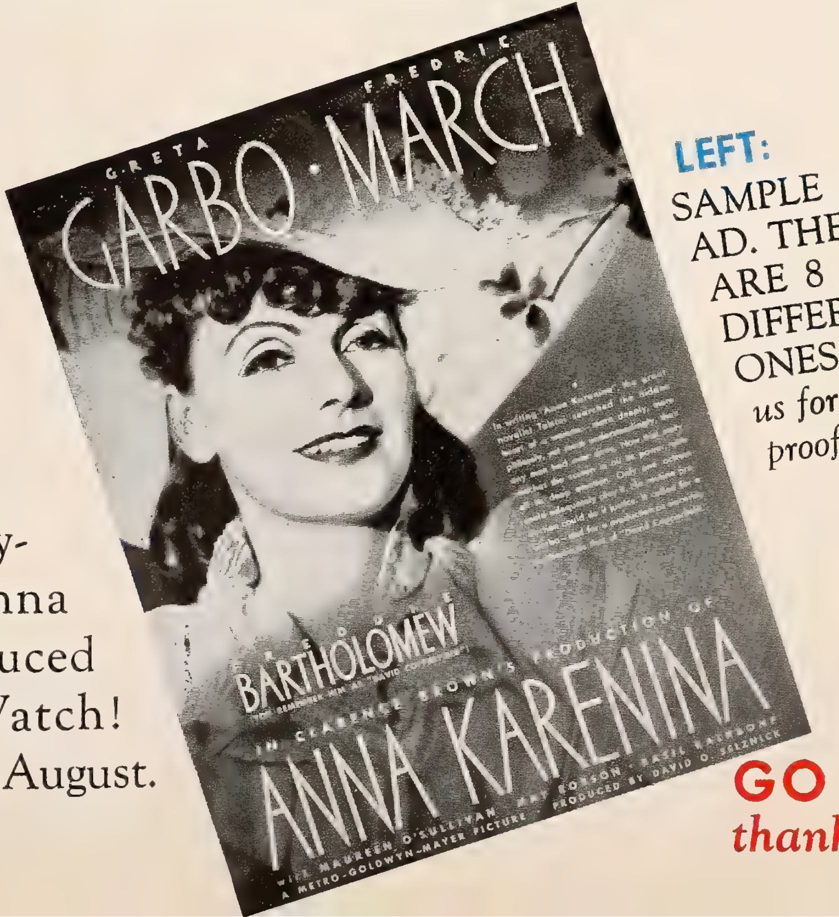

Clark
GABLE
Jean
HARLOW
Wallace
BEERY
CHINA SEAS
LEWIS STONE · ROSALIND RUSSELL
DIRECTED BY TAY GARNETT · ASSOCIATE PRODUCER: ALBERT LEWIN
A METRO-GOLDWYN-MAYER PICTURE

24-SHEET ACROSS AMERICA!

9,500 *of the brilliant "China Seas" stands are posted nationwide in* 1,500 *cities giving this giant new season hit the longest advance plug ever known.*

FULL PAGE ADS IN 40 MAGAZINES

In the September issues of America's greatest, nationally-circulated magazines "Anna Karenina" will be introduced to 100,000,000 people. Watch! On the newsstands, during August.


GRETA
GARBO · MARCH
FREDRIC
FREDDIE
BARTHOLOMEW
IN CLARENCE BROWN'S PRODUCTION OF
ANNA KARENINA
WITH MAUREEN O'SULLIVAN · MAY ROBSON · BASIL RATHBONE
A METRO-GOLDWYN-MAYER PICTURE · PRODUCED BY DAVID O. SELZNICK

LEFT:
SAMPLE AD. THERE ARE 8 DIFFERENT ONES. *Write us for proofs.*

GO ON—
thank you—

MORE ABOUT M-G-M SHOWMANSHIP

(Just a few of many things under way)

$2,500,000
PROMOTION!
BILLBOARDS—NEWSPAPERS
MAGAZINES—RADIO—
EXPLOITATION STAFF
CONTESTS, Etc.

SHIP MODEL CONTEST

$1,000 CASH PRIZES

to promote

"MUTINY ON THE BOUNTY"

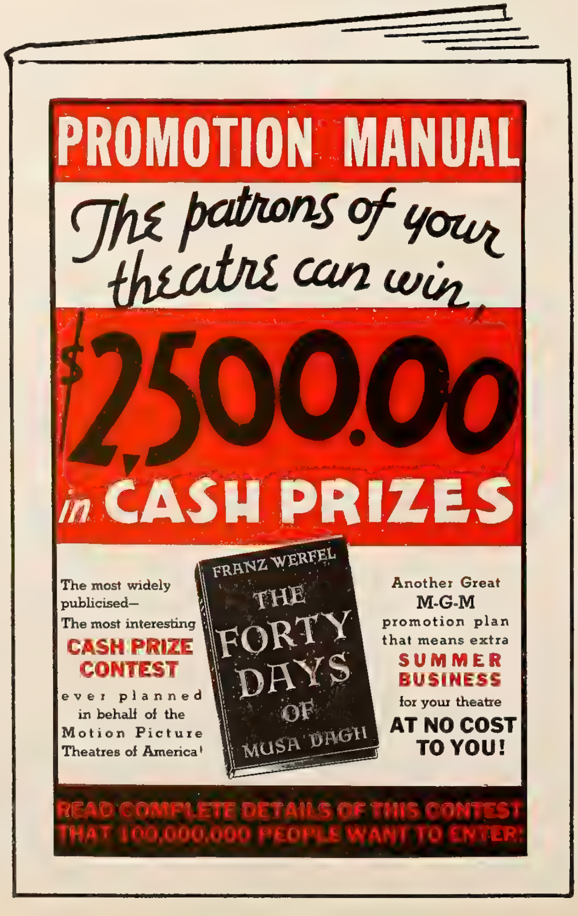
Watch for details!

JACK BENNY ON THE AIR!

what a plug for the song hits of **"BROADWAY MELODY OF 1936"**

GET THIS CONTEST CAMPAIGN BOOK!

Imagine. This contest is so big it requires a special feature-size press book. It sells "FORTY DAYS OF MUSA DAGH" months in advance of release.



PROMOTION MANUAL

The patrons of your theatre can win,

$2,500.00 in CASH PRIZES

The most widely publicised—
The most interesting
CASH PRIZE CONTEST
ever planned in behalf of the Motion Picture Theatres of America!

FRANZ WERFEL
THE FORTY DAYS OF MUSA DAGH

Another Great M-G-M promotion plan that means extra **SUMMER BUSINESS** for your theatre **AT NO COST TO YOU!**

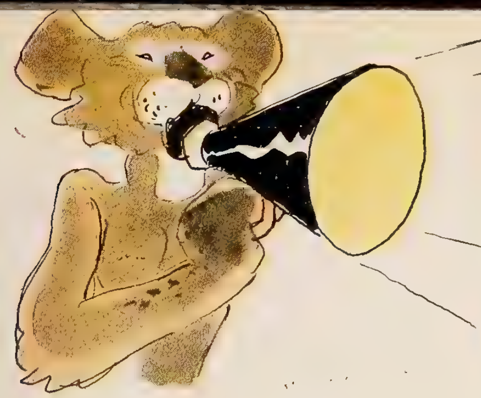
READ COMPLETE DETAILS OF THIS CONTEST THAT 100,000,000 PEOPLE WANT TO ENTER!

Metro-Goldwyn-Mayer's
Screen Forecast
1934
1935
$600 IN CASH PRIZES!
Who's who and what's what in motion pictures

RIGHT! 32 Page Booklet distributed to patrons all over America.

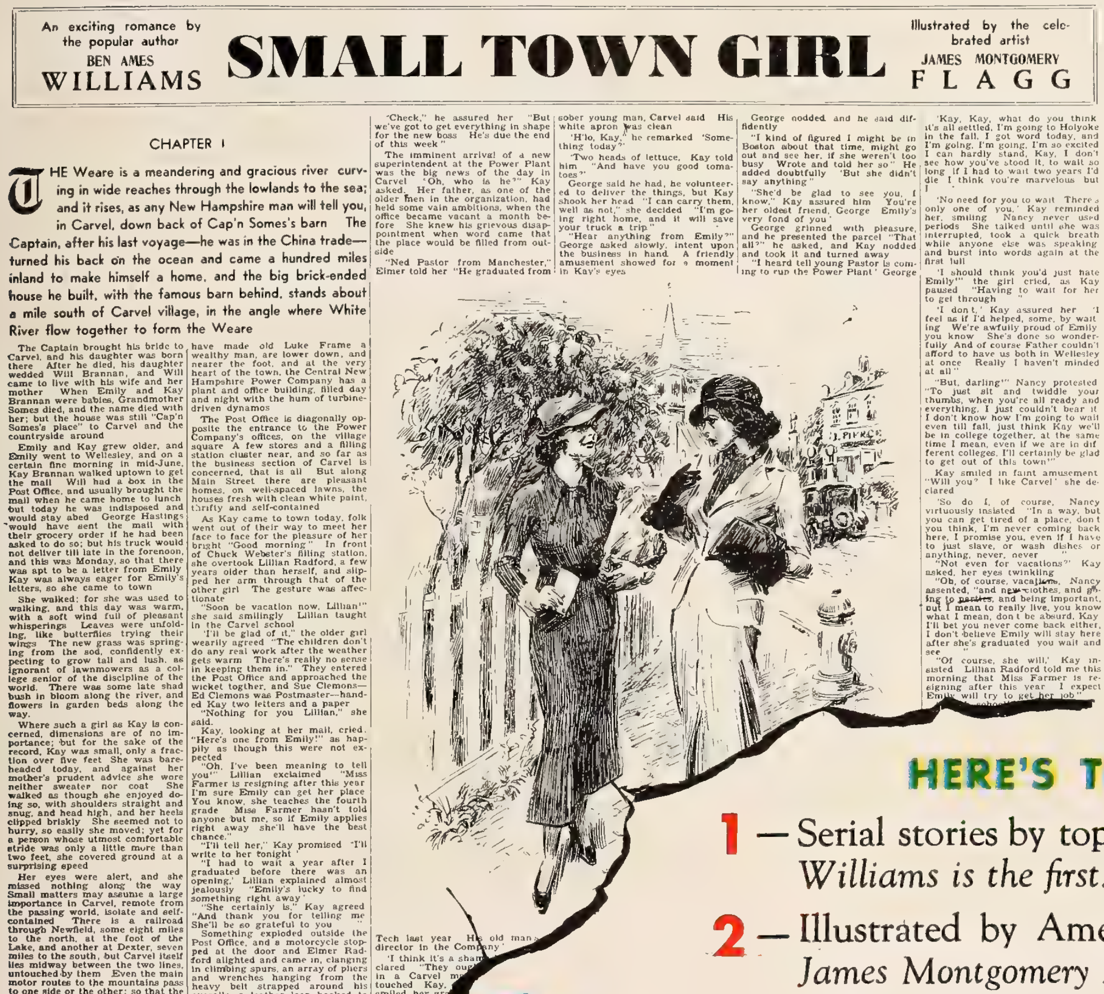
6 MILLION COPIES FREE TO THEATRES

Above is reproduction of last season's M-G-M SCREEN FORECAST, the little magazine with a big wallop. Six million were circulated to patrons selling the STARS and ATTRACTIONS of Leo. The $600 Prize Contests were additional factors in its success, bringing thousands of returns from all over America. Watch for SCREEN FORECAST of 1935-36, bigger and better than ever!



THE BIGGEST NEWSPAPER TIE-UP in the INDUSTRY!

Spreading like wild-fire. Every day the list grows longer. M-G-M PROMOTION SPECIALS, the most sensational showmanship idea in ten years.



An exciting romance by the popular author
BEN AMES
WILLIAMS

SMALL TOWN GIRL

Illustrated by the celebrated artist
JAMES MONTGOMERY
FLAGG

CHAPTER I

THE Weare is a meandering and gracious river curving in wide reaches through the lowlands to the sea; and it rises, as any New Hampshire man will tell you, in Carvel, down back of Cap'n Somes's barn The Captain, after his last voyage—he was in the China trade—turned his back on the ocean and came a hundred miles inland to make himself a home, and the big brick-ended house he built, with the famous barn behind, stands about a mile south of Carvel village, in the angle where White River flow together to form the Weare

The Captain brought his bride to Carvel, and his daughter was born there After he died, his daughter wedded Will Brannan, and Will came to live with his wife and her mother When Emily and Kay Brannan were babies, Grandmother Somes died, and the name died with her; but the house was still "Cap'n Somes's place" to Carvel and the countryside around

Emily and Kay grew older, and Emily went to Wellesley, and on a certain fine morning in mid-June, Kay Brannan walked uptown to get the mail Will had a box in the Post Office, and usually brought the mail when he came home to lunch but today he was indisposed and would stay abed George Hastings would have sent the mail with their grocery order if he had been asked to do so; but his truck would not deliver till late in the forenoon, and this was Monday, so that there was apt to be a letter from Emily Kay was always eager for Emily's letters, so she came to town

She walked; for she was used to walking, and this day was warm, with a soft wind full of pleasant whisperings Leaves were unfolding, like butterflies trying their wings The new grass was springing from the sod, confidently expecting to grow tall and lush, as ignorant of lawnmowers as a college senior of the discipline of the world. There was some late shad bush in bloom along the river, and flowers in garden beds along the way.

Where such a girl as Kay is concerned, dimensions are of no importance; but for the sake of the record, Kay was small, only a fraction over five feet She was bareheaded today, and against her mother's prudent advice she wore neither sweater nor coat She walked as though she enjoyed doing so, with shoulders straight and snug, and head high, and her heels clipped briskly She seemed not to hurry, so easily she moved; yet for a person whose utmost comfortable stride was only a little more than two feet, she covered ground at a surprising speed

Her eyes were alert, and she missed nothing along the way Small matters may assume a large importance in Carvel, remote from the passing world, isolate and self-contained There is a railroad through Newfield, some eight miles to the north, at the foot of the Lake, and another at Dexter, seven miles to the south, but Carvel itself lies midway between the two lines, untouched by them Even the main motor routes to the mountains pass to one side or the other; so that the town sees little of the transient stream of summer folk There are a few cottages on Coos Pond, three or four miles toward Newfield; but these are for the most part owned by Carvel people, who use them as summer homes or as resorts for week-end vacations, or for winter outings when the snow lies deep on the ice across the pond

The town itself is rather
trial than agricult
River, the outlet
cascading
gorge n
three m
thus mac
ford's shin
fall; the Ca

have made old Luke Frame a wealthy man, are lower down, and nearer the foot, and at the very heart of the town, the Central New Hampshire Power Company has a plant and office building, filled day and night with the hum of turbine-driven dynamos

The Post Office is diagonally opposite the entrance to the Power Company's offices, on the village square A few stores and a filling station cluster near, and so far as the business section of Carvel is concerned, that is all But along Main Street there are pleasant homes, on well-spaced lawns, the houses fresh with clean white paint, thrifty and self-contained

As Kay came to town today, folk went out of their way to meet her face to face for the pleasure of her bright "Good morning" In front of Chuck Webster's filling station, she overtook Lillian Radford, a few years older than herself, and slipped her arm through that of the other girl The gesture was affectionate

"Soon be vacation now, Lillian'" she said smilingly Lillian taught in the Carvel school

"I'll be glad of it," the older girl wearily agreed "The children don't do any real work after the weather gets warm There's really no sense in keeping them in." They entered the Post Office and approached the wicket togther, and Sue Clemons—Ed Clemons was Postmaster—handed Kay two letters and a paper

"Nothing for you Lillian," she said.

Kay, looking at her mail, cried. "Here's one from Emily!" as happily as though this were not expected

"Oh, I've been meaning to tell you'" Lillian exclaimed "Miss Farmer is resigning after this year I'm sure Emily can get her place You know, she teaches the fourth grade Miss Farmer hasn't told anyone but me, so if Emily applies right away she'll have the best chance."

"I'll tell her," Kay promised "I'll write to her tonight '

"I had to wait a year after I graduated before there was an opening,' Lillian explained almost jealously "Emily's lucky to find something right away '

"She certainly is," Kay agreed "And thank you for telling me She'll be so grateful to you "

Something exploded outside the Post Office, and a motorcycle stopped at the door and Elmer Radford alighted and came in, clanging in climbing spurs, an array of pliers and wrenches hanging from the heavy belt strapped around his overalls, a leather loop hooked to the belt He saw his sister and Kay, and his ears burned red

"H'lo, Lil," he said "H'lo, Kay' Got the mail, did you, Lil? Thought you'd be at school by now '

"Your spurs are digging the floor" Lillian chidingly

"Got

"Check," he assured her "But we've got to get everything in shape for the new boss He's due the end of this week"

The imminent arrival of a new superintendent at the Power Plant was the big news of the day in Carvel "Oh, who is he?" Kay asked. Her father, as one of the older men in the organization, had held some vain ambitions, when the office became vacant a month before She knew his grievous disappointment when word came that the place would be filled from outside

"Ned Pastor from Manchester," Elmer told her "He graduated from

Tech last year His old man's director in the Company'

'I think it's a sham
clared "They oug
in a Carvel m
touched Kay,
smiled her gr

"I've seen h
"Pretty smoo
in this

sober young man, Carvel said His white apron was clean

'H'lo, Kay," he remarked 'Something today?"

'Two heads of lettuce, Kay told him "And have you good tomatoes?"

George said he had, he volunteered to deliver the things, but Kay shook her head "I can carry them, well as not," she decided "I'm going right home, and it will save your truck a trip"

"Hear anything from Emily?" George asked slowly, intent upon the business in hand A friendly amusement showed for a moment in Kay's eyes

George nodded and he said diffidently

"I kind of figured I might be in Boston about that time, might go out and see her, if she weren't too busy Wrote and told her so" He added doubtfully 'But she didn't say anything"

"She'd be glad to see you, I know," Kay assured him You're her oldest friend, George Emily's very fond of you"

George grinned with pleasure, and he presented the parcel "That all?" he asked, and Kay nodded and took it and turned away

"I heard tell young Pastor is coming to run the Power Plant' George

'Kay, Kay, what do you think it's all settled, I'm going to Holyoke in the fall, I got word today, and I'm going, I'm going, I'm so excited I can hardly stand, Kay, I don't see how you've stood it, to wait so long If I had to wait two years I'd die I think you're marvelous but I "

'No need for you to wait There's only one of you,' Kay reminded her, smiling Nancy never used periods She talked until she was interrupted, took a quick breath while anyone else was speaking and burst into words again at the first lull

'I should think you'd just hate Emily'" the girl cried, as Kay paused "Having to wait for her to get through "

'I don't,' Kay assured her 'I feel as if I'd helped, some, by waiting We're awfully proud of Emily you know She's done so wonderfully And of course Father couldn't afford to have us both in Wellesley at once Really I haven't minded at all"

"But, darling'" Nancy protested "To just sit and twiddle your thumbs, when you're all ready and everything, I just couldn't bear it I don't know how I'm going to wait even till fall, just think Kay we'll be in college together, at the same time I mean, even if we are in different colleges, I'll certainly be glad to get out of this town'"

Kay smiled in faint amusement "Will you? I like Carvel' she declared

'So do I, of course, Nancy virtuously insisted "In a way, but you can get tired of a place, don't you think, I'm never coming back here, I promise you, even if I have to just slave, or wash dishes or anything, never, never "

"Not even for vacations?" Kay asked, her eyes twinkling

"Oh, of course, vacations, Nancy assented, "and new clothes, and going to parties, and being important, but I mean to really live, you know what I mean, don't be absurd, Kay I'll bet you never come back either, I don't believe Emily will stay here after she's graduated you wait and see "

"Of course, she will,' Kay insisted Lillian Radford told me this morning that Miss Farmer is resigning after this year I expect Emily will try to get her job"

BOSTON TRAVELER

PHILADELPHIA LEDGER

TORONTO EVE. TELEGRAM

ALBANY NEWS

SYRACUSE POST-STANDARD

Just added to the list of Key City newspapers.

HERE'S THE PLAN:

1 — Serial stories by top rank novelists. *Ben Ames Williams is the first.*

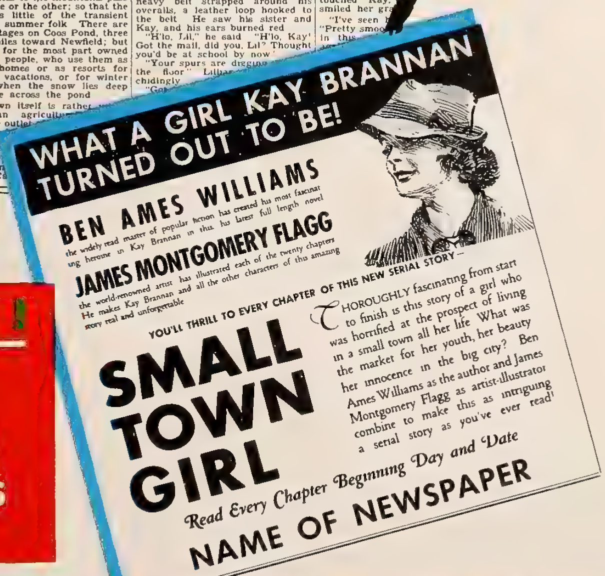
2 — Illustrated by America's most famed artists. *James Montgomery Flagg for instance.*

3 — "SMALL TOWN GIRL" is the first of M-G-M's Four Promotion Specials. It will run serially for 20 days in important cities throughout the country prior to release of picture.

4 — Joint advertising and posting campaigns by M-G-M and newspapers with direct theatre tie-up.

5 — Biggest advance promotion ever devised. Play dates synchronized with climax of serial story.

6 — Get the complete Manual from your M-G-M Branch Office. Learn how your theatre will profit with M-G-M PROMOTION SPECIALS.



WHAT A GIRL KAY BRANNAN TURNED OUT TO BE!

BEN AMES WILLIAMS

the widely read master of popular fiction has created his most fascinating heroine in Kay Brannan in this his latest full length novel

JAMES MONTGOMERY FLAGG

the world-renowned artist has illustrated each of the twenty chapters He makes Kay Brannan and all the other characters of this amazing story real and unforgettable

YOU'LL THRILL TO EVERY CHAPTER OF THIS NEW SERIAL STORY—

SMALL TOWN GIRL

THOROUGHLY fascinating from start to finish is this story of a girl who was horrified at the prospect of living in a small town all her life What was the market for her youth, her beauty her innocence in the big city? Ben Ames Williams as the author and James Montgomery Flagg as artist-illustrator combine to make this as intriguing a serial story as you've ever read!

Read Every Chapter Beginning Day and Date

NAME OF NEWSPAPER

FREE!

PRESS BOOK

TRAILER

POSTERS

ADS

(THIS GETS HOTTER AS WE GO ALONG. NEXT PAGE IS **HOT!**)

THIS COLLAR DOES NOT BELONG TO AN M-G-M EXHIBITOR!

HOW TO AVOID *that* HOT-UNDER-THE-COLLAR FEELING *this summer!*

Helpful, but you won't need it!

Not essential (but nice to help celebrate your new M-G-M contract)

You could do without this (but it's the spot where happy M-G-M showmen do their singing)

The Coolest man in town is the fellow with an M-G-M '35-'36 contract signed, sealed and delivered.

•

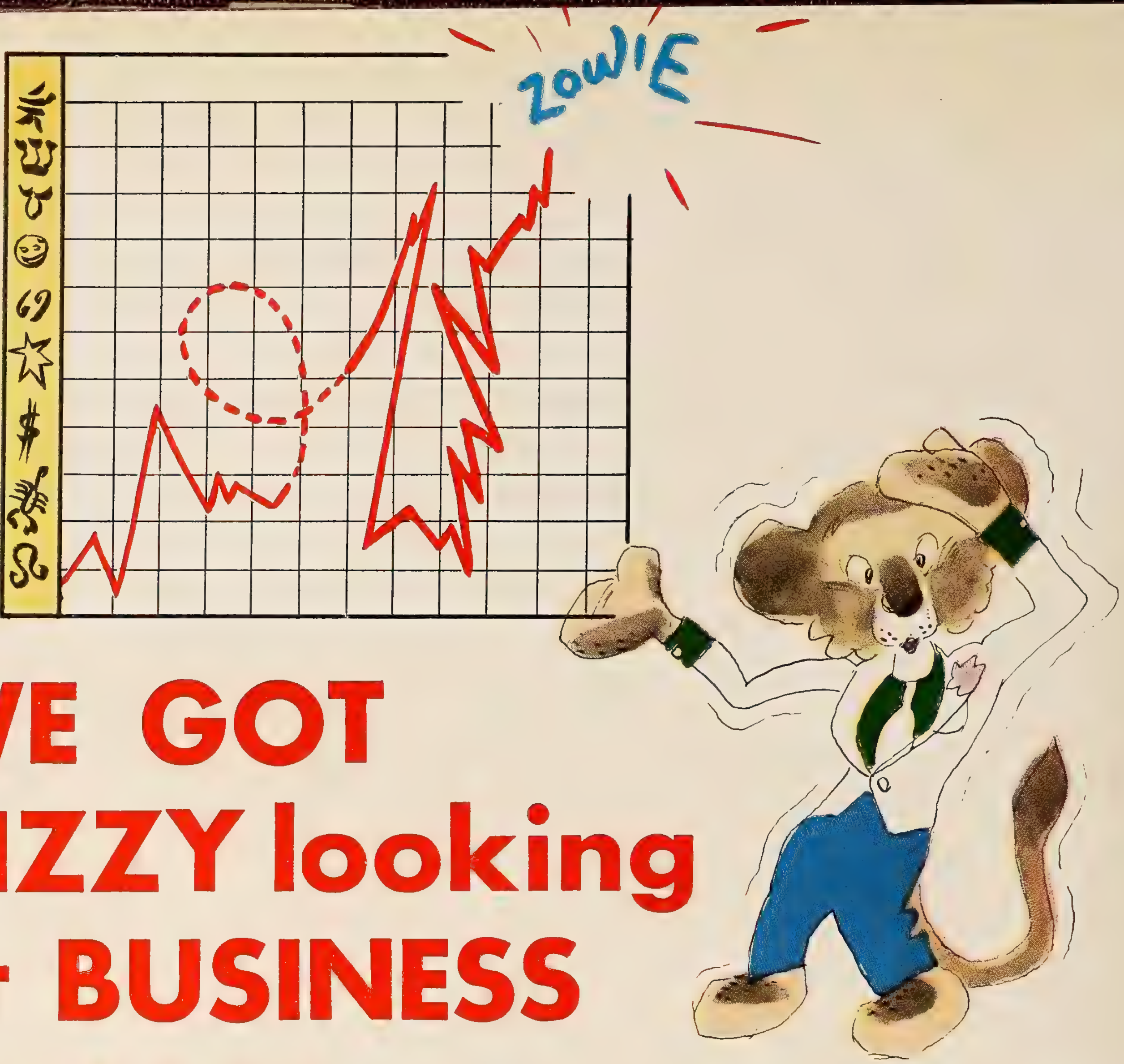
HE KNOWS THAT

CHINA SEAS *and* **ANNA KARENINA**

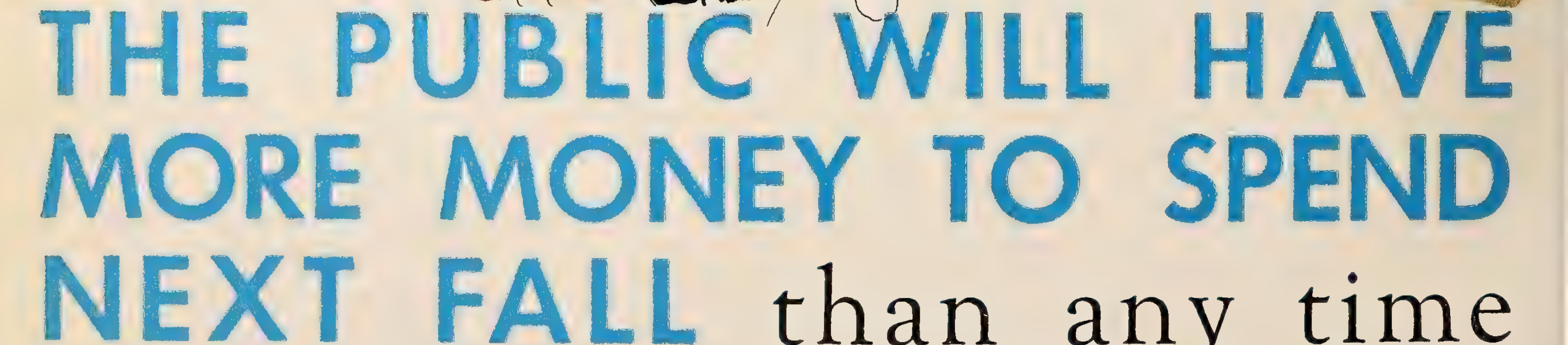
(*August and September releases*)

will start him off on the most profitable year since he's been in picture business—

More cooling thoughts on next page—



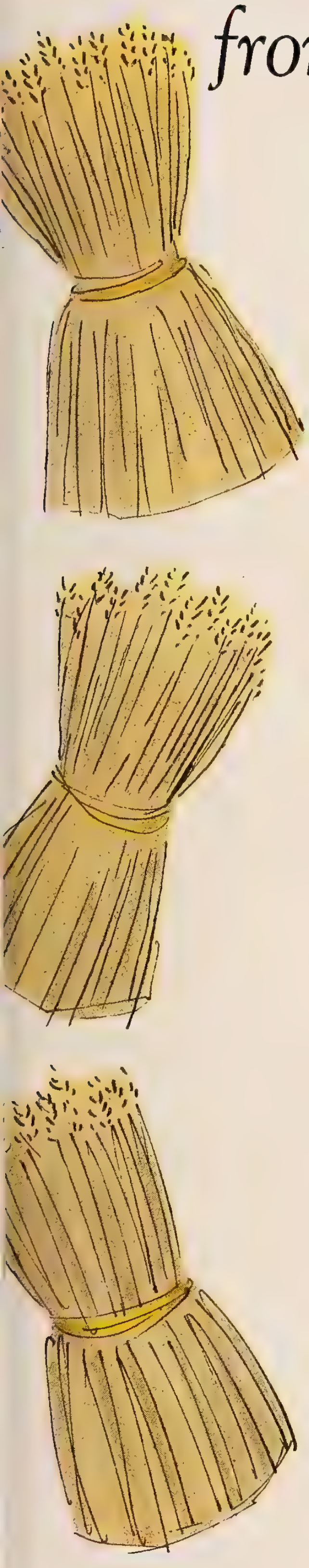
WE GOT DIZZY looking at BUSINESS CHARTS...*but we learned that they all predicted the same thing*



THE PUBLIC WILL HAVE MORE MONEY TO SPEND NEXT FALL than any time since the depression. **AND SO–**

M-G-M HARVEST!

Just a hint of happy entertainments from Leo in Aug., Sept., Oct., Nov.



You already know about

CHINA SEAS, ANNA KARENINA

There's a grand new **LAUREL-HARDY** feature-length comedy "Bonnie Scotland" for late summer hilarity.

STAGE TRIUMPH "BISHOP MISBEHAVES"

☞ Remember this? It's from "The Champ." Well, get ready for the greatest heart picture your folks ever laughed and cried through. **WALLACE BEERY... JACKIE COOPER** ... in the beloved story of "O'SHAUGHNESSY'S BOY."

CRAWFORD "GLAMOUR"

Need we say more?

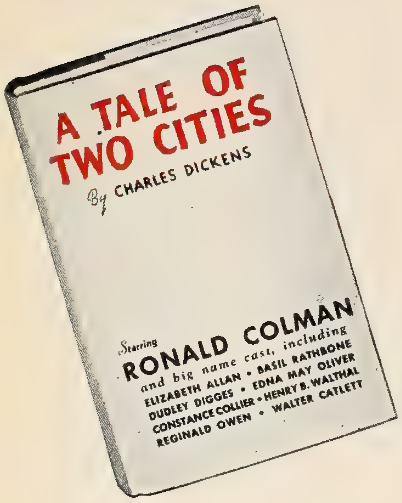
The title describes the star!

Reports from California assure us that **"HERE COMES THE BAND"** with **TED LEWIS** and his band, plus a swell **M-G-M** cast and Jerome Kern tunes is the surprise musical of the year.

YOUR HARVEST CONTINUES ON NEXT PAGE MR. EXHIBITOR—

". . . SHINE ON . . . . HARVEST MOON"

(The good news for Aug., Sept., Oct., Nov. continues—and that's just four months out of a long, prosperous year)

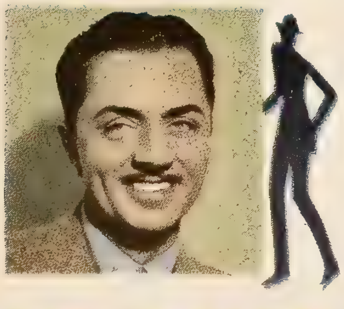

A TALE OF TWO CITIES
By CHARLES DICKENS
Starring
RONALD COLMAN
and big name cast, including
ELIZABETH ALLAN • BASIL RATHBONE
DUDLEY DIGGES • EDNA MAY OLIVER
CONSTANCE COLLIER • HENRY B. WALTHAL
REGINALD OWEN • WALTER CATLETT

OCTOBER 1935, FAMED DATE IN FILM HISTORY! "TALE OF TWO CITIES" IS THE REASON!

Imagine! "China Seas", "Karenina" and "Tale of Two Cities"—all within the space of a few weeks. Not to mention the Big Musical of the year (at the bottom of this page). Happy harvest to you!

Did you like Chester Morris' work in "Public Hero No. 1"? Watch for him in "PURSUIT" with another strong cast.

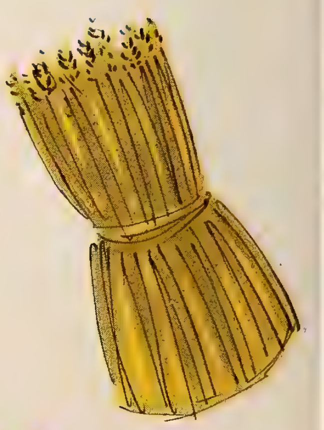
WARNER BAXTER SIGNED FOR "ROBIN HOOD OF ELDORADO" *(October release).* **THAT'S NICE!**



"THIN MAN" GETS FAT ROLE!

WILLIAM POWELL

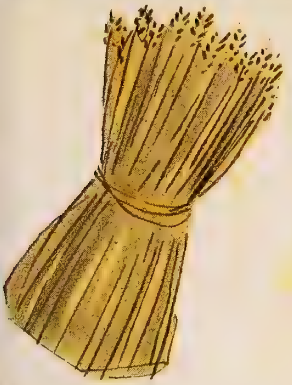
in Herbert O. Yardley's thrilling story of the Secret Service during the War! It's what the fans want! (Title to come).



AND HERE'S A PIECE OF NEWS FOR YOUR HARVEST FESTIVAL—THE MUSICAL GIANT!

"BROADWAY MELODY OF 1936"—

JACK BENNY, ELEANOR POWELL, ROBERT TAYLOR, SID SILVERS, BUDDY & VILMA EBSEN, FRANCES LANGFORD, SHIRLEY ROSS, UNA MERKEL, STUART ERWIN, JUNE KNIGHT, NICK LONG, JR., Etc.



YOU'LL REMEMBER NOVEMBER!

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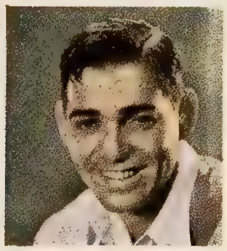
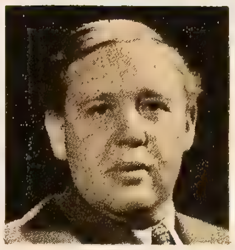
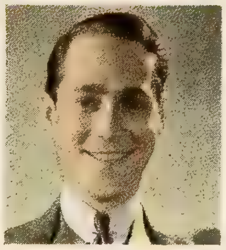


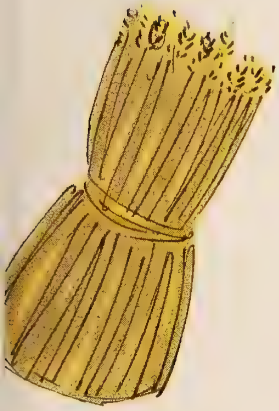




CLARK GABLE, CHARLES LAUGHTON, Franchot TONE

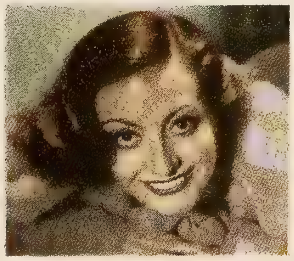
"MUTINY ON THE BOUNTY"

*H*ONESTLY, did you ever see the like of the entertainments coming from M-G-M this Fall? Unprecedented in all screen history! It's our biggest effort and your biggest opportunity. And to repeat, this is just the beginning of a long and prosperous year!



WHEN IRVING THALBERG *presents* THE MARX BROTHERS—

The Maestro of Movies, the Master Showman of them all . . . his "Night At The Opera" featuring the merry Marxes is the last word in hilarity, tried and proven in a series of tryout engagements on tour.



JOAN CRAWFORD

with the singing, dancing, suave comic of "Little Show", "Three's A Crowd", "As Thousands Cheer" and other Broadway $6.60 hits—

CLIFTON WEBB

Watch for title of the great entertainment in which Joan introduces him to the screen.

AND LET'S END THE HAPPY HARVEST ON A HIGH NOTE—

The Stars of "Naughty Marietta" in their eagerly awaited follow-up

Jeanette MacDONALD

Nelson EDDY

"LET FREEDOM RING"

(and talk about being independent. Here's how, on next page)

THE LION AT YOUR BOX-OFFICE!

THE FIRST COMPANY

in 1935-36 will present

49 Productions

6 SPECIALS: "China Seas," "Tale of Two Cities," "40 Days of Musa Dagh," "Wife vs. Secretary," "The Great Ziegfeld," "Broadway Melody of 1936."

22 STAR PRODUCTIONS
(2) Clark Gable. (2) Garbo. (1) Grace Moore. (3) Joan Crawford. (2) Jean Harlow. (1) Jeanette MacDonald. (1) Jeanette MacDonald-Nelson Eddy. (3) Lionel Barrymore. (1) Marx Brothers. (1) Norma Shearer. (2) Robert Montgomery. (2) Wallace Beery. (1) William Powell.

4 PROMOTION SPECIALS
New idea in film merchandising.

3 MUSICALS. With STAR Casts in famed vehicles of "Naughty Marietta" prominence.

14 MARQUEE PICTURES
The original popular policy of this series: timely stories, strong casts.

SHORTS!

8—Todd-Kelly
8—"Our Gang"
8—Charley Chase
6—"Crime Doesn't Pay"
6—M-G-M Star Musical Revues (Technicolor)
12—Pete Smith Sports Parade
12—M-G-M Miniatures (Pete Smith-Chic Sale)
13—M-G-M Happy Harmonies Cartoons (Technicolor)
10 Fitzpatrick Travel-talks (Technicolor)
104 Issues—Hearst Metrotone News

"She," Kemp's Band $21,000 In Pittsburgh

PITTSBURGH, July 22—Only the Stanley emerged unscathed during the terrific heat of last week, and this house skyrocketed to $21,000, or $8,000 above average, with "She" on the screen and Hal Kemp's band on the stage. Kemp has always been a big favorite here.

There wasn't anything else around, however, to bring a smile to the managerial faces. At the Alvin, a bill consisting of "It's a Small World" and "It Happened In New York" took a nosedive and was yanked after four days to a weak $2,000. "The Glass Key" was weak at $7,000.

Things were slightly better at the Warner, where "Loves of a Dictator" and "The Nit Wits" managed to keep the house out of too much red at $4,000, which, while nothing to brag about, isn't bad at this season.

Total first run grosses were $34,000. Average is $30,000.

Estimated takings for the week ending July 18:

"IT'S A SMALL WORLD" (Fox)
"IT HAPPENED IN NEW YORK" (Univ.)
ALVIN—(2,000), 25c-40c, 4 days. **Gross:** $2,000. (Average for six days, $4,000)

"THE GLASS KEY" (Para.)
PENN—(3,300), 25c-40c, 6 days. **Gross:** $7,000. (Average, $8,500)

"SHE" (Radio)
STANLEY—(3,600), 25c-55c, 6 days. Stage: Hal Kemp's band, Brodel Twins, Inez and DeWyn. **Gross:** $21,000. (Average, $13,000).

"LOVES OF A DICTATOR" (G. B.)
"THE NIT-WITS" (Radio)
WARNER—(2,000), 25c-40c, 6 days. **Gross:** $4,000. (Average, $4,500)

Heat, Competition Hit Buffalo Takes

BUFFALO, July 22.—Heat and a combination of outdoor attractions knocked the props from under box-office support here last week. The only house to come within shooting distance of normal was the Lafayette with a dual, "Party Wire" and "Shot in the Dark," which grossed $4,100, under par by $900.

The Cheektowaga dog track, ceremonies in connection with the opening of the Grand Island bridges and a Buddy Baer-Al Delaney fight, in addition to the ball games, made the going tough.

Total first run business was $21,200. Average is $37,300.

Estimated takings for the week ending July 19:

"SHE" (Radio)
BUFFALO—(3,500), 30c-55c, 7 days. **Gross:** $8,900. (Average, $13,500)

"MEN WITHOUT NAMES" (Para.)
"GOING HIGHBROW" (Radio)
GREAT LAKES—(3,000) 25c-40c, 7 days. **Gross:** $5,800. (Average, $7,000)

"ORCHIDS TO YOU" (Fox)
"CHASING YESTERDAY" (Radio)
HIPPODROME—(2,100), 25c-40c, 7 days. **Gross:** $5,500. (Average, $7,000)

"BLACK SHEEP" (Fox)
"HARDROCK HARRIGAN" (Fox)
CENTURY—(3,000), 25c, 7 days. **Gross:** $3,800. (Average, $4,800)

"PARTY WIRE" (Col.)
"SHOT IN THE DARK" (Col.)
LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $4,100. (Average, $5,000)

Out Hollywood Way

HOLLYWOOD, July 22.—Production on "Collegiate" at Paramount, in which JOE PENNER and JACK OAKIE are featured, held up by illness of Director RALPH MURPHY'S mother . . . He is in Holyoke . . . KAY LINAKER'S name changed to LYNN ACKER by Warners . . . Universal's "Stormy" going slowly at Tuba City, Ariz., with thermometer around 130.

TOM BAILY, former Paramount publicity chief, to do special exploitation at M-G-M . . . BARBARA, seven-year-old daughter of BILLY BLETCHER, entertained by JANE WITHERS on "Meal Ticket" set at Fox . . . LOU DIAMOND, head of Paramount's shorts department, talking product here.

✚

Casting—ALLEN JENKINS in Warners' "The Case of the Lucky Legs" . . . BUDDY ROOSEVELT in "Power Smoke Range," Radio . . . HAROLD DANIELS in "Hi, Gaucho," same studio . . . ROBERT WARWICK, RALF HAROLDE and FRANK MAYO added to "A Tale of Two Cities," M-G-M.

NICK FORAN to be starred in six westerns by Warners, with D. ROSS LEDERMAN directing . . . JOHN WRAY and BEULAH BONDI signed by Fox for "Bad Boy" . . . EDWARD SMALL adds to "The Melody Lingers On" cast WILLIAM HARRIGAN, DAVID SCOTT, FERDINAND GOTTSCHALK, INEZ PALANGE, GENARRO CURCI, FRANK PUGLIA, FRANCISCO MARAN.

✚

Writers—ROBERT T. KANE, Fox producer, signs HARLAN WARE, novelist and playwright, to term contract . . . Assigned to "Matinee Idol" . . . RAY HARRIS, EUGENE WALTER, OSCAR HAMMERSTEIN, ARTHUR SHEEKMAN finish at Paramount.

✚

Story Buys—LUCIAN CARY'S "I'm Coming Back to You" acquired by Paramount for GEORGE RAFT . . . DON TOTHEROH'S and GEORGE O'NEILL'S "Mother Lode" taken by Radio for RICHARD DIX.

✚

Title Change—"Vanishing Rider" changed to "Lawless Range" by Republic.

"She" Is Only Draw In Denver's Slump

DENVER, July 22.—A little more competition and there wouldn't have been any box-offices. The Elitch Theatre Stock, Central City play festival and amusements parks made the going rough. "She" was the only attraction to come within shooting distance of normal. It reached $4,000, under the line by $400, at the Orpheum.

Total first run business was $12,800. Average is $20,300.

Estimated takings for the week ending July 18:

"ORCHIDS TO YOU" (Fox)
ALADDIN — (1,500), 25c-35c-50c-60c, 7 days. **Gross:** $1,500. (Average, $2,000)

"ESCAPE ME NEVER" (U. A.)
BROADWAY—(1,500), 25c-40c, 3 days, following four last week. **Gross:** $400.

"THE RAVEN" (Univ.)
BROADWAY—(1,500), 25c-40c, 4 days. **Gross:** $600. (Average for week, $1,200)

"PARIS IN SPRING" (Para.)
DENHAM—(1,500), 25c-35c-50c, 3 days. **Gross:** $800.

"BY YOUR LEAVE" (Para.)
DENHAM—(1,500), 25c-35c-50c, 4 days. **Gross:** $1,500. (Average for week, $4,000)

"ESCAPADE" (M-G-M)
DENVER—(2,500), 25c-35c-50c, 7 days. Gross: $4,000. (Average, $5,000)

"SHE" (Radio)
ORPHEUM—(2,600, 25c-35c-40c, 7 days. **Gross:** $4,000. (Average, $4,600.)

Mon Randall Dead

HOLLYWOOD, July 22.—Funeral arrangements were being made today for Mon Randall, well known artist who specialized in black and white illustrations. He died at Corona from a heart attack Sunday at the age of 44.

Randall long was head of Universal's studio art department which he quit to join the M-G-M studio.

Harry Hicks, 49, Is Dead

LOS ANGELES, July 22.—Harry Hicks, 49, formerly chairman of the local clearance board and half owner of the Arlington, died here today of a heart attack. Surviving are his widow and a son, Don, who is with the Paramount exchange here.

"Doubting" Pulls $3,500 in Lincoln

LINCOLN, July 22. — "Doubting Thomas" was the big draw of the week here at the Stuart, doing $3,500. That is a gain of $800 and very nice. The Lincoln with "Keeper of the Bees," in for a full week, did very well, coming out with $2,100 which is only $100 under par.

The Orpheum, still using dual bills and getting a better break as the mercury sags did a nice $1,900 for the week, which is over its average.

Total first run business was $8,450. Average is $7,850.

Estimated takings:

Week Ending July 19:

"CODE OF THE MOUNTED" (Ambassador)
"HARD ROCK HARRIGAN" (Fox)
COLONIAL—(750), 10c-15c, 7 days, 2 changes. **Gross:** $950. (Average, $850)

"ORCHIDS TO YOU" (Fox)
"BLACK SHEEP" (Fox)
"HOORAY FOR LOVE" (Radio)
ORPHEUM—(1,200), 10c-15c-25c, 7 days. **Gross:** $1,900. (Average, $1,700)

Week Ending July 17:

"KEEPER OF THE BEES" (Republic)
LINCOLN—(1,600), 10c-20c-25c, 7 days. **Gross:** $2,100. (Average, $1,700)

Week Ending July 20:

"DOUBTING THOMAS" (Fox)
STUART—(2,000), 10c-25c-40c, 7 days. **Gross:** $3,500. (Average, $3,100)

Plan a Buchan Premiere

OTTAWA, July 22.—When Lord Tweedsmuir ascends the vice-Regal throne at Ottawa as the next governor-general of Canada, a picture from a story of which he is the author will be given a simultaneous Canadian premiere here and in other key cities of the Dominion.

As John Buchan, the newly-created baron wrote "The Thirty-Nine Steps" which is now a G. B. release and is to be marketed in Canada by Regal Film, Ltd.

Gates Goes to Films

Loew's Gates, Broadway and Gates Ave., Brooklyn, swings to pictures shortly after a vaudeville and film policy which has prevailed in that house for about 15 years.

"Escapade" Is Seattle's One Draw in Heat

SEATTLE, July 22.—"Escapade" was the only attraction in town to overcome the effects of a heat wave and top normal. It took $7,100, up by $100, at the Fifth Avenue and was held for a second week.

Next best draw was "Sanders of the River" which went to $3,850 at the Music Box. "She" was good for $3,250 at the Blue Mouse.

Total first run business was $27,700. Average is $30,000.

Estimated takings for the week ending July 19:

"SHE" (Radio)
BLUE MOUSE—(950), 25c-40c-55c, 7 days. **Gross:** $3,250. (Average, $4,000)

"ESCAPADE" (M-G-M)
FIFTH AVENUE—(2,500), 25c-40c-55c, 7 days. **Gross:** $7,100. (Average, $7,000)

"LET'S LIVE TONIGHT" (Col.)
LIBERTY—(1,800), 15c-25c-35c-50c, 7 days. **Gross:** $3,700. (Average, $4,000)

"SANDERS OF THE RIVER" (U. A.)
MUSIC BOX—(950), 25c-40c-55c, 7 days. **Gross:** $3,850. (Average, $4,000)

"THE ARIZONIAN" (Radio)
"CASE OF THE CURIOUS BRIDE" (F. N.)
ORPHEUM—(2,450), 25c-40c-55c, 7 days. **Gross:** $5,200. Average, $6,000)

"CHARLIE CHAN IN EGYPT" (Fox)
"BLACK SHEEP" (Fox)
PARAMOUNT — (3,050), 25c-35c-40c, 7 days. **Gross:** $4,600. (Average, $5,000)

"Spring Tonic" Is Top Oklahoma Draw

OKLAHOMA CITY, July 22.—"Spring Tonic" and a stage show for four days at the Liberty made the best comparative showing by getting $2,400. Average for a week is $2,500. "Ladies Love Danger," in the remaining four days, was pretty weak at $400.

"The Scoundrel" was good for a par $2,000 at the Capitol.

Total first run business was $12,300. Average is $13,500.

Estimated takings for the week ending July 20:

"ESCAPADE" (M-G-M)
CRITERION—(1,700), 10c-26c-36c-55c, 7 days. **Gross:** $4,500. (Average, $5,000)

"STRANDED" (Warner)
MIDWEST—(1,500), 10c-26c-36c-56c, 7 days. **Gross:** $3,000. (Average, $4,000)

"THE SCOUNDREL" (Para.)
CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $2,000. (Average, $2,000)

"SPRING TONIC" (Fox)
LIBERTY—(1,500), 10c-15c-26c-36c, 4 days. Stage show. **Gross:** $2,400. (Average week, $2,500)

"LADIES LOVE DANGER" (Fox)
LIBERTY—(1,500), 10c-15c-26c-36c, 3 days. **Gross:** $400. (Average week, $2,500)

Resume in Saskatchewan

REGINA, SASK., July 22.—The Saskatchewan Exhibitors' Ass'n. has been reorganized with P. W. Mahon of Prince Albert as president. The other officers are: Vice-President, Jack Fields, Capitol, Moose Jaw; secretary, Lary Grayburn, Metropolitan, Regina; treasurer, Walter Davis, Capitol, Regina. The association decided to be more active during the next 12 months and meetings are to be held at intervals in Moose Jaw, Regina and Saskatoon.

Charter N. O. Company

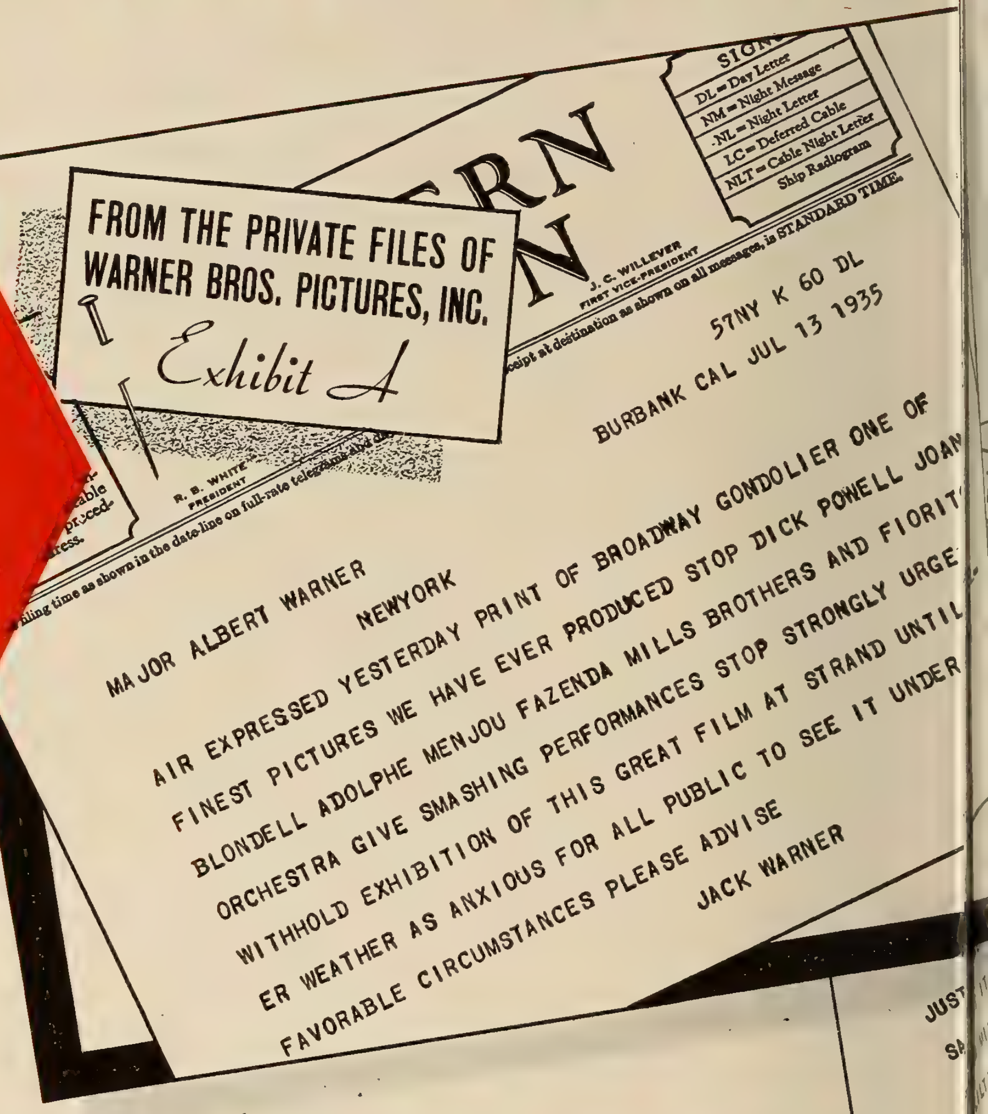
NEW ORLEANS, July 22.—The Lewis Amusement Co. has been incorporated by Lewis C. Plough, John McDermott, Jr., and Charles Mulla.

It's Got Love Italiano . . . It's Got Laughs Am

IT'S GOT NEW YORK

Boy what a show —and boy, oh boy, what showmanship they put behind its world premiere

...LOOK



FROM THE PRIVATE FILES OF
WARNER BROS. PICTURES, INC.
Exhibit A

57NY K 60 DL
BURBANK CAL JUL 13 1935

MAJOR ALBERT WARNER
NEWYORK

AIR EXPRESSED YESTERDAY PRINT OF BROADWAY GONDOLIER ONE OF
FINEST PICTURES WE HAVE EVER PRODUCED STOP DICK POWELL JOAN
BLONDELL ADOLPHE MENJOU FAZENDA MILLS BROTHERS AND FIORIT
ORCHESTRA GIVE SMASHING PERFORMANCES STOP STRONGLY URGE
WITHHOLD EXHIBITION OF THIS GREAT FILM AT STRAND UNTIL
ER WEATHER AS ANXIOUS FOR ALL PUBLIC TO SEE IT UNDER
FAVORABLE CIRCUMSTANCES PLEASE ADVISE
JACK WARNER

SIGN
DL = Day Letter
NM = Night Message
NL = Night Letter
LC = Deferred Cable
NLT = Cable Night Letter
Ship Radiogram
R. B. WHITE PRESIDENT
J. C. WILLEVER FIRST VICE-PRESIDENT
JUST
SA

"BROADWAY GONDOLIER"

The biggest show surprise in months..and this week's the week you get it from WARNER BROS.

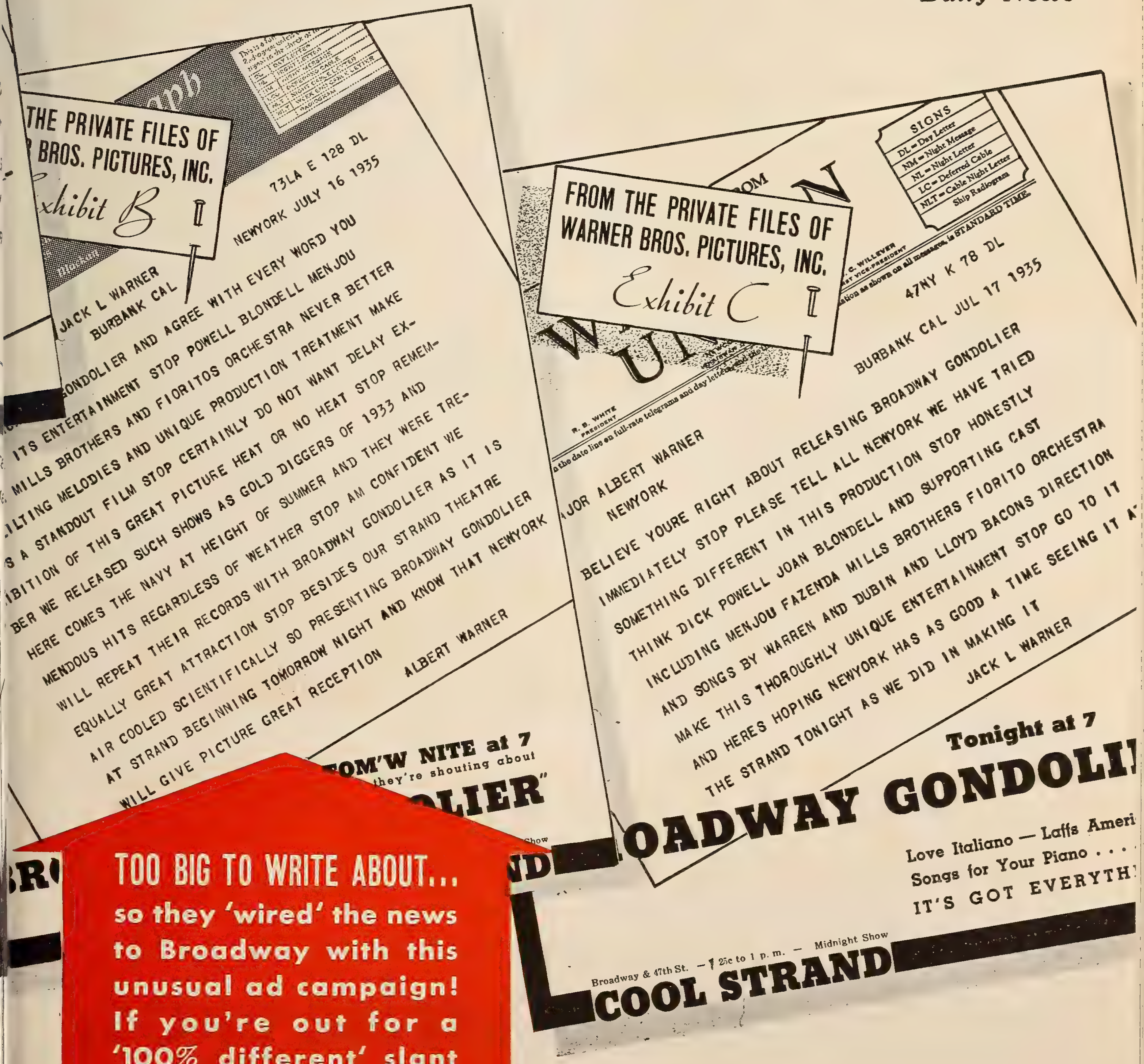
icano . . . It's Got Tunes for Your Piano – and

ET FOR A HOLDOVER!

'Delightful . . . plenty of laughs . . . the best Warner musical since '42nd Street!'
—*Evening Journal*

'Perfect midsummer entertainment . . . loaded with mirth . . . don't miss it!'
—*Daily Mirror*

'First rate . . . every musical comedy film fan will want to get an earful!'
—*Daily News*



THE PRIVATE FILES OF
BROS. PICTURES, INC.
xhibit B

73LA E 128 DL
NEWYORK JULY 16 1935
JACK L WARNER
BURBANK CAL
ONDOLIER AND AGREE WITH EVERY WORD YOU
ITS ENTERTAINMENT STOP POWELL BLONDELL MENJOU
MILLS BROTHERS AND FIORITOS ORCHESTRA NEVER BETTER
LILTING MELODIES AND UNIQUE PRODUCTION TREATMENT MAKE
S A STANDOUT FILM STOP CERTAINLY DO NOT WANT DELAY EX-
IBITION OF THIS GREAT PICTURE HEAT OR NO HEAT STOP REMEM-
BER WE RELEASED SUCH SHOWS AS GOLD DIGGERS OF 1933 AND
HERE COMES THE NAVY AT HEIGHT OF SUMMER AND THEY WERE TRE-
MENDOUS HITS REGARDLESS OF WEATHER STOP AM CONFIDENT WE
WILL REPEAT THEIR RECORDS WITH BROADWAY GONDOLIER AS IT IS
EQUALLY GREAT ATTRACTION STOP BESIDES OUR STRAND THEATRE
AIR COOLED SCIENTIFICALLY SO PRESENTING BROADWAY GONDOLIER
AT STRAND BEGINNING TOMORROW NIGHT AND KNOW THAT NEWYORK
WILL GIVE PICTURE GREAT RECEPTION
ALBERT WARNER

OM'W NITE at 7
they're shouting about
OLIER"

FROM THE PRIVATE FILES OF
WARNER BROS. PICTURES, INC.
Exhibit C

SIGNS
DL = Day Letter
NM = Night Message
NL = Night Letter
LC = Deferred Cable
NLT = Cable Night Letter
Ship Radiogram

47NY K 78 DL
BURBANK CAL JUL 17 1935
AJOR ALBERT WARNER
NEWYORK
BELIEVE YOURE RIGHT ABOUT RELEASING BROADWAY GONDOLIER
IMMEDIATELY STOP PLEASE TELL ALL NEWYORK WE HAVE TRIED
SOMETHING DIFFERENT IN THIS PRODUCTION STOP HONESTLY
THINK DICK POWELL JOAN BLONDELL AND SUPPORTING CAST
INCLUDING MENJOU FAZENDA MILLS BROTHERS FIORITO ORCHESTRA
AND SONGS BY WARREN AND DUBIN AND LLOYD BACONS DIRECTION
MAKE THIS THOROUGHLY UNIQUE ENTERTAINMENT STOP GO TO IT
AND HERES HOPING NEWYORK HAS AS GOOD A TIME SEEING IT A
THE STRAND TONIGHT AS WE DID IN MAKING IT
JACK L WARNER

Tonight at 7
OADWAY GONDOLI
Love Italiano — Laffs Ameri
Songs for Your Piano . . .
IT'S GOT EVERYTH
Broadway & 47th St. — 25c to 1 p. m. — Midnight Show
COOL STRAND

TOO BIG TO WRITE ABOUT...

so they 'wired' the news to Broadway with this unusual ad campaign! If you're out for a '100% different' slant why not pick it up?

RKO to Start Week Stands In the Fall

(*Continued from page 1*)

to the drawing power of the product itself.

In the season which is about to expire, only three pictures played the city circuit on week stands. Two, "Roberta" and "Gay Divorcee," happened to be Radio pictures and one, "G-Men," from Warners.

There is nothing of the fixed equation in connection with the anticipated 20 for 1935-36. RKO officials, knowing the uncertainties which enter into production, obviously have no way of figuring out how many pictures will hold up. Their conclusion that they may go as high as 20 may hit considerably below that total.

Plan Was Hinted July 5

That RKO was contemplating a wholesale change in booking policy for the new season was first touched upon by Red Kann in his *Insiders' Outlook* column in MOTION PICTURE DAILY July 5 when he said, in part:

> "An interesting plan is afoot at RKO—the circuit, not the film company. There, the powers that make decisions are manoeuvring with the idea of adopting week stands for their greater city first runs to displace the two-changes-a-week policy which now prevails as standard. The instances are not uncommon when attractions have held sway seven days hand-running in RKO houses; there was 'G-Men' lately, for instance. But the thought goes beyond sporadic bookings in favor of general bookings on the ground that many pictures can stand the gaff if given the chance.

Several Angles Held Important

> "Consideration accorded the idea suggests several angles which strike this department as being of moment. In the first place, the obvious but unexpressed conclusion is that the circuit will veer away from double features. In the second place, the hint is a pretty good-sized one that RKO executives are pinning much faith on the quality of the product for the new season. Without celluloid of merit, extension of runs is, of course, out of the question. With it, increased playing time becomes a logical course to pursue. From time to time, this column has sought to point out the inadequacy of a system which persisted in changing programs merely because the day of the week on which it was customary to do so had arrived.
>
> "One of these years, soon perhaps, distributors who are also in the theatre business, will abandon their antiquated and slavish fetish of running inferior product first run in their own houses on the ground it helps the subsequents which, incidentally are doing all right up and down the land, and make more playing time available for that percentage of their output which holds up. When that happens, merit will come into the reward it rates and mediocrity kept in the generous alley which always should have been reserved for it anyway.
>
> "Why there should be any hesitancy about conceding that a substantial portion of any major's output is second rate and maybe a notch beyond is something not easy to comprehend. Exhibitors know all pictures cannot click; they never have on any one program and, sad as it is to relate, probably never will. Forced draft applied to a weak sister may create some artificial excitement and, so, some artificial stimulus, but everyone knows the first thing that makes a picture successful is the picture itself. All else is supplementary and complementary. It would do distributors and theatres, as well, far more good to barrage heavily on the films that have what it takes than to putter about with those that haven't got it and won't acquire it no matter how valiant the effort placed behind them."

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Bonnie Scotland"

(*Continued from page 4*)

of a Bengal Lancer," with Jimmy Finlayson as a tough sergeant contributing laughs galore. The romance is also transferred to India with Anne Grey's attempt to marry Miss Lang off to a British officer with success, creating romantic entanglements.

The comedy is the usual stuff from here on, winding up in a blaze of laughs. Daphne Pollard and Finlayson give fine supporting portrayals. James Horne directed with a keen sense of comedy timing from an excellent screen play by Frank Butler and Jeff Moffitt. Art Lloyd and Welter Lundin's photography is good.

Production Code Seal No. 1055. Running time, 89 minutes. "G."

"The Old Homestead"

(*Liberty*)

HOLLYWOOD, July 22.—Although described on the main title as being based on a modern version of the play, this picture bears no resemblance to the famous melodrama. It is, nevertheless, an amusing musical well played by a capable cast.

The story concerns a troup of hill-billy entertainers who are taken to New York for a radio engagement. Mary Carlisle, niece of Willard Robertson, who manages the boys, is in love with Lawrence Gray, star soloist. When the boys score an overnight success Gray succumbs to the wiles of Dorothy Lee, and, to retaliate, Miss Carlisle encourages the attentions of Eddie Nugent, radio star.

Robertson, meanwhile, though supposed to act as company chaperone, falls for Lillian Miles, a gold digger who proves finally to have a heart of gold.

As these romances are straightened out, some catchy musical numbers are introduced, and some clever comedy touches are supplied by Fuzzy Knight. Director William Nigh has not taken the plot too seriously and has concentrated on getting the numbers across. Individual performances, particularly those of Miss Lee, Miss Carlisle and Miss Miles are good. Knight, and a quartette billed as "Sons of the Pioneers," make their numbers effective.

Screen play and dialogue are by W. Scott Darling, while the musical numbers are credited to a dozen different writers. The picture has enough production values to satisfy most of the smaller houses.

Production Code Seal No. 762. Running time, 69 minutes. "G."

Coast ITOA Picks Date

HOLLYWOOD, July 22.—The local Independent Theatre Owners' Ass'n. has decided on July 29 as the date for a general membership meeting at which time officers for a new board of directors will be elected.

Ohio Censor Leaders Not Interrupted Yet

CLEVELAND, July 22.—Reports from Columbus to the effect that the Ohio censor board may soon be without sufficient funds to buy the censorship leaders attached to all films are not taken seriously here.

The leaders are still coming through and exchange managers point out that the $3 per reel censorship fee is expected to give the board an income of $100,000.

Allied Regionals Set

BOSTON, July 22.—A series of regional meetings will be held throughout New England by members of Allied, beginning Aug. 4 at White River Jct., Vt. The five-day trip has been moved ahead from July 20. Nathan Yamins is scheduled to go along on the trip through Vermont, New Hampshire, Massachusetts and Maine, accompanied by other national and local officials.

Sten in British Film

LONDON, July 22.—Garrett, Klement Pictures, Ltd., have signed Anna Sten to appear in the first of a series of features they plan to make at the British & Dominion Studios. General Film Distributors will handle the Garrett, Klement product.

Amity Marks Circuit Buys For New Year

(*Continued from page 1*)

Loew's, illustrating the absence of product worries for the two leading New York circuits such as have confronted them in other seasons.

Loew's new season product lineup here includes the following deals already closed: M-G-M, 52; United Artists, 14; Paramount, 32; Columbia, 40, and 18 from Universal under a deal closed yesterday. In addition, there probably will be 30, or half of the Warner lineup available. RKO has closed for 50 from Radio and 65 from 20th Century-Fox. In addition, there are expected to be available to it one-half of the Warner lineup, one-half of Universal and one-half of Paramount, or an additional 80 features. There will also be available what is regarded as a rapidly improving independent output and a few suitable foreign-made features.

RKO was faced with a serious product problem for its metropolitan houses at the height of the buying season last year, which was only relieved when Loew's relinquished to it Columbia, Universal and Fox product. Loew's have about 70 houses in the metropolitan area and RKO about 40.

Fox Illness Halts Hearing for a Week

MINEOLA, L. I., July 22.—William Fox was temporarily relieved today of the burden of answering questions in an examination before trial of a stockholders' suit for an accounting pending against him when former District Attorney Elvin N. Edwards, presiding as official referee of the examination, learned from the defendant in Nassau Supreme Court here that illness made it impossible further to submit to the quiz at present.

Upon recommendation of Benjamin Reass, Fox's counsel, Edwards agreed to an adjournment of the examination until next Monday, meanwhile indicating he would appoint a physician to inquire into the theatre magnate's condition.

The examination began July 15 with George Richards, counsel, conducting the examination.

Honolulu's Biggest Theatre Man in N. Y.

Esmond Parker, president and general manager of the Consolidated Amusement Co., Ltd., of Honolulu; Allab Davis, vice-president of the Hawaii Trust Co., which is financially interested in Consolidated, and Fred Williams, domestic representative of the circuit, with headquarters in San Francisco, are in New York for several weeks. Consolidated, which is the dominant theatre factor in the islands, also operates the Pacific Theatre and Supply Co., an exchange which serves outside theatres.

At the Waldorf the group is being taken in hand socially by sales managers who have visited Honolulu. Last night was Felix Feist's night. Gradwell Sears and Neil F. Agnew come later.

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MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

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Swift Spread Of Giveaways Hits Industry

Some States Putting Up Legal Opposition

Giveaways and various forms of prize games have swept the country so swiftly since code restrictions were ended that few places are left, especially in subsequent run and neighborhood houses, where they are not the rule rather than the exception.

To get a broad view of the current situation Motion Picture Daily has had its correspondents make a study of the situation.

Dispatches on pages 14 and 15 show the extent of the spread in some of the more important localities. Other reports and comments will follow in later issues.

In Chicago alone it is estimated that more than $50,000 a week is being given away in prizes. In Texas, Kansas City and some other places larger circuits are fighting the box-office stunts in downtown houses, but are meeting competition in smaller places.

In Ohio, Michigan and Wisconsin local authorities have threatened prosecutions and this has had a deterrent effect. New England is going for all kinds of stunts in a big way.

Kalmus Sails After Closing Color Deal

By BRUCE ALLAN

London, July 23.—Herbert T. Kalmus, Technicolor head, left for the United States today aboard the *Normandie* after having formed Technicolor, Ltd., a wholly-owned American company. Finances for the British plant will come from Sir Adrian Baillie, Alexander Korda and Gerrard Industries, with Kalmus providing the technicians. Operations are expected to start early in 1936. The plant will be open to all producers.

It was announced by Korda that

(*Continued on page* 16)

Appeals May Delay Pathe's New Setup

Consummation of Pathe's reorganization plan will face further delay if Pat Casey and E. B. Derr appeal from denials of their applications for injunction to restrain Pathe directors from putting the plan into effect and from selling 1,400 shares of Pathe's 49 per cent stock interest in Du Pont Film Mfg. Co. An intention to file an appeal from Su-

(*Continued on page* 15)

Star on the Horizon

WITHIN the industry, the acknowledgment is general now that the quality of the product has improved. Outside the industry newspaper and editorial comment reflects in a measure far more generous than has prevailed before the job Hollywood at large is doing these days. There has been a visible appreciation in large segments of the nation's press of the problems inherent in the changeover and a well-defined willingness to credit the industry with honesty of intent and recognition of accomplishment.

Partially because of the caustic criticism which prevailed in an earlier day which is by no means a far off day as time slips by and partially because of a decision, too late arrived at, to move along the screen to an earlier maturity, major producers today are regularly delving into the realms of classics, near and far, and into regions heretofore only lightly and sporadically touched upon for fruitful and more intelligent entertainment.

▼

THE results, as far as they have gone, have been definite enough and successful enough within and without to completely justify the latter day trend in the making of pictures. Yet as far as they have gone, there is looming now on the fall horizon and the months immediately thereafter an event, major—very major—in importance. It is the production by Max Reinhardt for Warners of "A Midsummer Night's Dream."

Faithful to the play as The Bard wrote it, rich in beauty and imagination, shot through with brilliance in ballet and the Mendelssohn music, as well as with acting, photography, lighting and technical perfection, this production, now and weeks before it plays its first roadshow engagement, must of necessity be recorded as a highlight of the new season.

No one, of course, can foretell what will issue forth from Hollywood next season. No one, obviously, can know to what new heights the enterprise and the ingenuity of Hollywood's producers will send this business in 1935-36. Yet whatever may emerge and no matter what the source, including that which is responsible for this notable endeavor, it is difficult to conjure any attraction which can surpass for worthwhile and courageous enterprise that which the Warners have essayed and accomplished in the famous Shakespeare fantasy.

▼

BECAUSE of the spread of the canvas on which its charm has been portrayed and registered, because of its superb craftsmanship and loveliness and because this business needs "A Midsummer Night's Dream" and others of its girth, the attraction, while of Warners actually goes beyond and becomes something of the industry and for it. There should be, and it is now urged, a coalition of effort to give this production a fanfare and a play from all hands in reward for its having been made.

"A Midsummer Night's Dream," formidable as an undertaking and eminently well qualified to stand on its own, suggests widespread industry cooperation, for nothing but substantial good can come from its showings up and down the land.

In it is another answer, complete and convincing, of the capabilities and of the intentions of the industry to fashion its wares in good taste and in keeping with the highest possible standards in the motion picture or any other art form.

Code Affairs End July 31; Refunds Due

Cash Totals $15,999.50, With $7,874 in Checks

Code Authority affairs will be wound up and its offices in the RKO Bldg. closed on July 31, John C. Flinn, executive secretary, reported yesterday. A final item of business will be the refunding to industry members of $15,999.50 in cash and the return of undeposited checks amounting to $7,874.16. These funds represent Campi's balance after the payment of all bills.

Liquidation of Campi's affairs here, in Hollywood and in 33 exchange centers has been completed by the organization's finance committee and its financial operations have been audited up to July 13 by Price, Waterhouse & Co. The audit showed that a total of $341,880.37 was contributed to the support of Code Authority after the beginning of its operations, Dec. 7, 1933, made up of $183,089.37 from the producer-distributor group and $158,791 from the exhibitor group. In the division of surplus cash, therefore, producer-distributor contributors in good standing as of last May 27 will receive refunds aggregating $8,-

(*Continued on page* 15)

No Early Report on Voluntary Code Seen

No meeting of the Code Authority committee named to report on a voluntary industry code under the new NRA is expected for some time yet, a spokesman for the committee reported yesterday.

Austin Keough, designated to make a report to the committee, is deferring his study until new NRA procedure has been crystallized and the action of other industries in connection with voluntary codes has been observed, it was said. J. Robert Rubin, chairman of the committee, is vacationing abroad.

Variety Executive Post Set for Flinn

John C. Flinn, executive secretary of Code Authority, will assume an executive editorial post on the weekly theatrical publication, *Variety*, on Aug. 1, it was stated yesterday.

Flinn, who has had wide experience in executive positions in the industry over a period of years, served as executive secretary of Code Authority from the inception of that body in 1933.

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Berenson's $35,000 Claim to Be Fought

Objections to Lawrence Berenson's $35,000 claim against Paramount will be filed and the expunging of the claim asked as a result of a memorandum from Federal Judge Alfred C. Coxe yesterday upholding the report of Special Master John E. Joyce who held that Berenson probably had no legal grounds for a claim.

Joyce's ruling was made in connection with a petition from the Paramount trustees for leave to settle the $35,000 claim for $20,000. Berenson, an attorney, filed the claim for services rendered a Paramount stockholder who brought an action to restrain Paramount from concluding stock repurchase agreements.

Astor Seeks "Crusades"

Negotiations for booking Paramount's "The Crusades" as an opening attraction for the remodeled Astor on a two-a-day policy are nearing completion and may be closed today, it is learned. The picture will go in for an indefinite run after the reopening of the house by Joseph Plunkett and S. S. Krellberg on Aug. 6.

Hobart Cavanaugh
in
"DON'T BET ON BLONDES"
WILLIAM MORRIS OFFICE

Purely Personal

BORIS SHUMIATSKY, head of the Soviet film industry; FRIEDRICH ERMLER, president of the All-Union M. P. Directors and Actors' Assn., and VLADIMIR NIELSEN, president of the faculty of cinema technicians of the State M. P. Institute, Russia, arrive in New York from the coast today. They will sail for home on the *Normandie* July 31.

•

JOHN MEEHAN, special representative for Spectrum Pictures, gets back in town today after a year's tour of the country.

•

HERB WILLIAMS, who has just finished work in Paramount's "Rose of the Rancho," will return to New York by train on Friday.

Quip of the Day

Milton Greenspan, the young amateur astronomer who has been astonishing scientists lately by predicting earthquakes on schedule, may have a future in this industry.

Fox studio employes are figuring what a big help he would have been.

E. A. SCHILLER has returned from Chicago, where he has been busy on theatre plans there for the Loew circuit.

•

HAL HODE has completed a spiritual called "Lazarus," for which DONALD HEYWOOD wrote the music. It is to be published by Handy.

•

BOB HOPE begins work tomorrow on a Vitaphone two-reeler. JOHNNY BERKES, LORETTA SAYERS and JULES EPAILLY are also in the cast.

•

SAM SAX was host yesterday to 30 officers and men of the visiting British cruiser *Dundee*, at the Brooklyn Vitaphone plant.

•

FRANK PLANAS, Warners' manager in Puerto Rico, has arrived here for home office conferences. He'll be here about a week.

•

LEE TRACY expected in town shortly, a broadway play in the fall being his objective.

•

AUSTIN PARKER is forgetting his hat, scripts, etc., in restaurants. He blames it all on the heat.

•

LOU ABRAMSON, secretary of Allied T. O. of Illinois, is in town for a brief visit.

•

BOB WOLFF, manager of the local RKO Radio exchange, will be a year older tomorrow.

•

RUPERT HARGRAVE's story, "Elice the Magnificent," has been bought by STANLEY BERGERMAN.

•

JOE RIVKIN is back from the coast. He 'planed it both ways.

•

BEATRICE LILLIE, LEE SHUBERT and OLIVER MESSEL get in today on the *Berengaria*. BERNICE CLAIRE also returns from abroad today on the *Champlain*.

•

EDITH WHARTON's "The Old Maid" has been acquired by Paramount.

•

. . . Baltimore

SOL SHECHTER, of the Rex, and SALLY MINTER were married recently and spent their honeymoon in Atlantic City.

DAVE KEYSER, builder and painter of theatre fronts, spent a few days in Atlantic City.

HARRY VOGELSTEIN, poster man, and MRS. VOGELSTEIN go to Atlantic City Aug. 4 for a month.

GEORGE BROWNING, Warners' Stanley publicist and radio and movie writer for the *North Baltimore Home News*, is gaining quite a following through his broadcasts each Friday evening at 6.45 P.M.

NORRIS NELSON, house manager at Warners' Stanley, has returned from a vacation in Florida.

JOE GRANT, proprietor of the Dunbar, has left for a sea trip through the Panama Canal to California. He will be gone until early September.

•

. . . Houston

FRANK STARZ, southern publicity director for Interstate, spent a couple of days here and talked summer attraction, new bookings and golf.

HOMER MCCALLON turned out with a dinner and preview of "Public Hero No. 1" for critics, police reporters and police captains. E. B. COLEMAN of M-G-M was a guest.

BOB KELLEY, Metropolitan press agent, has returned from his honeymoon. HOMER JORDAN, KELLEY's assistant, will follow his boss' example next month.

RUBINOFF, who played a week at the Met, is still the talk of the town. He lost $2,000 from a makeup box in his dressing room, had an enormous capacity for soft shelled crabs and made good copy for the dailies.

L. O. DANIEL, JR., is manager, publicity director, ad writer, artist, floor manager and copy boy for the Delman, a suburban subsequent run.

RAY JONES, Majestic manager, has sent postcard pictures of his new boy (10 pounds at birth) to all his friends. It's his second son.

FRANCIS DEERING of Loew's State and MRS. DEERING are on a three-week vacation. They drove to the old home town, Richmond.

•

. . . Kansas City

BARNEY JOFFEE, manager of the Tower and Downtown, has left on a two-week vacation in California.

LAWRENCE LEHMAN of the Mainstreet is on a motor trip, mostly north in direction. Quebec will be one stop.

JOHN MCMANUS, Loew's Midland maestro, is motoring with his family to the east and Canada.

Understudies in charge are JAMES MAJOR at the Midland; JOE REDMOND, Tower, and LOU MAYER, Mainstreet.

R. R. BIECHELE, K.M.T.A. secretary and operator of the Osage, Kansas City, Kan., will leave shortly for Minnesota on vacation.

A. J. SIMMONS, member of the K.M.T.A. grievance board, is another exhibitor who shortly will holiday it—in California.

SAM ABEND, Film Delivery, leaves shortly for Colorado with MRS. ABEND. EARL JAMIESON of this firm is in Washington.

RKO to Appeal from Arbitration Ruling

An appeal from the state court order, which was made public yesterday, confirming the arbitration award to Clinton-Apollo Theatres, Inc., against RKO, will be taken during the next 30 days, attorneys for RKO said yesterday. The award grants Clinton-Apollo total damages of $40,000 and directs specific performance of RKO's leases on the Apollo and Hollywood, particularly as to booking policies, in the future.

RKO, in a cross motion to vacate the award, objected to the latter part of it, contending that the arbitrators did not have the power to direct specific performance of the leases inasmuch as RKO could not control releasing arrangements on the product involved. The award was confirmed and RKO's cross motion to vacate denied by Justice Lauer in state supreme court.

Code Seals Will Be Changed on Aug. 1

To effect cost and running time reductions, production code seals after Aug. 1 will appear on all approved features and shorts only as part of an introductory frame, instead of in a separate frame preceding the title, as has been done in the case of features heretofore, it was stated yesterday at the M.P.P.D.A. No change will result in the case of short subjects, which have not carried the seal of approval in a separate frame.

In addition to the economies to be realized, it was said, the change will also result in uniform display of the code seals on all approved pictures.

Progress Pictures Formed by Mountan

Progress Pictures, Inc., has been formed with Dave Mountan as president for the production and distribution of from 18 to 24 features, including six westerns. Howard S. Hummell will be in charge of production.

Studio City, Inc., recently built by Hummell in Chicago, will be the production center of the new company. Negotiations are now under way for a production staff and casts. The first picture is scheduled to start Aug. 5.

Approval Predicted For A. T. & T. Cable

WASHINGTON, July 23.—That the Federal Communications Commission will allow A. T. & T. to lay a television coaxial cable between New York and Philadelphia despite the objections of independent producers and radio interests has been learned here. A formal approval is expected to be signed Wednesday.

Christie Resumes Work

Al Christie resumed shooting on another two-reel comedy for Educational at the Astoria studios yesterday when the latest Ernest Truex comedy went into work. On completion of the Truex film, Christie will make one featuring Tom Howard and one with Joe Cook.

IT'S THE

That M-G-M line-up for Aug., Sept., Oct., Nov. has electrified the industry Happy harvest to you Mr. Showman We begin with the Giant Hit "CHINA SEAS" (*Clark Gable, Jean Harlow, Wallace Beery*) Then there's "ANNA KARENINA" (*Garbo, Fredric March, Freddie ("Copperfield") Barthelomew* In between come pleasant interludes like "O'SHAUGHNESSY'S BOY" (*Wallace Beery, Jackie Cooper*) and Laurel-Hardy's roaring, full-length "BONNIE SCOTLAND" "TALE OF TWO CITIES" (*Ronald Colman and Great Cast*) will make exhibition history Along comes the stage triumph "THE BISHOP MISBEHAVES" followed by JOAN CRAWFORD'S biggest dramatic role in "GLAMOUR" "BROADWAY MELODY OF 1936" is the Musical Giant of the new season (*Jack Benny heading cast of 15 electric light names*) "MUTINY ON THE BOUNTY" (*Clark Gable, Charles Laughton, Franchot Tone*) is just one reason why you'll remember November Others are the grand picture (*title to come*) in which JOAN CRAWFORD introduces CLIFTON WEBB to the screen. Also "LET FREEDOM RING" (*Jeanette MacDonald, Nelson Eddy*) the long-awaited follow-up to "Naughty Marietta" The Marx Brothers in "A NIGHT AT THE OPERA" and Bill Powell's new Secret Service drama and "ROBIN HOOD OF ELDORADO" (*Warner Baxter*) These are just highlights in the first four months of your HAPPY NEW YEAR!

Mass. Asks $600,000 Of Chase Securities

Boston, July 23.—Suits seeking $600,000 have been brought against the Chase Securities Corp., now known as Amerex Holding Corp., an affiliate of Chase National Bank, by the Massachusetts bank commissioner.

A statement issued today by the commissioner's office said the corporation had sold stock to a group of closed banks "before they were taken into the posession of the commissioner," adding that "it is sought to declare the various sales void on the grounds that the same were fraudulently issued by the parent company and that the securities sold were not qualified for sale under the so-called blue sky law of the commonwealth." The commissioner demands the return of the purchase price with interest.

The banks cited are the Inman Trust Co., Medford Trust Co., Belmont Trust Co., Lawrence Trust Co., Revere Trust Co., Charlestown Trust Co., Plymouth County Trust Co. and Western Massachusetts Bank and Trust Co.

The action concerns the industry in that the closed banks were affiliated with Chase, which plays a large part in film activities.

Lowe Scenario Head Of 20th-Fox Studios

Hollywood, July 23.—Edward T. Lowe today was made scenario head of the 20th Century-Fox studios, having formerly been in an assistant capacity with the Sol Wurtzel unit.

Joseph C. Shea, assistant publicity director under Gabe Yorke at the studios, has resigned. He is now in New York on a vacation. Among those who have been dropped by the company are Joseph Reilly, studio police chief; John Krimsky, production assistant, and Pietro Gentile, an actor.

Mrs. Paper Gets $11,754

Lincoln, Neb., July 23.—Augusta Paper has been awarded a judgment of $11,754 in her $31,090 suit against the Lincoln Theatre Corp. of Nebraska. The suit grew out of a contract made between the defendant and Nick Paper, the plaintiff's husband, on July 3, 1930, in which the latter was to have the management of the Capital and Rialto at a salary of $75 a week and was to be indemnified against loss. Mrs. Paper brought suit on the assignment of the claim to her by her husband.

Hal LeRoy in Collapse

Cincinnati, July 23.—Hal LeRoy suffered a nervous collapse on the witness stand in Common Pleas Court here today while testifying in his suit against his father for an accounting of $70,000 held in a joint bank account. The dancer was taken to his suite in the Netherland-Plaza to recover. LeRoy charges his father, who has been acting as his manager, with misappropriation of funds.

Pine Is Flying East

Hollywood, July 23.—Bill Pine, Paramount studio publicity head, is flying to New York for home office conferences. Bill Thomas is subbing for him.

Variety Club Chatter

Cincinnati

Cincinnati, July 23.—The big noise around local headquarters this week is the picnic scheduled for Saturday at Stricker's Grove, suburban. This is the second annual affair, and, as last year, the proceeds will go to the Film Board relief fund. Joe Kolling and Bill Onie are handling sale of tickets.

John Schwalm, non-resident of Hamilton, was circulating around the club rooms last week.

Columbus

Columbus, July 23.—The annual golf tournament and dinner dance will be held at the Wyandotte Country Club, Aug. 5. Billy James heads the committee in charge.

Weekly luncheons have been discontinued for the summer. Barkers George Trautman and William Griffith of the Columbus baseball club entertained the entire membership at a buffet dinner and at a night game. Mike Ryba, star player, was presented a floral tribute.

Chief Barker Duke Clark, with Mrs. Clark, celebrated their silver wedding anniversary. Mrs. Clark was presented a medal for having lived with Duke for such a long time and also was given a silver tea service.

Barker Charles Winthrop and Mrs. Winthrop are celebrating the arrival of a boy.

Father Corbett, club chaplain, has sent greetings from Hollywood where he is conducting a mission.

Barkers Al Haft, Lew Byrer, Russ Needham and Ed Penisten entertained the club at a golf tournament at the Haft cottage, Buckeye Lake.

The club has been given a fine old collection of theatrical photos, billboards and hand bills dating back to 1862.

Des Moines

Des Moines, July 23.—August 12-13 has been set for the local Variety Club golf tournament which will be held over the Hyperion Club course, according to L. M. McKechneay, Tri-States treasurer, in charge of the meet.

The entry list should run well over 100, McKechneay stated, which will be made up of local and state golf enthusiasts. Prizes will be awarded for each flight of eight in the scoring rounds. Entry fees have been set at $5 for men and $1 for women which also includes an evening of entertainment Aug. 13 at Riverview Park.

Milwaukee

Milwaukee, July 23.—The first of several social events to be staged by Variety Club is slated for July 29 at Lake Geneva and will be in the form of a golf tournament and dinner dance. The committee in charge includes E. J. Weisfeldt, Charles Braun, Oscar Ruby, Jack Lorenz and George Levine.

Washington

Washington July 23.—Tent No. 11 barkers became mariners and held the first annual Variety Club show boat cruise, chartering the Wilson Line's *City of Washington* for a three-hour ride down the Potomac.

More than 1,100 barkers, friends and guests made the trip, which was second in size only to the annual banquet last fall.

Although rain fell in the early evening Skipper Carter T. Barron made necessary arrangements with the weatherman, and calm waters prevailed for the trip and before the boat docked stars were twinkling and the moon was shining through the rifts of a mackerel sky.

Dancing formed the main diversion of the evening—or rather, morning—with the phenomenal number of four orchestras furnishing the music. Engaged especially for the cruise were Jolly Coburn's Rainbow Room Orchestra (by courtesy of Loew's Fox) and Ina Ray Hutton and her Melodears (by courtesy of the Earle). Supplementing these two, which, in themselves, would have proved sufficient attraction for the cruise, there were the orchestras from the Earle and Loew's Fox.

Besides the entertainment carried by the star acts Erner & Fischer and Mae ("Betty Boop") Questel, from Loew's Fox, and Sammy Cantor and Terry Howard from the Earle added to the entertainment. Paul Gerrits and Jack Pepper, while called upon, did not do anything more than acknowledge their ovations.

From New York, Philadelphia, Baltimore, Richmond, Lynchburg, Petersburg and many other cities came representatives and guests.

She Slept

Philadelphia, July 23.—Fred Glass, manager of the Fox, posted a $5 bet no woman would dare sleep alone in the theatre over night after seeing "The Bride of Frankenstein."

Mrs. Bonnie Hayes, local housewife, accepted Glass' defy, curled up and fell asleep. Collecting her wager, next morning she told a reporter she had not slept so soundly in years. So the *McCook Daily Gazette* played the yarn front page.

50 Join Writers' Guild

Hollywood, July 23.—The membership of the Screen Writers' Guild was increased by 50 at a meeting last night, bringing the total to 789. Among the new members are George S. Kaufman, Morrie Ryskind, Dashiell Hammett, Robert Benchley, Alice Duer Miller, Edward Childs Carpenter and Laura Perlman. It was announced 400 reservations have been made to date for the annual dinner-dance, with the goal set at 750.

Meighan "Very Good"

Thomas Meighan was reported in "very good" condition last night at Doctors' Hospital, where he was recently operated on for a congestion of the bronchial tube.

Progress Predicted For Hungarian Film

Washington, July 23.—Progress made in the Hungarian industry in 1934 appears likely to continue during the current year, according to a report from the American consulate-general in Budapest, made public by the U. S. Department of Commerce.

During the first five months of 1935, the report shows, the Hunnia Film Studio produced five sound features at a total cost of 890,000 pengo ($156,000). The largest undertaking was a production entitled "Little Mother" with German dialog. This picture proved to be the biggest domestic success of the season.

The new Hungarian code now under consideration, the report states, will prohibit cumulative acquisition of theatre licenses. Films will be placed under the jurisdiction of the newly organized Ministry of Industries, the artistic supervision remaining with the Ministry of Public Education and censorship and political and moral issues with the Minister of Interior. License holders financially unable to operate theatres will be required to surrender their licenses.

Compulsory synchronization in Hungarian of a contingent of foreign films may be put into effect, the report states. In order to protect exhibitors in the provinces currently exhibiting Hungarian films, the Minister of Interior has instructed local authorities to refrain from using amusement permits for other forms of amusement on days when such films are shown.

Says Amateurs Will Force Color Films

Boston, July 23.—Colored films will be forced upon the screens of theatres by amateur photographers, predicts Prof. Arthur C. Hardy of the Massachusetts Institute of Technology and of the S. M. P. E. in the current issue of the *Technology Review*.

Amateur cinematographers are making colored movies of good quality at the present time, the article continues. They will demand the beauty of colored films from producers, since few technical difficulties stand in the way at present.

The several attempts at colored pictures just before the advent of sound were not successful, according to the vice-president of the Optical Society of America, since the color was of poor quality. The quality with the new processes is such that the public will demand color just as it insisted on sound, he says.

Ohio Again Censors Newsreel Showings

Columbus, July 23.—After having been exempt from censorship for more than two years, newsreels in Ohio again come under scrutiny, according to the law which became effective last week. This is due to an omission in wording in the bill increasing censorship fees from $1 to $3 per reel.

The law heretofore in effect specified censorship of all film except newsreels. However, in drafting the bill to increase the fees, the words "except newsreels" were omitted. Whether this was intentional or otherwise is not known.

"Curly Top" is Shirley's Top

"SHIRLEY'S FINEST PICTURE HAS EVERYTHING TO MAKE IT A SPECIAL!"

—*Hollywood Reporter*

"WILL PROBABLY SCORE THE BOX-OFFICE HIGH FOR TEMPLE PRODUCT TO DATE!"

—*Variety Daily*

"SURE TO BE A BOX-OFFICE CLEAN-UP WHEREVER AND WHENEVER PLAYED!"

—*Motion Picture Daily*

A JOY PACKAGE OF

5 GREAT MELODIES

Shirley sings: "Animal Crackers In My Soup" and "When I Grow Up"

John Boles sings: "It's All So New To Me" and "Curly Top"

Rochelle Hudson sings: "The Simple Things In Life"

—and Shirley dances plenty!

GLORIOUS SURPRISES

—ribboned with laughter, music and romance!

NEVER a picture like it for making every emotion soar with pure happiness. Shirley as she really is . . . a singing, dancing, mischievous sprite . . . awakening a chuckle in every heart and a romantic glow on every cheek as she unites two bashful lovers . . . bringing down the house in a pandemonium of applause with *the most amazing stepping ever seen!*

SHIRLEY TEMPLE

in

"Curly Top"

with

JOHN BOLES

ROCHELLE HUDSON

JANE DARWELL

Produced by Winfield Sheehan

Directed by Irving Cummings

Music by Ray Henderson

Screen play by Patterson McNutt and Arthur Beckhard

Lyrics by Ted Koehler, Edward Heyman and Irving Caesar

YOU HAVEN'T A SHOW WITHOUT **FOX**

A RARE BIRD—

A WHITE MAN

MARTIN QUIGLEY
20TH
Anniversary
MOTION PICTURE HERALD

MOTION PICTURE HERALD HAS THE HONOR TO ANNOUNCE FOR PUBLICATION IN SEPTEMBER A SPECIAL EDITION IN TOKEN OF THE 20TH ANNIVERSARY OF MR. MARTIN QUIGLEY IN SERVICE OF THE MOTION PICTURE INDUSTRY

THE EDITOR

MARTIN QUIGLEY

IS ONE OF THE BEST INFLUENCES IN THE MOTION PICTURE BUSINESS. HIS EVERY EFFORT HAS BEEN CONSTRUCTIVE. WHILE HE PUBLISHES A WEEKLY AND A DAILY MOTION PICTURE PAPER, HE HAS BEEN WISE ENOUGH TO CONSIDER THE GOOD OF THE WHOLE INDUSTRY RATHER THAN HIS OWN PERSONAL AND SELFISH GAIN. HE IS REALLY A RARE BIRD, WHICH, IF I REMEMBER MY LATIN, IS A RARA AVIS.

* * *

STRANGELY ENOUGH HE HAS NOT EVEN SUGGESTED THAT UNIVERSAL SHOULD JOIN IN CELEBRATING HIS 20TH ANNIVERSARY IN THIS BUSINESS. HE IS THAT WAY.

* * *

THE WHOLE TRADE OWES HIM MUCH. IN FACT, WE OWE HIM SO MUCH WHETHER WE ARE A PRODUCER, A DISTRIBUTOR OR AN EXHIBITOR, THAT WE CAN NEVER REPAY OUR DEBT THROUGH MONEY BUT RATHER THROUGH A PUBLICLY EXPRESSED APPRECIATION OF HIS SPLENDID EFFORTS.

* * *

THEREFORE, SPEAKING FOR UNIVERSAL, I SAY:—"MR. QUIGLEY, I AM GLAD YOU ARE HERE AND I HOPE YOU WILL CONTINUE TO BE HERE. I HONOR YOUR STEADFAST ADHERENCE TO DECENT PRINCIPLES AND I SINCERELY HOPE YOU WILL REAP THE REWARD WHICH IS SO HONESTLY DUE YOU."

* * *

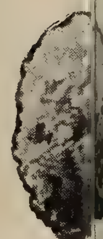
I GENUINELY ADMIRE A WHITE MAN!

Carl Laemmle

PRESIDENT, UNIVERSAL PICTURES

"THANK YOU, WARNER BROS., FOR A LOVELY SUMMER," SAY THE TRADE CRITICS

"We'll never forget the wonderful hours we've spent previewing your 1935 summer product! Even in the kind of weather we've been having it's a real pleasure to review and write about shows like 'Page Miss Glory', 'Front Page Woman', 'Broadway Gondolier' and 'We're In The Money'. And we've just had the most delightful time of all at



"THE IRI

S

JAMES CAGNEY

FRANK McHUGH • ALLEN JENKINS • OLIVI

Variety Daily

"Grand, heart-stirring... fine, unashamed sentiment, gusty comedy, homely reality and slap-bang action, all geared for the greatest amount of entertainment for the greatest number of folk and a sure sock at the box-office! . . . Terrific suspense build-up. Cagney has never had a better role. Pat O'Brien gives one of his top performances ... Mary Gordon will probably start an Irish mother screen cycle. Olivia de Havilland . . . unquestionably is going places. Lloyd Bacon has done a grand job of direction."

A

REVIEWS

THAT B

SHOWM

SEE 'G-MAN' JIMMY SOCK PAT ON HIS WILD IRISH NOSE

Here's mud in yer eye...and hair on yer chest ...and the back o' yer hand to any man who says this isn't the fastest, funniest, jaw-jabbin,' girl-chasin' shindig ever staged by these two fightin' divils of 'Here Comes The Navy!'"

SH IN US"

nd PAT O'BRIEN

E HAVILLAND · Directed by LLOYD BACON

Motion Picture Daily

"Here is one to raise the roof with audience mirth. Comedy and sentimentality mingle for a wild Irish hit. Mary Gordon scores as the waddling, sweet, peppery mother . . . Allen Jenkins draws howls as a dim wit fighter who starts to slug every time he hears the bell. McHugh causes three tidal waves of laughter. Olivia de Havilland looks like a coming bet . . . Sure box-office material emphasized for laughter and sentiment by Director Lloyd Bacon. You can go the limit on this. It should keep 'em howling."

THESE
OUT THE
N US!

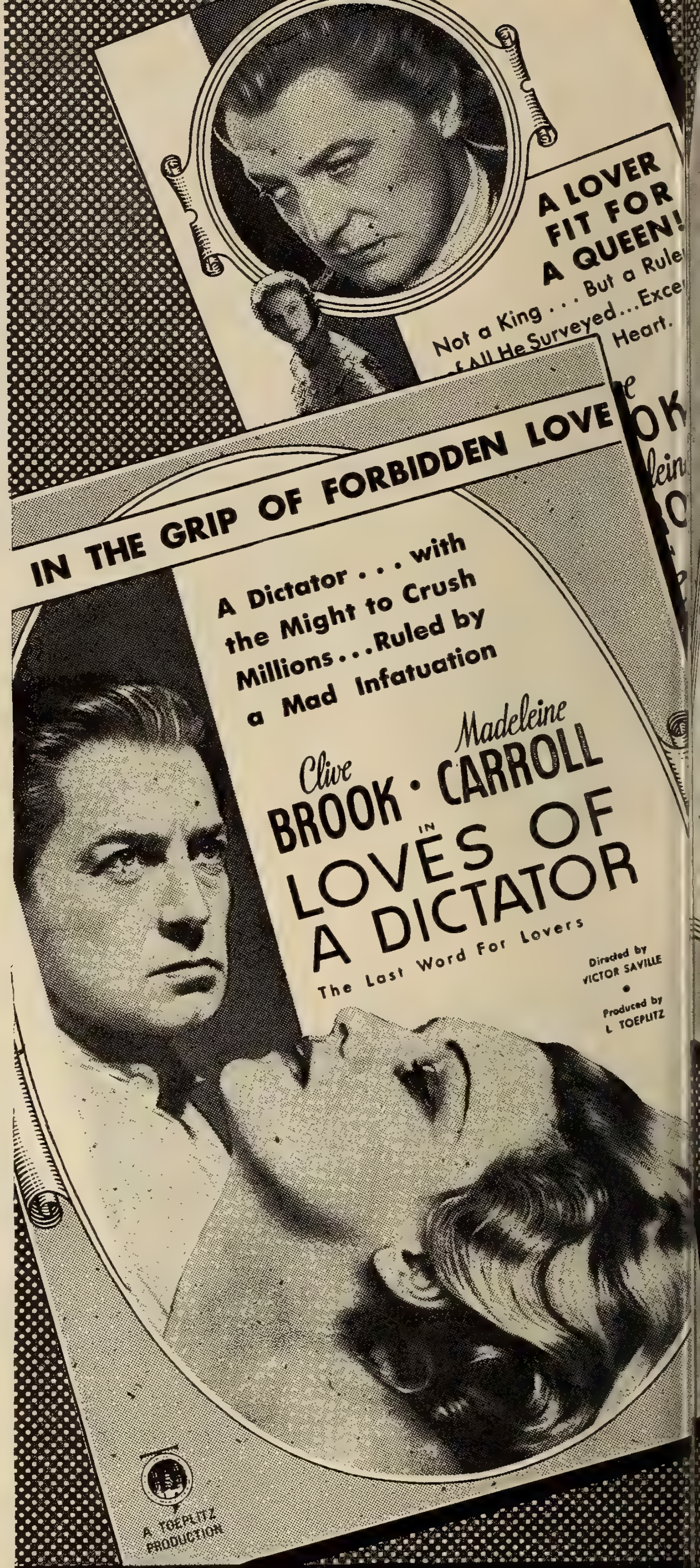
WEATHER THE WEATHER

•

Whether it's hot or whether it's not . . . it's just naturally a Box office natural

•

Smart first runs going after it big . . . and cleaning up big . . . with these ads . . . The box office just naturally loves "Loves of a Dictator"



A LOVER FIT FOR A QUEEN!

Not a King . . . But a Rule
f All He Surveyed . . . Exce
Heart.

IN THE GRIP OF FORBIDDEN LOVE

A Dictator . . . with the Might to Crush Millions . . . Ruled by a Mad Infatuation

Clive BROOK · Madeleine CARROLL
IN
LOVES OF A DICTATOR
The Last Word For Lovers

Directed by VICTOR SAVILLE
•
Produced by L. TOEPLITZ

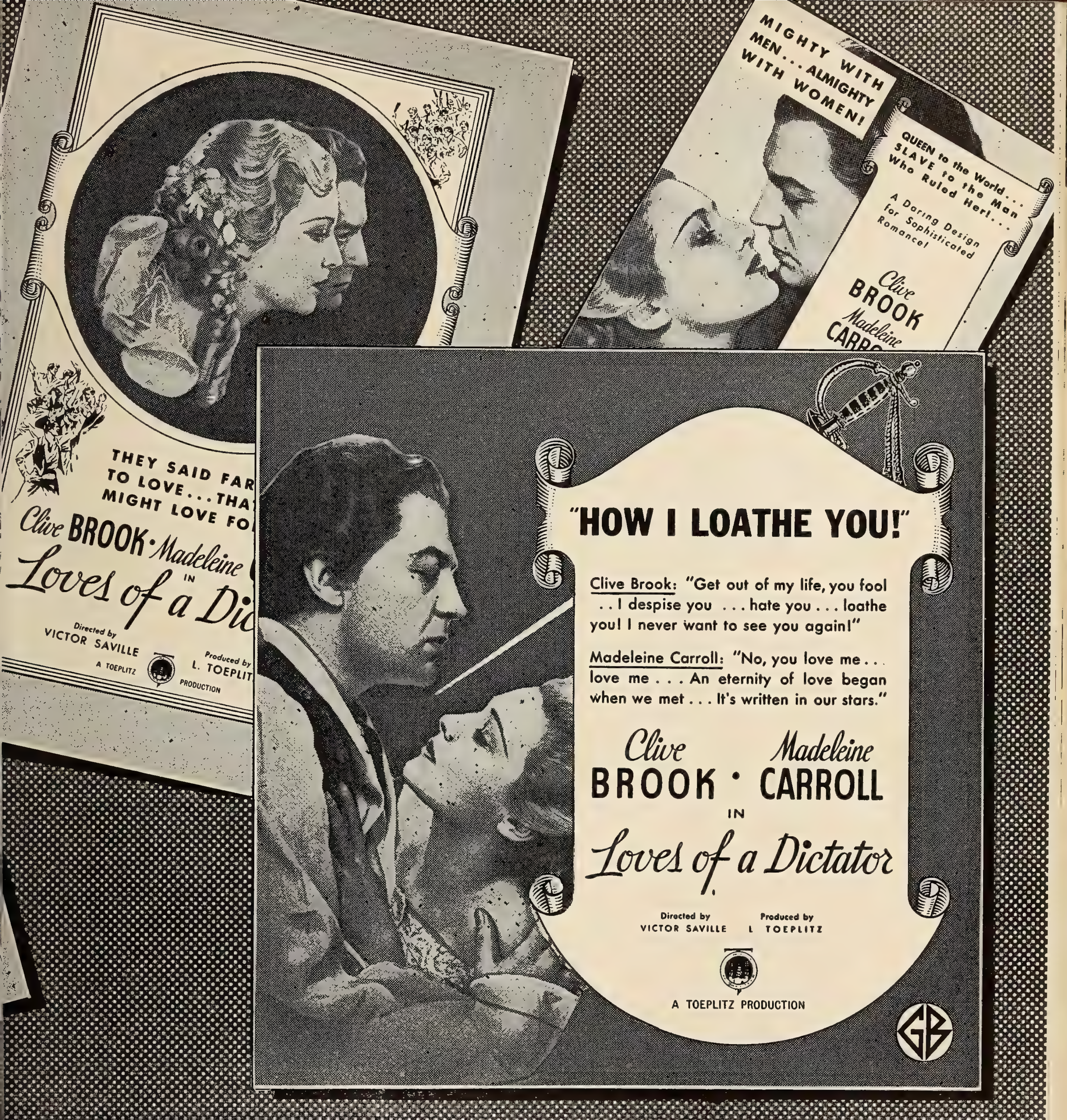
A TOEPLITZ PRODUCTION

CLIVE BR

LOVES

A TOEPLITZ PRODUCTION
A GB RELEASE

Physical Distribution · Fox Exchanges · Canada, Regal Films, Ltd.



THEY SAID FAR
TO LOVE... THA
MIGHT LOVE FO

Clive BROOK · Madeleine

IN

Loves of a Dic

Directed by
VICTOR SAVILLE

A TOEPLITZ PRODUCTION

Produced by
L. TOEPLIT

MIGHTY WITH MEN... ALMIGHTY WITH WOMEN!

QUEEN to the World... SLAVE to the Man Who Ruled Her!...

A Daring Design for Sophisticated Romance!

Clive
BROOK
Madeleine
CARRO

"HOW I LOATHE YOU!"

Clive Brook: "Get out of my life, you fool . . I despise you . . . hate you . . . loathe you! I never want to see you again!"

Madeleine Carroll: "No, you love me . . . love me . . . An eternity of love began when we met . . . It's written in our stars."

Clive
BROOK · Madeleine
CARROLL

IN

Loves of a Dictator

Directed by
VICTOR SAVILLE

Produced by
L TOEPLITZ

A TOEPLITZ PRODUCTION

GB

OK · MADELEINE CARROLL

IN

OF A DICTATOR

Varied Stunts Spreading Rapidly

Cleveland Has Few Giveaways And Seeks Ban

CLEVELAND, July 23. — Cleveland was entirely free from premiums, bank nights, screeno and so-called exhibition evils during the 1934-35 season, not only because of the code, but also because of a binding agreement entered into by all of the independent exhibitors operating in the Greater Cleveland area. This agreement provided for single features and for the elimination of all projects for building theatre business other than presentation of picture programs.

This agreement expired July 8. Local exhibitors are now in the process for creating a local code of fair practice for the 1935-36 season. This code will aim to keep out of Cleveland all schemes foreign to picture exhibition. A committee appointed by Ernest Schwartz, president Cleveland M. P. Exhibitors Ass'n, will report soon.

Bank Nights at 65 Houses

Bank night is the only plan that has definitely invaded the territory. Approximately 65 houses are committed to play bank night, according to J. S. Jossey, bank night franchise owner. Seven Cleveland houses are now playing it.

An attempt has been made to stop bank night in Cleveland, claiming it to be "unfair competition." Common Pleas Judge Frederick Walther denied a request for a temporary injunction to stop the plan at the Haltnorth. The petition was filed by Meyer Fischer, Fountain.

An appeal has been made from Judge Walther's decision. Testimony on this appeal is now being heard by Saul Danaceau, appointed referee by the Court of Appeals. The Court of Appeals, now adjourned, will reconvene to pass on this testimony when submitted.

Pay-Off, similar to bank night, but differing in its modus operandi, is just breaking into the picture. To date no local theatre has signed up for it. No Cleveland theatre is playing screeno or any of the other games common in other territories.

In Youngstown, the Common Pleas Court on July 16 dissolved a temporary injunction to stop bank night at the State.

An ordinance aimed at any form of lottery and apparently designed to restrict spread of these to theatres was passed by the City Council on July 15.

Cincy Raises Ban

Cincinnati, July 23.—Bank nights and similar box-office come-ons have been conspicuous by their absence here, nor have they been resorted to in the vicinity. However, the Strand, downtown independent first and second run, took the initiative and planned to introduce screeno recently. The affair was heavily advertised in the local dailies and with window cards. The Jackson, subsequent run suburban, also advertised a series of screeno nights about the same time.

On the day screeno was to open at the Strand city officials decided it was gambling, and threatened the management with arrest if it went through. It didn't. Neither did the Jackson.

There is a war on gambling here in the form of slot machines, lotteries and similar games of chance.

Chicago Giveaways Total To Over $50,000 Weekly

CHICAGO, July 23.—Fifty thousand dollars per week in Chicago proper and double that sum in the so-called Chicago territory embracing northern Illinois, southern Wisconsin and western Indiana is being distributed to patrons by theatres through a dozen varieties of what might be generally classed as raffles.

Outlying theatres, which were first to adopt these devices, have been unable to accommodate the mobs who stormed for admission. The craze has captured the city so effectively that more than half of the theatres are staging special gift nights at least twice a week. The Ridge at present holds the record for frequency by staging screeno four nights a week and bank night on the fifth.

Up to a few weeks ago the theatre advertising columns blazed with the various names of the schemes adopted, but this advertising is no longer accepted. It is reported that the Postoffice Department looked with disfavor on what they considered advertising a raffle and the newspapers voluntarily agreed to barring it.

As yet, Chicago's Loop has not been invaded. Outside the Loop, however, it is more difficult to find a theatre which is not giving away cash.

Still leading in popularity is the copyrighted game of screeno. It is now on 165 screens in Chicago and a total of 250 in the territory. Warners have just signed contracts to place it in the Avalon and Capitol.

It is no longer a small theatre's "life saver." The large houses have taken it up just as enthusiastically. At the present time the Marlboro tops the individual nightly awards in what it terms its giant screeno. Theatres such as the Tivoli, Tower and South Town, B. & K. houses, have screeno three times a week.

Bank night, another copyrighted proposition, has at least 50 theatres in Chicago and probably more. Exact figures were not available. Other theatres, which avoid royalties or rentals, have adopted similar tactics. The Ambassador has its derby night. The Adelphi puts on its checko.

Other names blazoned in the newspapers before the frown from Uncle Sam included such names as sweepstakes, prosperity night, cash night, pay night and dozens of others. The only "natural" overlooked in this territory at least is "Share the Wealth Night."

While cash is most popular, many of the schemes are operated with merchandise or part cash, part merchandise. Down state, cooperation of local merchants has been obtained by many theatres whereby the merchandise is obtained without cost or at comparatively small cost.

A fairly tight lid on bookies, enforced for several weeks, is a possible reason for the popularity, but on film row it is the unanimous opinion that the craze has not only not reached its height, but will continue indefinitely. It is also declared that to date there is not a theatre which has not made additional money on the innovation, although all of its competitors are doing the same thing.

New Haven Stunts Varied

NEW HAVEN, July 23.—Of the 20 subsequent runs here only the Bijou, a downtown house, and a few theatres dark most of the week, pursue no giveaway policy. Premiums, mainly in the form of china, ovenware, etc., seem to be the most popular come-on in this territory, with 17 houses distributing about 15,000 pieces weekly. In spite of the warm weather, however, bank night, cash night, and other cash giveaway plans have risen in popularity. In the state, 47 theatres are now using this type of giveaway.

Country store, pay night, tango and screeno have come and gone in this territory, but tango and screeno seem to have definitely failed to draw hereabouts, and other schemes—amature nights, vaudeville, etc.—have been withdrawn, at least for the summer.

Bargain nights, most of which constitute a reduction to a uniform 10-cent admission, are run on the average of twice a week in most theatres, in addition to premium nights, which average two per theatre, but in some spots run as high as four.

Michigan Puts Up Ban

DETROIT, July 23.—While bank nights, screeno and other such games have hit all over the country, Detroit and Michigan have been practically free from them.

While the majority of subsequent runs in Detroit and many out-state are giving away premiums, few have used screeno and other games like it.

Screeno made its appearance here some weeks ago in several of the Schreiber and Krim theatres, but promptly bowed out when other houses complained to the prosecutor, who ruled the game a lottery and gave the theatres using it five days to cease.

Sweepstakes, gold mine and other games have not appeared here.

Bank night has not been used in Detroit either. While there is a representative for the game here, he is waiting his time, until the kick on screeno and cash nights used by Jacob Schreiber blows over. Schreiber soon goes to trial on a charge of violating the state lottery laws by giving away cash prizes.

The bank night representative feels that his game is not a lottery and that by waiting until the smoke of the present flareup blows away, he will be able to convince the prosecutor's office of that fact and will thus have a free sweep in putting it into many houses here.

Not Liked in Northwest

MINNEAPOLIS, July 23.—Bank night is the special curse of Twin City theatres and has attacked to some extent the business throughout the northwest.

The thing got under way in the neighborhood houses of Minneapolis when the Boulevard and the Edina located on the southern outskirts of the city began putting on mob scenes one night a week as a result of the cash bait that sometimes ran as high as $200 or $300.

Several other neighborhood houses took it up until now it appears to be losing its drawing power in most places. The downtown houses held out valiantly against the practice under the leadership of Minnesota Amusements, the former Publix circuit.

While the NRA was in operation there were some sporadic efforts to keep the cash prize offerings out of certain of the country situations, but there have been few battles in the Twin Cities, the circuit ignoring the practice for the most part and managing by good bills in its own neighborhood houses to hold its own fairly well against the competition.

Clamps on Lid

Milwaukee, July 23. — At least for the time being, the lid has been clamped on bank nights, screeno, cash night, sweepstakes, jack pot, etc., in this spot. What started out to be a wide open summer for come-ons cooled considerably when the police secured a court decision on the legality of screeno, which resulted in the fining of Milton Harmon, manager of Saxe's Garfield $10 and costs for operating a lottery.

Prior to the screeno test case, grocery nights were getting a play in some of the smaller neighborhood houses.

Just how long the present unruffled situation will remain regarding giveaways is difficult to say, inasmuch as reports have it that one or more of the owners of copyrighted schemes may fight the decision in the local courts.

Kansas City's Varied Stunts Are Spreading

KANSAS CITY, July 23.—Various forms of giveaways continue to increase in the Kansas City area.

G. W. Harttmann, operator of the Armour, North Kansas City, and distributor of screeno in Western Missouri and Kansas, reports 37 theatres using this form of giveaway. Of that number, 15 are in Greater Kansas City. Both circuits and independents are using screeno.

Most of the contracts are with theatres which are using other forms of giveaways, according to Harttmann.

It is Harttmann's belief that the situation is not saturated and won't be for at least a year.

Two houses in this area have been using giveaways for several years—J. F. Rigney's Westport here and Joe Lenski's Cozy, Pittsburg, Kan.

Max M. Barewin, who represents the Price Theatre Premiums Corp, in Western Missouri and Kansas, believes giveaways will increase for at least a year, and probably longer.

A partial list of promotions includes: bank night, cash night, screeno, jack pot, buck night, china, grab bag, and chair night. Someone thought this up who was tired of the run-of-the-mill giveaways.

Ice cream cones, chocolate bars, free parking (an old one), hardware, and other merchandise and services of value have been used as come-ons by theatres here.

Midwest Offers Gift Stamps

Gift stamps are Fox Midwest's contribution to the melee.

"Exhibitors won't stop using giveaways until they lose their appeal to patrons," said E. Rolsky, operator of the St. John and National, "and until pictures are produced that will make up that appeal at the box-office."

More theatres are using giveaways than at any time in the history of the territory, observes R. R. Jersey, representing the Aluminum Goods Manufacturing Co.

In Kansas City, probably 90 per cent of theatres are giving away something, he said, but outside not more than five per cent are using such promotions. Use of giveaways will increase during the next two years, believes Jersey, and he points out that "this has been the history of other territories."

Bank night continues to be the leading contender for first place. The scheme is being used by approximately 137 theaters in Western Missouri and Kansas, with between 25 and 30 in Greater Kansas City, according to R. W. McEwan, distributor in this division.

That independent exhibitors are using giveaways and will continue to do so as a means of meeting the competition of circuits which can buy protection, is indicated by J. W. Cotter of the Bijou. In his opinion, giveaways will be used by independents in this way as long as the protection situation exists.

Of course, circuits themselves are using giveaways, practically as intensively as independents.

That giveaways will continue until they cease attracting patronage, is the opinion of E. E. Webber of the Mary Lue, one of the few exhibitors left in Greater Kansas City who isn't giving something away.

Columbus Limits

Columbus, July 23.—First run exhibitors say that they have never considered any sort of artificial business stimulant, as they have never seen the necessity of it. A survey among the subsequent runs, however, shows that many exhibitors have felt the need of something of this kind, but it has never been put into practice because of the gambling angle, upon which city and county officials definitely frown.

An alternative to bolster business is double featuring, which is the rule rather than the exception here. Twenty-seven out of 32 subsequents are showing twin programs at least one day each week. The majority of these charge 10 and 15 cents, except on Sundays, when the scale is tilted slightly upward.

Bridgeport Off Bank Night

BRIDGEPORT, July 23.—Downtown houses here have avoided bank nights, but the neighborhoods have taken a try at it. First house to start dropped idea after a few weeks. At present three neighborhood houses are still using it with fair results.

China and glassware nights continue to be strong drawing cards with neighborhoods, with household and circus auction nights a close second.

Appeals May Delay Pathe's New Setup

(Continued from page 1)

preme Court Justice Lauer's order denying their application was declared yesterday by Martin King, counsel for Casey and Derr.

Pathe's reorganization plan was ratified by a special meeting of stockholders in March and was ready to be placed in effect when the Casey and Derr actions were filed. In denying their applications for an injunction, Justice Lauer pointed out that Derr, former Pathe president, voted his 100 shares of Pathe's eight per cent cumulative preferred stock in favor of the plan and that Casey's stock was voted neither for nor against the plan. Justice Lauer also points out that at the stockholders' meeting 6,975 shares of the preferred stock were voted in favor of the plan and none against, that 117,327 shares of Class A were in favor of it and 485 against, and that 204,553 shares of common favored the plan and 8,425 opposed it.

Justice Lauer also makes note that while the plaintiffs, Derr and Casey, are holders of the eight per cent cumulative preferred stock, the reorganization plan which they seek to halt is, in the court's opinion, "more favorable" to the preferred stockholders than to the common stockholders.

"Nevertheless," Justice Lauer states, "I do not feel justified at this time in interfering with the progress of the reorganization."

The court's opinion also criticizes the plan for not being "as frank and full as in my opinion it should have been in advising stockholders in respect to the holding of stock of the Du Pont Film Mfg. Corp. and the facts connected therewith."

Copies of the plan sent to stockholders list the 49 per cent Du Pont stock interest held by Pathe at its 1931 valuation of $4,000,000. The Pathe proposal to dispose of 1,400 shares of its Du Pont holdings for $1,680,000, however, reveals a current valuation of $1,200 per share, or approximately $5,880,000 for Pathe's 49 per cent interest.

In denying the application to prohibit this stock sale the court ruled that "there is nothing in the papers (plaintiffs') from which the court could conclude that the price at which the sale is proposed to be made is not a fair and adequate one. Interference with the proposed sale would not be justified" and no basis for criticism of the Pathe officers and directors is disclosed.

The court also pointed out that if the Pathe directors "acted fraudulently" or "in disregard of their duties as directors the plaintiff, if damaged, may have his redress in an action at law to recover his damages."

King said that an appeal, possibly for reargument of the case, would be based on the portions of the ruling which criticized the reorganization plan.

Casey also has pending in state court an action charging Pathe officers and directors with malfeasance and mismanagement, no trial of which may be had for a year or more. Derr has pending an application to the same court for a writ of mandamus to permit an inspection of Pathe's books. Pathe officers charge that the Derr-Casey proceedings are "nuisance" actions initiated because Derr was refused a post in the new Pathe company.

The current Pathe proposal to dispose of 1,400 shares of Du Pont stock for approximately $1,680,000 is for the purpose of providing cash for the retirement of Pathe debentures.

Toronto Hits Carnivals

TORONTO, July 23.—The Board of Control has banned the use of merry-go-rounds or other mechanical amusement devices by carnival companies for picnics or political celebrations in community parks controlled by the city. Local exhibitors believe that the ruling will bar the carnival competition completely.

Dewey Bloom Hurts Arm

TORONTO, July 23.—Dewey Bloom, widely known as the exploiteer of British pictures for Regal Films, Ltd., is hors de combat. Arising from bed at his home Dewey tripped and fell to the floor, breaking his arm at the elbow.

Stop "Men Only" Films

NEW ORLEANS, July 23.—The censor board has announced that no more "men only" films will be shown here. "Stranded," according to Ellis Irwin, chief censor, has been officially passed.

Beverly Miller on Coast

KANSAS CITY, July 23.—Beverly Miller, Kansas City district manager for National Screen Service, is in Hollywood on vacation until Aug. 1.

Code Affairs End July 31; Refunds Due

(Continued from page 1)

567.96, and exhibitor members in good standing on the same date will receive $7,431.54. The undeposited checks will be returned to their senders.

Contributions to Code Authority received during the period from Jan. 1, 1935, to June 29, last, amounted to $101,709.37, and the proceeds from the sale of furniture and fixtures in Code Authority quarters throughout the country since the termination of NRA amounted to $3,632.65. A much larger amount might have been on hand in the surplus fund at this time had not NRA delayed its approval of Campi's budget and schedule of assessments for the first half of 1935 until May 9. This delay set back Campi's mailing of invoices and, on May 27, the Supreme Court decision terminating NRA activities was handed down. As a result, only 509 exhibitor members had paid a total of $4,284 for first half dues by May 27, and, thus, are the only exhibitor members eligible for the refund.

Dues from 8,486 Exhibitors

For the two periods of 1934, 8,486 exhibitor members paid dues to Code Authority. Subsequent to last May 27, the Campi report notes, hundreds of checks for a total of $6,762 were received from exhibitor members but were not deposited. All of these will be returned to the senders.

A total of $32,625 was paid by seven producer-distributor members for 1935 assessments. Expenses for the first half of 1935 exceeded receipts by $13,367.05, which was deducted from the credit balance of last Dec. 31.

Home office and branch office records are being stored. They comprise a total of 2,431 complaints heard by the 62 local boards and 536 appeals heard by Campi. In addition, there are records of 1,065 complaints heard by the standing committee for extras in Hollywood, of which 981 were adjusted, and 262 complaints heard by the studio labor committee in Hollywood, of which 258 were adjusted.

Sign "Romeo" Advisers

HOLLYWOOD, July 23.—M-G-M has signed Prof. John Tucker Murray of Harvard and Talbot Jennings to act as literary advisers on the script of "Romeo and Juliet." The two will work with Prof. William Strunk, Jr., of Cornell, who was signed in a similar capacity last week.

Brandt Acquires House

Harry Brandt, in association with Jack Springer and his associates, exclusive of Sam Cocalis, has taken over the Monroe on First Ave. The house will be closed for a short time for repairs and alterations. This acquisition gives Brandt 40 houses in this territory.

"Gondolier" Is Held

"Broadway Gondolier" is being held over a second week at the Strand.

Montreal Touches New Low for Year

Montreal, July 23.—Heat sent grosses to the year's lows. The Palace got the most with a bill headed by "Drake of England," the take being $7,500, while "Stranded" and "Mr. Dynamite" combined for $7,000 at the Capitol. "Nell Gwyn" topped the screen fare at the Princess for $5,500. The Imperial with a stage show drew the usual $3,000 for "Chinatown Squad."

Total first run business was $23,000. Average is $30,000.

Estimated takings for the week ending July 20:

"STRANDED" (Warners)
"MR. DYNAMITE" (Univ.)
CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $7,000. (Average, $9,500)

"CHINATOWN SQUAD" (Univ.)
IMPERIAL—(1,914), 20c-25c-34c, 7 days. Stage: "Brown Skin Models." **Gross:** $3,000. (Average, $3,500)

LOEW'S—Closed until August.

"DRAKE OF ENGLAND" (British)
"THE NITWITS" (Radio)
PALACE—(2,600), 25c-35c-40c-50c-65c, 7 days. **Gross:** $7,500. (Average, $11,000)

"NELL GWYN" (U. A.)
"GIRLS PLEASE" (British)
PRINCESS—(2,272), 30c-35c-50c-65c, 7 days. **Gross:** $5,500. (Average, $6,000)

"PUBLIC HERO NO. 1" (M-G-M)
"HEADLINE WOMAN" (Mascot)
FISHER—(2,975), 10c-40c, 7 days. **Gross:** $2,800. (Average, $5,000)

"MEN WITHOUT NAMES" (Para.)
MICHIGAN—(4,100), 15c-55c, 7 days. Stage, 5 acts vaude. **Gross:** $18,600. (Average, $20,000)

"HELL'S ANGELS" (U. A.)
(Revival)
"MURDER IN THE FLEET" (M-G-M)
(2nd Run)
STATE—(3,000), 10c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

"STRANDED" (Warners)
UNITED ARTISTS—(2,070), 15c-55c, 7 days. **Gross:** $8,200. (Average, $10,000)

Chesterfield on Last

Hollywood, July 23.—Chesterfield has started "Condemned to Live," which will be the final picture on the current program. A large cast headed by Ralph Morgan and Maxine Doyle are working under the direction of Frank Strayer.

Wall Street

Loew's Pfd. Leads Big Board

	High	Low	Close	Net Change
Columbia	71½	71	71	+ ½
Consolidated	4	4	4	.....
Cons., pfd	15¾	15¾	15¾	— ¼
Eastman	148¾	147½	147½	+ ½
Eastman, pfd	158	158	158	.....
Fox "A"	16¾	16	16⅛	— ½
Loew's	41⅜	41	41	— ¼
Loew's, pfd	106¼	106	106¼	+ ⅞
Paramount	4⅜	4	4	— ¼
Pathe	⅝	⅝	⅝	.....
Pathe "A"	9⅛	8⅞	8⅞	+ ⅛
RKO	2⅛	2	2⅛	+ ⅛
Warner	4½	4¼	4⅜	— ⅛
Warner, pfd	28¼	27¾	28¼	+ ¼

Technicolor Up ½ on Curb

	High	Low	Close	Net Change
Technicolor	21	21	21	+ ½

Keith Bonds Gain ⅝

	High	Low	Close	Net Change
General Theatre 6s '40 ctf.	13	13⅝	13⅝	— ⅜
Keith B. F. 6s '46	82	82	82	+ ⅝
Loew's 6s '41 ww deb rights	103¾	103¾	103¾	+ ⅛
Paramount F. L. 6s '47	97⅞	97⅞	97⅞	.....
Warner Bros. 6s '39 wd	71¾	71	71½	+ ½

(Quotations as at close of July 23)

Out Hollywood Way

Hollywood, July 23.—Hal Roach is personally directing a two-reeler, "The Eternal Triangle," with John Warburton, Phyllis Barry and John Williamson . . . Says it will test new comedy personalities . . . Major L. E. Thompson will be here several weeks for production conferences at Radio . . . Romer Gray, son of Zane, made assistant to William T. Lackey, Paramount supervisor.

Henry Ginsberg and Mrs. Ginsberg sail from New York on the *Rex* on Aug. 3 . . . Ralph Murphy and Gail Patrick back at Paramount from the east . . . Dorothy Page to take three-month vacation in New York and Chicago when she finishes in "King Solomon of Broadway."

Arthur Jefferson, father of Stan Laurel, here for visit . . . Irene Hervey signed to a long term contract by M-G-M . . . Pat Patterson of Fox publicity department bandaged three days as a result of sunburn.

Stuart Erwin trying his hand at a screen play for himself.

◆

Casting—Jackie Searl added to "Gentle Julia" at Fox . . . Esther Ralston, Vince Barnett, Harry Tyler, Libby Taylor, Betty Mack, Allan Cavan, Joseph Girard and Edward Hearn in "Streamline Express," Mascot . . . Frank Rice in Radio's "Powder Smoke Range." . . . Betty Grable, Ronald Graham and John Mercer added "To Beat the Band," Radio . . . Louis January, Dorothy Granger, Julie Kingdon, Connie Bergren, Gertrude Short, Carol Tevis and Phyllis Crane added to Universal's "Alone Together" . . . Charles Grapewin in Universal's "King Solomon of Broadway" . . . Harvey Stevens in Jack Benny's "In the Bag," M-G-M. Lionel Atwill in Warners' "Captain Blood" . . . Preston Foster and Moroni Olsen in Radio's "Shooting Star." . . . Mary Carr added to "The Black Sheep," Republic . . . Walter Kingsford signed for "The Melody Lingers On," Reliance . . . Radio borrows Henry Fonda from Walter Wanger for "The Love Song" . . . Nelson Eddy gets lead in "Rose Marie," M-G-M.

◆

Directors—Fritz Lang to direct "Passport to Hell," his first under new M-G-M contract . . . Reginald Barker to direct "The House of a Thousand Candles," Republic.

◆

Writers—Walter Wanger adds a fourth writer, Louis Stevens, to his staff . . . Jack Cunningham gets new writer-director contract at Paramount . . . Eddie Moran and Milton Krims doing an original western for Paramount . . . Harlan Thompson doing the screen plan for "From Little Acorns," Paramount . . . Felix Adler and Hal Yates working on comedy gags for Harold Lloyd's "The Milky Way" . . . Mary McCall, Jr., gets new contract and assignment to "The Green Light," Warners . . . Charles Logue doing an original around "Smiling Irish Eyes" for Republic . . . Lucile Newmark signed by Warners and assigned to "Miss Pacific Fleet."

◆

Title Change—Joe E. Brown's "Broadway Joe" has been changed to "Bright Lights" by Warners.

◆

Story Buy—Sol M. Wurtzel has purchased "Buccaneer," an original by Frances Hyland.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Jalna"

(Radio)

Hollywood, July 23.—Designed for the sophisticated trade, "Jalna" appeals chiefly through the excellence of its cast in spite of no draw names.

Jalna, the family farm of an enormuosly prosperous Canadian family has a stifling effect upon a callow, selfish young poet (David Manners), who leaves his brothers to do the work while he goes to New York to see life. He brings back Kay Johnson as his bride. She falls in love with an older brother (Ian Hunter). Manners pursues another brother's wife (Molly Lamont). His third love affair supplies delightful comedy. Peggy Wood is an emotional sister who has blanched and trembled for 20 years at the name of Nigel Bruce, who had the bad judgment to have a baby left on his doorstep during their engagement.

Jessie Ralph all but steals the film as the 100-year-old matriarch of the tribe. The others are all excellent, including C. Aubrey Smith, Theodore Newton, Halliwell Hobbes, George Offerman, Jr., Clifford Severn and Forrester Harvey.

Kenneth Macgowan produced and John Cromwell directed from the screen play of Anthony Veiller from the Mazo de la Roche novel. Edward Cronjager's photography is fine.

The illicit love angle is not sympathetic and should be played down. Production Code Seal No. 1088. Running time, 75 minutes. "A."

Short Subjects

"The Greatest Crime"

(Loyal Order of Moose)

How crime can be checked by taking the young in hand and teaching them a trade and the ways of good citizenship is interestingly shown in this one-reeler, produced by the Atlas Film Corp. of Chicago for the Loyal Order of Moose. The picture emphasizes the work being done at Mooseheart, Ill., a town made up of children of deceased members of the order, by showing what might have happened to some of the youngsters had they been thrown upon their own resources. It is a striking experiment in keeping youth along the straight and narrow that this film details. No production code seal. Running time, 10 mins. "G."

FitzPatrick to Do One Color Feature

Two features, one in Technicolor and one in black and white, are being contemplated by James FitzPatrick, head of FitzPatrick Pictures, Inc., who has just returned from a six weeks' tour of Africa during which he visited Bechuanaland, Rhodesia and the Transvaal.

The black and white picture will be based on the life of James Livingston. FitzPatrick shot the background material for the film while in Africa. Negotiations are now under way for the services of Clive Brook and Madeleine Carroll to play the leads in the film, which may be made in conjunction with G. B. Nothing definite has been settled as yet, however.

The Technicolor feature will have as its background material shot by Mrs. FitzPatrick in Japan. She has recently returned from a visit there during which she obtained such striking material that both her organization and M-G-M, distributors of the FitzPatrick color pictures, recommended the shots be incorporated in a feature length picture.

Besides the two features planned, FitzPatrick will make 10 Travel-Talks in Technicolor for M-G-M release next year.

Kalmus Sails After Closing Color Deal

(Continued from page 1)

the Denham Studios, built for color work, will also be available generally.

Korda's first color film, to be started in September, will probably be "Elizabeth, the Queen." Natalie Kalmus will be color director.

Herbert Wilcox is also planning a color picture.

Defend Picket in Toronto

Toronto, July 23.—The Toronto District Labor Council has decided to take up the defense of James Norris, union painter, who was arrested because he was picketing the Model, which is undergoing repairs. Norris was bearing a placard which announced that the theatre was not employing men affiliated with International trade unions. It was the first time on record, according to local labor leaders, that a man had been arrested for mere picketing, previous prosecutions in Toronto being for disorderly conduct, violence or resistance.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 21 — NEW YORK, THURSDAY, JULY 25, 1935 — TEN CENTS

New Theatre Census Move Awaits Order

Urged Upon President As Works Allotment

By CLARENCE LINZ

WASHINGTON, July 24.—A new census of the exhibition branch of the industry is planned by the U. S. Census Bureau, to be financed by an allocation of $7,784,000 of Public Works Funds, approval of which by President Roosevelt has been recommended by the advisory committee on allotments for the works program.

The proposed census would cover all types of business activity with the exception of agriculture and manufacturing, which are studied periodically under the regular program of the bureau.

The investigation will cover exhibitors' activities for the current

(Continued on page 6)

Para. Fee Case to Be Resumed Today

Paramount is expected to have its inning in court today to oppose any of the applications for bankruptcy fees totaling $3,222,000 which it regards as excessive. Present indications are that virtually all large fees will be opposed either in their entirety or in part.

The hearing of the applications for fees resumes this morning before Federal Judge Alfred C. Coxe after a one week adjournment. Practically all of the 51 applicants who are seeking the

(Continued on page 2)

RKO Fees Scheduled For Hearing Today

Hearings on applications for fees for services in connection with RKO's reorganization proceedings totaling more than $281,525 are scheduled for today before Federal Judge William Bondy.

The largest applications are those of Irving Trust Co., trustee of RKO,

(Continued on page 2)

Experiment on Film Shows in Pullmans

Plans to make screen shows a regular feature of railroad service in an effort to stimulate travel by train are being made by the Pullman Co. in conjunction with the Trans-Lux Movies Corp., RKO Photophone and

(Continued on page 6)

1/10 Pfd., 1/2 All Fox Common to 20th in Deal

20th Century's Last Year Net Put at $1,409,277.71

Details of the earnings of 20th Century Pictures are revealed for the first time in statistics presented to the Committee on Stock Listing of the Stock Exchange for the purpose of securing listing of new security issues for the merger of the Schenck-Zanuck company with Fox Film.

The figures show that with a total capitalization of $701,000—10,000 shares of 4 per cent cumulative preferred at $100 each, with 7,000 shares outstanding, and 100 shares of common valued at $1,000—the company had a net income of $1,409,277.71 and accumulated a surplus of $1,440,553.82 for the period beginning June 1, 1934, to May 4, 1935.

The comparative statement of profit and loss for the same period reveals gross income from sales and rentals "of film and literature" of $8,287,-

(Continued on page 6)

Fox Wisconsin Gain Puts Total Near 50

MILWAUKEE, July 24.—With the announced addition of five houses to be taken over Sept. 1 on a co-operative basis, Fox lengthens its string in Wisconsin to about 50 theatres. Latest additions are the Myers and Beverly in Janesville, the Menasha, Menasha; Strand, Manitowoc, and Van Der Vaart, Sheboygan.

The first two will be operated in association with James Zanias and Chester Goetz, the Strand with George Herzog and the Van Der Vaart with Karrass and Giannos, a partnership. Reports have it that other acquisitions are planned before the end of the summer.

Limited Permit Is Given on New Cable

By BERTRAM F. LINZ

WASHINGTON, July 24.—The Federal Communications Commission today approved an application of A. T. & T. for authority to construct a coaxial cable between New York and Philadelphia, but so hedged the grant with restrictions as to make impossible the building up of a television monopoly similar to that which is

(Continued on page 2)

7-Year Contracts

Sidney R. Kent, president of Fox; Joseph M. Schenck, chairman of the board, and Darryl F. Zanuck, vice-president in charge of production, will be given seven-year contracts each under the proposed merger of 20th Century with Fox "so that the corporation can expect a unified management for an extended period of time," according to official company statement.

Hollywood, July 24.—Sidney R. Kent, before flying to New York, said today a deal with 20th Century-Fox was "very distant," with present negotiations merely conversational.

Horne Quits U. A.; Greenthal Succeeds

Hal Horne, for approximately five years director of advertising and publicity for United Artists, yesterday resigned to devote his time to *Mickey Mouse Magazine* in which he is interested with Kay Kamen, gag writing for radio in which he has

(Continued on page 9)

Atkins, Thomas Set For First Division

Robert W. Atkins, a broker and vice-president of Pathe, is slated to be elected chairman of the board of First Division and Harry H. Thomas is scheduled to be reelected president

(Continued on page 2)

Consolidated Earned $265,120 in Quarter

Consolidated Film Industries, Inc., and subsidiaries, showed a net profit of $265,120.66 for the three months ending June 30, 1935, after deducting depreciations and Federal taxes. This

(Continued on page 9)

Basis of Merger Is Set—Stockholders and SEC Must Approve

Twentieth Century Pictures, with assets of $4,138,681.59, will be given approximately one-tenth of the preferred shares and one-half the common shares of Fox Film, with assets of $54,072,356.54 under the terms of the 20th Century-Fox merger to be proposed to stockholders of Fox at a meeting called for Aug. 15. The above assets of both companies were computed as of May 4, 1935, by the companies' auditors.

The official name of the new company, if the merger is approved by stockholders and security issues are sanctioned by the Securities and Exchange Commission, will be Twentieth Century-Fox Film Corp.

Under a proposed revision of the Fox capitalization, also to be sub-

(Continued on page 6)

Loew's Closes for Rest of Para. List

Loew's metropolitan circuit closed yesterday with Paramount for the remaining half of that company's product, thus giving Loew's theatres here first run on the entire Paramount lineup of 65 features for the new season. Loew's had previously closed with Paramount for half of the company's new product and yesterday's deal for the remaining half followed closely on the collapse of negotiations

(Continued on page 2)

Warners' Budget Is Boosted $2,500,000

HOLLYWOOD, July 24.—The Warner production budget for the new season will be approximately $2,500,000 larger than that for 1934-'35, it was revealed today by Harry M. Warner, head of the company, who asserted: "We are definitely expanding our production activities.

"It is our intention to produce the very best screen entertainment that it has ever been our privilege to sponsor," he added. "Quality will be the primary consideration, with cost entirely secondary. No director will be bound down to a specified budget on any production if it is deemed necessary to exceed the scheduled figure in order to obtain the maximum results in entertainment value."

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DAILY
(Registered U. S. Patent Office)

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Advertising Manager

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Continental to Make 8 Mystery Westerns

Herman A. Wohl of Continental Pictures Corp., who is now in town from Hollywood, stated yesterday his company will make a series of eight mystery westerns for 1935-36 starring Yancey Lane. The first, "The Hawk," by James Oliver Curwood, is finished.

Wohl, who has several deals under way for distribution, declares he has a new idea in that he proposes concentrating more on story development without sacrificing speed and action.

Dickie Jones, a seven-year-old fancy trick rider, and Zandra, a dog, appear in the opening picture and probably will appear with Lane in the remainder of the series.

Republic's First Is Out

HOLLYWOOD, July 24.—The first picture to be released under the new Republic banner is a western starring John Wayne, "Westward Ho." It has been booked at the Pantages for the week of July 31, and will be the first western to play first run on Hollywood Boulevard since "Cimarron."

"Westward Ho" was produced by Paul Malvern, directed by R. N. Bradbury with original story, screen play and dialogue by Robert Emmett and Lindsley Parsons.

GUY KIBBEE
in
"DON'T BET ON BLONDES"
WILLIAM MORRIS OFFICE

Purely Personal

TAMARA has replaced SIDNEY FOX in "Sweet Surrender," the WILLIAM ROWLAND picture MONTE BRICE is directing at Paramount Studios. Miss Fox was forced to leave the cast by illness.

•

FRANK SHIELDS has flown back to the coast after a short visit here. He planned to stay for several tennis tournaments, but M-G-M sent out a hurried call for his services.

•

LUIGI PIRANDELLO was guest of honor at a party given by JUDITH ANDERSON Tuesday night. He also visited the lineup down at police headquarters yesterday morning.

Quip of the Day

The height of something or other:

Hollywood executive advised by his psychiatrist that he was going nuts immediately takes on another assistant to cut paper dolls for him.

This is Ali Gaga's idea of a joke.

PEGGY WOOD arrived yesterday from the coast by plane. She will return west shortly with her husband, JOHN V. A. WEAVER.

•

JOSEPH SCHILDKRAUT will do the lead in "Tomorrow Is a Holiday," which reaches the local stage in the fall.

•

PHIL REGAN, who has been east making personal appearances, is on his way back to the Warner studios.

•

GEORGE BATCHELLER and MAURY COHEN are in town from Hollywood on a short business visit.

•

JOSEPH I. BREEN gets in today from a vacation abroad. He's on the *Washington.*

•

SID RECHETNIK of Warners quits the hot city Friday for two weeks' vacation.

•

HERB BERG appeared yesterday in cool white, except for a cravat in green.

•

A. W. SMITH of Warners is due back next week from a mid-western trip.

•

WILLIAM MALLARD of RKO is vacationing in Georgia.

•

JIMMY SAVO is back from a West Indies cruise.

•

A. C. BLUMENTHAL is expected back from the coast any day now.

•

. . . London

EDDIE COHEN at Worton Hall for trick camera work on London's H. G. Wells picture, "Things to Come" (previously "Whither Mankind?").

DR. EUGENE FRENKE deputizing for wife, ANNA STEN, at Garrett-Klement reception celebrating her first British picture for that organization. G.-K. stated they had been at work in their London offices for a year without revealing their plans, accumulating plays and other story material.

MAX MILDER and DAVE GRIFFITHS displaying to admiring Warner-F.N. staff handsome sets of golf clubs presented to them by HARRY WARNER.

Wall Street

Warner Pfd Leads Big Board Rise

	High	Low	Close	Net Change
Columbia, vtc	74	70⅞	73¾	+2¾
Consolidated	4⅛	4	4⅛	+ ⅛
Cons., pfd	16	15⅝	16	+ ¼
Eastman	148¼	147¾	148¼	+ ¾
Eastman, pfd	157	127	157	—1
Fox "A"	16⅜	16⅛	16⅛	+ ⅛
Loew's, Inc.	41⅜	40⅞	40⅞	— ⅛
Paramount	4¼	4	4¼	+ ¼
Pathe	⅝	⅝	⅝	.....
Pathe "A"	9⅝	9¼	9⅝	+ ⅞
RKO	2½	2⅛	2½	+ ⅜
Universal, pfd	33½	33½	33½	+3½
Warner	5	4⅜	5	+ ⅝
Warner, pfd	31½	28	31½	+3¼

Curb Issues Show Gain

	High	Low	Close	Net Change
Technicolor	21⅜	21	21	+ ¼
Trans-Lux	2¼	2¼	2¼	+ ⅛

RKO Bonds Advance ½

	High	Low	Close	Net Change
Loew's 6s '41 ww deb rights	103⅞	103⅞	103⅞	+ ¼
Paramount Publix 5½s '50	98⅛	98⅛	98⅛	—1⅝
RKO 6s '41 pp	41½	41½	41½	+ ½
Warner Bros. 6s '39 wd	74	71½	73⅝	+2¼

(Quotations at close of July 24)

Atkins, Thomas Set For First Division

(*Continued from page 1*)

at a meeting of the board of the company to be held within a week, it was learned yesterday.

Financing and policy arrangements for First Division are expected to be decided at the same time. Indications are that Pathe will sponsor the bulk of First Division's new financing and that the company will resume its original policy of adhering to distribution activities to the exclusion of production. One of its important distribution deals may be with British International Pictures. Negotiations for a reciprocal distribution arrangement between the two companies are reported to be nearing completion.

RKO Fees Scheduled For Hearing Today

(*Continued from page 1*)

which asks $100,000 interim allowance, and Donovan, Liesure, Newton & Lumbard, counsel to the trustee, which asks an interim allowance of $125,000. Several additional applications have also been filed including one for an unspecified amount by Thomas D. Thacher, who served as special master for the hearing of numerous large claims of creditors against RKO. Thacher asks that a final allowance for these services be set by the court.

Crawley's Son Passes

CENTRAL FALLS, R. I., July 24.—Patrick Crawley is mourning the death of his 10-year old son, Joseph, who succumbed after an abdominal operation.

Loew's Closes for Rest of Para. List

(*Continued from page 1*)

between Paramount and RKO for that portion of the Paramount output.

The Paramount deal gives Loew's metropolitan houses a total of 189 features for the new season, consisting of 52 from M-G-M, 65 from Paramount, 14 from United Artists, 40 from Columbia and 18 from Universal. RKO has closed for 50 from Radio and 65 from 20th Century-Fox, or a total of 115. Both Loew's and RKO require a minimum of 156 features per year for their metropolitan houses. The only major product still available is the Warner lineup of 60 features and the remaining 18 of Universal's. Loew's and RKO have split the Warner product in the past. If the same procedure is followed this year and RKO acquires the remaining half of Universal it would have a total of 163 features for the new season, or, if it acquires all of the Warner lineup, it would have 193 features. The possibility of RKO acquiring all instead of half of the Warner lineup is suggested by Loew's taking all of the Paramount product, which heretofore has been split between the two circuits.

Para. Fee Case to Be Resumed Today

(*Continued from page 1*)

largest amounts were heard in support of their applications last Thursday. Today the remainder will be heard, following which Thomas D. Thacher, special counsel for Paramount, will have his opportunity to argue against the allowance by the court of any or all of the claims as applied for. Thacher told the court last week that he believed many of the claims should be disallowed "in toto" and that many others are "excessive in amount."

If the arguments for and against the claims are concluded today, the applications will be taken under consideration by Judge Coxe, who is expected to make his rulings known in about two weeks. Special Master John E. Joyce, who has acted as referee in Paramount legal proceedings for the past year, is sitting with Judge Coxe during the hearings on the fees and will be an influence in their final allowance, disallowance or reduction.

Limited Permit Is Given on New Cable

(*Continued from page 1*)

charged to exist in the sound film field.

The company is prohibited from using the cable in such a way as to tend to create a monopoly in television or for the purpose of obtaining patent rights to the exclusion of others. The cable is to be used for experimental purposes and the company is required to permit its use for such purpose by other parties interested in television development, reporting monthly on its operations. Where the company and others desiring to use the cable cannot come to terms, they will be set by the commission.

Before any commercial use may be made of the cable approval must be obtained from the commission following a public hearing.

THE PICTURE OF THE WEEK

The versatile talents of stars Dick Powell, Joan Blondell, Adolphe Menjou, Louise Fazenda, the great supporting cast, the much-played Warren-Dubin songs, and the sure-fire direction of Lloyd Bacon have made New York's critical cohorts cheer 'BROADWAY GONDOLIER' as 'the best Warner musical since "42nd Street"'. And that automatically makes Warner Bros.' new fun-fiesta the outstanding picture of this and many another week. Released July 27th.

REPUBLIC PICTURES PROGRA
FOUNDED ON FAMOUS NOVEL
BY
Famous Autho

ELLERY QUEEN
THE SPANISH CAPE MYSTERY
MICHAEL O'HALLORAN
GENE STRATTON-PORTER
Author of HER FATHER'S DAUGHTER
The HOUSE of a THOUSAND CANDLES
MEREDITH NICHOLSON
EX-L
THE LEAVENWORTH CASE
ANNA KATHARINE GREEN
THE HARVESTER
GENE STRATTON-PORTER
Author of "FRECKLES"
CAPPY RICKS RETURNS
By PETER B.

AIRE
with
LIND
READ THE BOOK
SEE THE
REPUBLIC
PICTURE
GION
LOST
DANCING FEET
By ROB EDEN
Author of "$20. A WEEK"
The House of the
Seven Gables
NATHANIEL HAWTHORNE
BURT'S HOME LIBRARY
TIGER
VALLEY
REGINALD CAMPBELL
MY OLD
KENTUCKY
HOME
BY
STEPHEN
FOSTER
READ THE BOOK
SEE THE
REPUBLIC
PICTURE
TWO BLACK
SHEEP
A new novel by the
PUBLIC
PICTURES

New

WORLD-WIDE ORGANIZATION GIVES EXHIBITORS PRE-SOLD PROPERTIES WHICH HAVE BEEN READ BY MILLIONS

20th Gets 1-10 Pfd. and 1-2 Fox Common

(Continued from page 1)

mitted to the stockholders, voting power will be extended from the present Class B stock to all shares of the company. Under the new setup there will be 1,329,042½ shares of $1.50 dividend cumulative preferred stock and 1,226,529½ shares of common. Preferred shareholders will get the power to elect a majority of the board of directors in the event of certain defaults.

When Fox was reorganized about a year and a half ago Class A shares were split on a basis of six old shares for one of new, reducing the total from 4,900,000 to 404,276⅔ shares. At that time a new issue of Class A common was authorized and the total was made 2,800,000 shares. Class B stock was cut from 100,000 shares to 16,650.

Under the new plan one-half share of the new preferred and one-quarter share of the new common will be issued for each share of the present Class A common and one share of the new preferred and one-half share of the new common will be issued for each share of the Class B.

Sidney R. Kent is to receive options on 60,000 shares of the new common.

The new preferred is to be convertible into common at the rate of 1¼ shares of common for each share of preferred, with provision for the protection of the conversion rights.

Fox Issues Statement

A statement issued by Fox said:

"Dividend requirements on the new preferred stock to be issued to existing stockholders of Fox Film Corp. and to 20th Century Pictures, Inc., will be approximately $2,000,000 per year. According to the certified net income and surplus statement of 20th Century Pictures, Inc., its net income for the period from June 1, 1934, to May 4, 1935, was $1,409,277.71, and, on the basis of Fox Film Corp.'s figures, the consolidated earnings of that corporation and its wholly owned subsidiaries (including proportion of profits and losses of controlled subsidiaries not consolidated) for the first quarter of 1935 amounted to $616,800, and for the second quarter are estimated to have amounted approximately to $700,000."

This would appear to make the current rate of earnings about $3,000,000 a year for Fox and $1,500,000 for 20th Century.

Charter changes, the issuance of stock to 20th Century Pictures, Inc., for its property, the options to Kent and other features of the plan also are to be submitted to stockholders at the special meeting on Aug. 15.

Changes Are Impending

The New York Stock Exchange, to which 20th Century-Fox yesterday applied for a listing of stock under its proposed recapitalization, issued the following statement:

"There will be substantial changes in the final printing of the financial statements contained in the application of 20th Century-Fox Film, approved today, particularly in relation to the parent company's statement of Fox Film Corp."

20th Century's Last Year Net Put at $1,409,277.71

(Continued from page 1)

668.08. Operating expenses of exchanges, head office and administration are given as $2,708,892.83.

Merely referred to as "Darryl F. Zanuck employment contract" is an item of $1,000.

The liabilities include a note payable to the Bank of America, N. A., of $904,885 for six pictures pledged as collateral. Notes payable to stockholders maturing during May, June and July, 1935, are listed as $500,000. In the expense column appears an item of $4,069,372.42 for amortization of production costs. 20th Century lost $27,501.78 on its stage production of "The Red Cat" and $37,839.35 on the stage production of "De Luxe."

Negative costs on "The Call of the Wild," which was Zanuck's last picture for United Artists and which appears on the latter company's 1935-36 program, are given as $765,632.15. Rights to plays and scenarios are tabulated at $275,582.51. 20th Century also holds as a demand note receivable from United Artists Studio, Inc., $164,934.89. Its former one-half interest in that studio is listed at $50, which is described as "an at cost item."

Samuel Goldwyn last week purchased 20th Century's interest in that plant.

Four Subsequents in Coast Price Conflict

Los Angeles, July 24.—A price war involving four subsequent runs broke out downtown today. The cutting started following the Million Dollar's distribution of passes admitting patrons for a 10-cent service charge. The Roxy, Palace and President immediately dropped from 25 to 15 cents, charging the Million Dollar's practice was practically a reduction in admission.

Exhibitors fear a similar war as two years ago, when price-slashing spread throughout the downtown area, involving subsequent runs. The Million Dollar started that price war.

Outdoor Ad Bill Favored

Boston, July 24.—A bill to centralize state jurisdiction over outdoor advertising under a state director was approved today by a vote of eight to seven by the legislative committee on mercantile affairs. Objections of theatre men to the bill have been largely removed through alterations in the measure sponsored by Joseph Brennan of the M.P.T.O.A.

Marathons End in Wis.

Madison, Wis., July 24.—A bill barring endurance contests has been signed by Gov. Philip F. LaFollette. Fines and imprisonment are provided for both promoters and spectators.

Harry Wolper Is Injured

Boston, July 24.—Harry Wolper, office manager for M-G-M here, will be in a hospital for the next few weeks with a fractured hip. The accident occurred in Swampscott.

Goes All-Sound

The Capitol drops presentations and "name" acts two weeks from today when "China Seas" will launch its all-sound policy. The notice goes up on the theatre bulletin board this morning.

Seeking to Reargue Again in Pathe Case

E. B. Derr and Pat Casey will ask for leave to reargue their applications for injunctions to restrain officers and directors of Pathe from putting the company's reorganization plan into effect and from disposing of 1,400 shares of Pathe's 49 per cent stock interest in Du Pont Film Mfg. Corp., Martin E. King, attorney for the two, said yesterday.

If the application for reargument is unsuccessful, it was said, an appeal from the ruling denying the applications for injunctions, which was handed down Monday in state supreme court here, will be taken to the appellate division.

The appeals will be based on Derr's contention that Pathe's 49 per cent interest in Du Pont is worth $9,800,000 instead of the $6,000,000 valuation recently placed on it by the company, as contrasted with the 1931 valuation of $4,000,000 which is listed in the Pathe plan of reorganization. Consequently, Derr contends, Pathe common stock has a greater value than is represented in the treatment provided for it in the reorganization plan, which offers an exchange of one share of new common for 20 shares of old

On the same theory of a $9,800,000 valuation on Pathe's Du Pont holdings, Derr will appeal the ruling denying an injunction to restrain Pathe from disposing of 1,400 shares of the Du Pont stock at $1,200 per share. Derr's contention is that the stock is worth $2,000 per share.

Pathe, although not disclosing to whom it proposes to sell the Du Pont stock, asserts in affidavits filed with the court that $1,500,000 of the proceeds would be used for payment on a $2,000,000 loan from Bankers Trust Co. This would leave a balance from the sale of 1,400 shares at $1,200 per share of approximately $180,000. According to reports, this balance would be employed for First Division financing.

The Derr-Casey appeals are regarded as likely to delay consummation of Pathe's reorganization plan, although officials of the company said yesterday that they were prepared to proceed at once toward putting the plan into effect and expected to complete the procedure within a week or two.

Boot, Rank Cash in London Color Plant

London, July 24.—Henry Boot, builder of the Iver Studio, disclosed at an informal press dinner here tonight that he and J. Arthur Rank of British National are financially interested in the Technicolor plant being established in London by Herbert T. Kalmus, Technicolor head.

New Theatre Census Move Awaits Order

(Continued from page 1)

year, and the actual personal canvass would start Jan. 2. To some extent, it would provide a comparison with the census of 1933, but it will be more complete so far as coverage is concerned and may include items which were not considered in the first study.

Profiting by its experience in taking the 1933 census, when only a month was available for preparation and the work was done by persons from the Federal relief rolls without adequate supervision, the Census Bureau will endeavor to avoid these difficulties in its 1935 census. During the next five months, officials will draw up the schedules, in which the cooperation and advice of the industry will be sought, and will make plans for the canvass, which this time will be under the personal supervision of experienced bureau men.

The 1933 census represented the first attempt of the government to survey the amusement field. The proposed census will disclose the progress which has been made by the amusement industries during the past two years and may prove the initial step toward making periodic surveys of the field, which gives employment to several million persons, a regular feature of the census program.

The 1935 survey, like that of two years ago, will provide information as to the number of theatres, box-office receipts, employes and wage totals.

Several New Houses Open in Wisconsin

Milwaukee, July 24.—New theatres recently opened in Wisconsin include the Dodge at Dodgeville, a 342-seat house operated by Jake Eskin, one of the partners in Times Theatres, Inc., operators of the new Times, 500-seat house opened on the city's west side this summer.

At Newald, the Gerl, a 250-seat house, has been opened, while the Omro Business Men's Ass'n. has opened a 300-seat house in the high school annex in Omro. Construction of a new house is also planned for Ripon this summer by A. W. Stewart.

Experiment on Film Shows in Pullmans

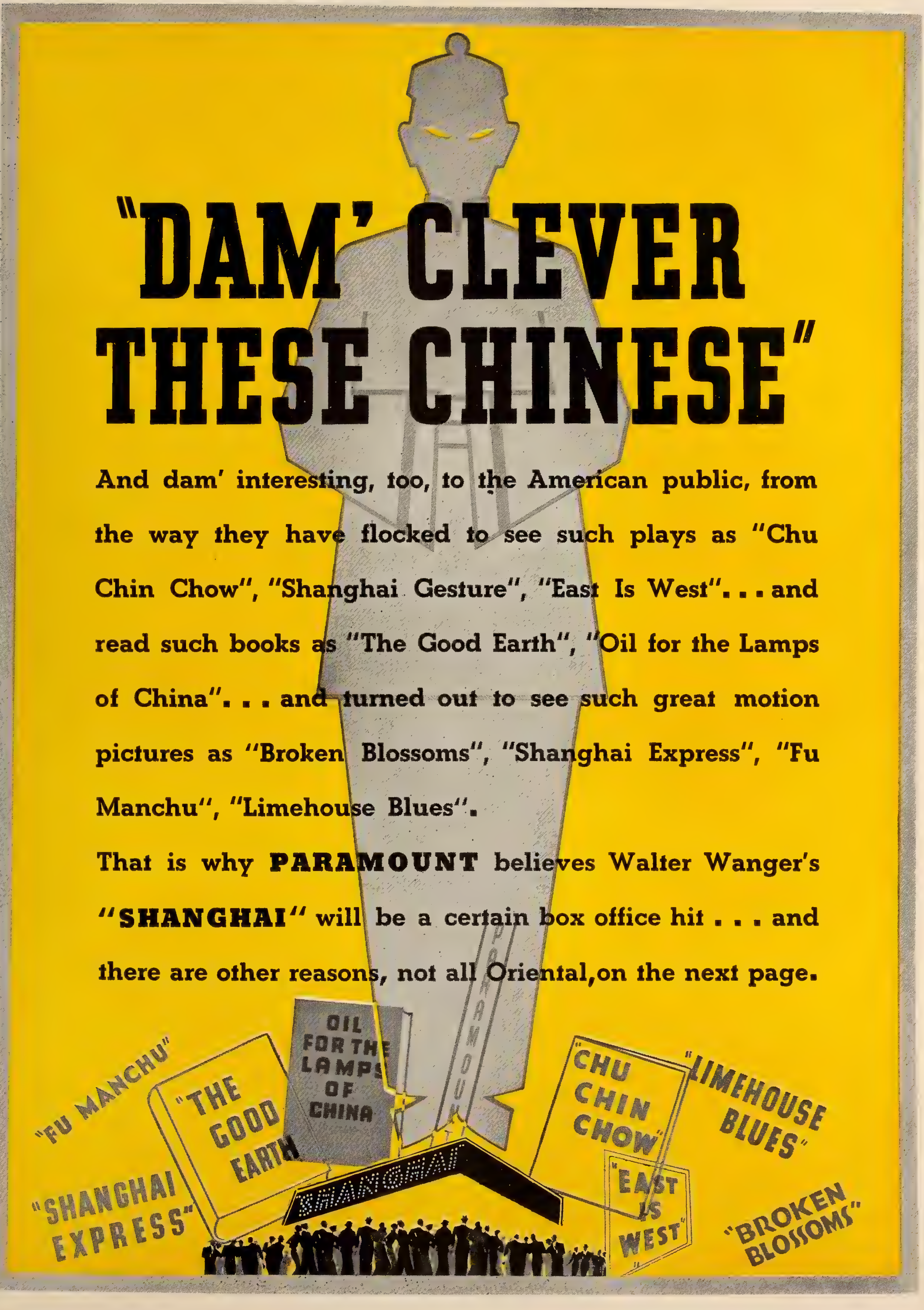
(Continued from page 1)

the RKO Corp., it was learned yesterday. A car equipped for the showing of pictures will make a test run within the next few weeks on a two-hour trip out of New York.

The Pullman Co. is understood to have a number of the film theatres on rails near completion. The cars are made to seat 60 persons and are air-conditioned.

Under present plans a small admission would be charged, with shorts, newsreels and stock reports shown on short trips and features on longer runs.

Capt. Jefferson Davis Cohn, European railroad power, is said to be behind the idea.



"DAM' CLEVER THESE CHINESE"

And dam' interesting, too, to the American public, from the way they have flocked to see such plays as "Chu Chin Chow", "Shanghai Gesture", "East Is West". . . and read such books as "The Good Earth", "Oil for the Lamps of China". . . and turned out to see such great motion pictures as "Broken Blossoms", "Shanghai Express", "Fu Manchu", "Limehouse Blues".

That is why **PARAMOUNT** believes Walter Wanger's **"SHANGHAI"** will be a certain box office hit . . . and there are other reasons, not all Oriental, on the next page.

"FU MANCHU"
"THE GOOD EARTH"
OIL FOR THE LAMPS OF CHINA
PARAMOUNT
"CHU CHIN CHOW"
"LIMEHOUSE BLUES"
SHANGHAI
"SHANGHAI EXPRESS"
"EAST IS WEST"
"BROKEN BLOSSOMS"

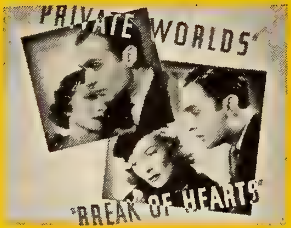
"SHANGHAI"

LORETTA LIKES PERRY-THAT'S END OF S
LOVE MATCH?
Loretta Young in London
Fred Perry

"Loretta Young has never been more alluringly displayed or more persuasive in appearance", *says Hollywood Variety*

stars LORETTA YOUNG, one of the loveliest personalities on the screen today and one of the brightest young stars. Miss Young has grabbed more front page and motion picture page publicity in the last six weeks than any other screen star. Interest in her is at a peak just as this picture is released.

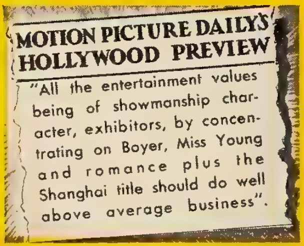
"SHANGHAI"



"Boyer for the box office and make no mistake about that", *says Hollywood Reporter.*

brings to the screen again CHARLES BOYER, now definitely a potent box-office draw, whose suave and charming performances in "Private Worlds" and "Break of Hearts" created a new feminine heart-wave and started a world of women talking.

"SHANGHAI"



MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"All the entertainment values being of showmanship character, exhibitors, by concentrating on Boyer, Miss Young and romance plus the Shanghai title should do well above average business".

"With the marquee strength of Charles Boyer and Loretta Young to inspire word-of-mouth and the fact that it has strong woman appeal augurs impressive box office for 'Shanghai' following Walter Wanger's money-garnering predecessor, 'Private Worlds'."

—*Hollywood Variety*

"SHANGHAI"

starring

LORETTA YOUNG and **CHARLES BOYER**

with **Warner Oland · Alison Skipworth**

Fred Keating · Directed by James Flood · A Walter Wanger Production

A Paramount Picture

Horne Quits U. A.; Greenthal Succeeds

(*Continued from page* 1)

been active for some time and general advertising and publicity.

Monroe Greenthal, currently exploitation manager for United Artists, is expected to succeed him, although the company had no statement to make on that score yesterday.

Horne's resignation occasioned keen regret on the part of Al Lichtman, U. A. president, who said:

"I consider Hal one of the finest advertising executives in the industry, possessing a marvelous show sense and knowledge of our business."

He joined United Artists after serving as general manager of Far West Theatres before which he was in production with Mayflower, Ziegfeld and Raoul Walsh. Well known for his sense of humor, Horne won the 1934 Spectator prize for his campaign on "Palooka."

His successor is New York born, 31 years old and a graduate of Columbia University. Greenthal was at one time identified with *Vanity Fair* and *Vogue* as well as with the Lawrence Fertig and Central Advertising Agencies. He entered the industry in 1928 as editor of *Gold Mine,* a Universal house organ and later became associate editor of Universal Newsreel. It was in 1931 that he joined United Artists as exploitation manager, a post he has held since.

U. A. Sets Releases On Nine of New List

United Artists yesterday set releases date on its first nine pictures for the new season. The schedule:

"Call of the Wild," with Clark Gable, Loretta Young and Jack Oakie, Aug. 9.

"Dark Angel," with Merle Oberon, Fredric March and Herbert Marshall, Sept. 6.

"Red Salute," with Barbara Stanwyck and Robert Young, Sept. 13.

"Barbary Coast," starring Miriam Hopkins with Edward G. Robinson and Joel McCrea, Sept. 27.

"The Man Who Could Work Miracles," with Roland Young, Oct. 4.

"Charlie Chaplin in Modern Times," Oct. 11, on which date it is scheduled for its world premiere in New York.

"The Melody Lingers On," with Josephine Hutchinson, George Houston and Helen Westley, Oct. 25.

"100 Years from Now," Dec. 25.

"Shoot the Chutes," Dec. 25.

Plans Five or Six

Mary Pickford reached New York from the coast yesterday and declared she would produce five or six pictures for U.A. next season. Her franchise with the company allows for production of as many as 12, she added, but stated she will limit the total to five or six. The exact number depends upon the deal she has pending for a co-producer.

Walter Wanger has been mentioned for the post. This, however, was prior to his new deal with Paramount for another year.

Goldwyn Signs Potter

Hollywood, July 24.—Henry C. Potter has signed a contract with Samuel Goldwyn and eventually will direct.

Consolidated Earned $265,120 in Quarter

(*Continued from page* 1)

amounts to 50 cents per share on the 400,000 shares of preferred stock outstanding and 12 cents a share on the 524,973 shares of common stock outstanding.

For the six months period ended June 30, 1935 the net earnings, after deduction of depreciations and Federal taxes, amounted to $477,657.39, which is equal to $1 per share on the 400,000 shares of $2 preferred stock outstanding and 15 cents per share on the 524,973 shares of common stock outstanding.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Bright Lights"

(*Warners*)

Hollywood, July 24.—Joe E. Brown, having a field day singing, dancing, tumbling and stooging, makes this a certain money picture where he is liked. Although the story through which the comedian romps is familiar, his antics and the work of the supporting cast, including Patricia Ellis, Ann Dvorak, William Gargan, Joseph Cawthorn and the Maxellos, acrobatic troupe, furnish interest throughout.

Brown and his wife (Miss Dvorak) are a featured team with a burleque show. Brought to New York for a Broadway revue, the team is split by Gargan, a press agent, who makes Miss Ellis Brown's new partner. When Brown wows Broadway Miss Dvorak returns to burlesque and Joe starts hitting the high spots with Miss Ellis. On the verge of proposing to Miss Ellis, Brown finds she is engaged to Gargan. Realizing his error, he returns to his wife for the finish.

Credit is due the authors, Kalmar and Ruby, and the adapters, Ben Markson and Benny Rubin, for keeping the story clean, portraying burlesque and show people as sober, hardworking folk. Busby Berkeley's direction rings true throughout.

Several musical numbers are cleverly spotted and, minus the usual Berkeley massiveness, aid the excellent production.

Should satisfy everywhere as wholesome amusement.

No production code seal. Running time, 84 minutes. "G."

"The Cheers of the Crowd"

(*Monogram*)

Hollywood, July 24.—A typical situation comedy with only occasional suggestion of a light love interest, plus melodramatic romance, establishes this as a dual bill attraction. Laugh assurance is the dominating sales angle.

Publicity man Russell Hopton gags an ex-carnival man (Harry Holman) into finding and returning a money bag as a means of stimulating interest in a flopping show. As continual effort is devoted to make the public believe the stunt is on the up and up, Holman becomes the focal point of interest.

A conflict arises between Hopton and Irene Ware, his reporter sweetheart, who has been duped into giving the sham wide publicity. Meantime the heavy (Bradley Page) threatens the exposure of all as a means of getting enough money to elope with an usherette (Roberta Gale). In an anti-climax the appearance of his wife (Betty Blythe) foils Page as Holman makes good his name of honest John and all is straightened out between Hopton and Miss Ware.

The screen play, by George Wagner, is capably directed by Vin Moore. In it special attention has been given to providing exhibitors with automatic showmanship material with which to ballyhoo the picture.

Production Code Seal No. 1083. Running time, 60 minutes. "G."

"The Arizonian," to be previewed tonight at the Roxy, was reviewed by wire from Hollywood on May 28.

"She," opening this morning at the Radio City Music Hall, was reviewed on June 29.

"Murder Man," tomorrow's opener at the Capitol, was previewed by wire from Hollywood on July 8.

Coast ITO to Stick To Code Zoning Plan

Los Angeles, July 24.—The I. T. O. will adhere to the clearance schedule adopted under the code, according to a letter sent all exchanges. The move comes somewhat as a surprise in view of the organization's intention to adopt a schedule of its own.

Doubt regarding its final acceptance of the code schedule, however, was expressed by Robert Poole, secretary, who admitted only 17 members voted on the letter. He said the matter will be brought up again at a membership meeting July 29, when the letter will be affirmed, modified or rescinded.

Local exchanges express willingness to abide by the code schedule.

Larry Kent, Skouras Aide

Los Angeles, July 24.—Larry Kent, brother of Sidney R., has been appointed Charles Skouras' assistant at Fox West Coast, succeeding Reeves Espy, who resigned some time ago to join Samuel Goldwyn.

A

good way to get the good will [1] of the independent exhibitor [2] is to advertise in the

ALLIED
CONVENTION
YEAR [3]
BOOK
OF 1935

HURRY!!
forms close Aug. 1

Apply to:

ALLIED
Theatre Owners of N. J.
Inc.
Hotel Lincoln, N. Y. C.
PEnnsylvania 6-8447

1. *Leading to sales.*
2. *1660 of them.*
3. *Which means your ad packs a year 'round punch!*

FLASH!
NEWS!
EXTRA!

ONE OF WORLD'S OUTSTANDING THEATRE CIRCUITS SIGNS UNIVERSAL CONTRACT FOR 18 PICTURES!!

Just Confirmed

by David Loew, Eugene Picker and J. R. Grainger . . . LOEW METROPOLITAN CHAIN deal calling for equal split of entire UNIVERSAL output for 1935-36, with preferred playing time! . . . Now you KNOW that Universal has the lineup!

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 22 NEW YORK, FRIDAY, JULY 26, 1935 TEN CENTS

Some Finding Giveaways No Aid to Intake

Gains General Despite Local Experiences

Additional dispatches from the field on the giveaways situation appear on page 10 today.

Further study of the giveaway situation as reported by MOTION PICTURE DAILY'S correspondents in various sections of the country shows that in many places they are spreading rapidly. In others experience has shown grosses are not increased in the long run, and local opposition has stopped them in some localities.

In most of Texas the various stunts —bank night, screeno, pay nights, bingo, etc.—are on the increase. In San Antonio, on the other hand, Interstate has decided to eliminate them gradually.

Conditions are spotty in the south. Virginia and the District of Columbia are practically free of stunts. In Akron, bank nights are the subject of litigation and in Salt Lake, the scheme has just made its appearance. Seattle and the Pacific Northwest are reported singularly free of giveaways so far.

Boston Bank Night Hearing Adjourned

BOSTON, July 25.—The infringement suit filed here in the U. S. District Court by Claude Ezell and Emmett Thurman, bank night heads, against James Kennedy, owner of gold mine, has been adjourned until next Monday by Federal Judge Brewster. The case, which opened here Monday, is being heard in the office of Special Master Arthur Stevenson, who will rule whether or not bank nights and gold mines are lotteries.

Kennedy formerly sold bank night over much of New England, but branched out on his own with gold mine. Ezell and Thurman offered to buy him out, he claims, and when he refused they filed the infringement suit.

No Giveaways, But Says Grosses Gain

KANSAS CITY, July 25. — Mrs. A. Baier, operator of the Lindbergh, claims the distinction of being the only

(*Continued on page* 11)

20th Century-Fox Show Big Two-Year Gain

Details Given in Stock Exchange Application

Figures submitted to the New York Stock Exchange in securing approval for listing of new securities of 20th Century-Fox show a striking record by the former company since its organization, May 2, 1933, and also steady gains by Fox since its reorganization in July, 1933, although Fox has paid no dividends since June, 1931.

20th Century produced 18 pictures and began its heavy profits from the first, "The Bowery," which cost $725,436.27, and showed a profit of $304,286.18. "Broadway Thru a Keyhole," which followed, cost $871,588.04 and showed a profit of $2,102.09. The income from May 2, 1933, the date of incorporation, to May 31, 1934, was $306,388.27. Expenses were $280,210.44, and $26,177.83 was transferred to surplus.

During the months from June 1, 1934, to May 4, 1935, net income jumped to $1,409,277.71 and surplus increased to $1,440,553.82, and total

(*Continued on page* 11)

New Union Started By Studio Workers

HOLLYWOOD, July 25.—The National Ass'n. of American Employes, a new labor organization, has been formed here and has started soliciting studio memberships.

Although it has been reported the forming of the new group was for the purpose of taking advantage of collective bargaining under the Wagner Bill, current reports indicate the organization is preparing to fight I. B. E. W. and is being backed by several former I. A. T. S. E. members dissatisfied with the recent jurisdictional dispute in which I. B. E. W. was the winner.

Current membership of the new organization totals over 280. Tenta-

(*Continued on page* 9)

Basson Elected as Local 306 President

Joseph Basson was named president of Local 306 yesterday at elections held at Palm Garden. The vice-presidency went to Frank Ruddock. James Ambrozio was elected treasurer. Charles Beckman and Herman Ghelber were chosen financial and

(*Continued on page* 8)

Three Little Words

Faulty telegraphic transmission to the tune of three words resulted in crediting to S. R. Kent a statement he never uttered.

From Hollywood, *Motion Picture Daily* reported Kent declaring prior to his departure for the east by air that the 20th Century-Fox deal was "very distant," with present negotiations merely conversational.

The statement should have been credited to Jesse L. Lasky's office and had reference to reports that Lasky may continue with 20th Century-Fox under a new deal following his present contract which expires in October.

Para. Counsel Approves Few Of Fees Asked

Only 14 applications for fees, amounting to $72,859, received the unqualified endorsement of Paramount when the company through its special counsel, Thomas D. Thacher, was heard yesterday by Federal Judge Alfred C. Coxe on the 53 petitions for a total of $3,222,000 which the court has been asked to approve for services rendered in the Paramount reorganization proceedings.

However, no definite objection was

(*Continued on page* 8)

Nye Declares Fees Would "Loot" Para.

WASHINGTON, July 25.—Charging efforts were being made to "loot" the corporation, Senator Nye of North Dakota today read to the Senate the schedule of the fees sought by counsel in the Paramount reorganization.

The senators' submission of the schedule was the first attention to be paid to the matter by the Senate as a body, although members of Senator McAdoo's investigating committee have been following the reorganization.

Bondy Promises to Allow "Something"

Attorneys representing petitioners for more than $281,525 as fees for services in the RKO reorganization proceedings were jocularly informed by

(*Continued on page* 8)

Tax Jumps in Sight on Any Film Profits

Narrowing of Scales on Corporations Likely

By CLARENCE LINZ

WASHINGTON, July 25.—Imposition on the more prosperous film corporations of an excess profits tax and a narrowing of the sliding scale proposed by President Roosevelt, who would replace the present flat rate of 13¾ per cent with graduated levies ranging from 10¾ per cent to 16¾ per cent, to possibly as short a range as 13¼ to 14¼ per cent was seen probable in Washington today as a result of an agreement of Democratic members of the House Ways and Means Committee said to have been reached by Chairman Doughton.

Consideration is being given the imposition of the excess profits tax on all corporation returns over eight or 10 per cent, but there is a possibility that the tax may be applied to income over six or seven per cent. The rates, Chairman Doughton said, would be "moderate."

Hopes expressed by the committee chairman earlier this week that a tentative bill would be written by Monday are now doubtful of realization, but the Senate Finance Committee, nevertheless, will begin its

(*Continued on page* 8)

Warners' 39-Week Net Totals $371,591

For the 39 weeks ending May 25, 1935, Warner Brothers Pictures, Inc., and subsidiary companies had a net operating profit, after Federal income taxes and other charges, of $371,591.84 which was transferred for reduction of the deficit account.

Other income permitted a reduction of the deficit account by $739,738.36, so that on May 25 it stood at $15,606,825.41. This other income totaled $877,137.80 and was made up of profit on redemption of six per cent convertible debentures and bonds and

(*Continued on page* 2)

Mary Pickford Soon To Pick Co-Producer

Her choice of co-producer of the pictures she will make for United Artists next season will be made late next week upon her arrival back in Hollywood, it was revealed by Mary Pickford yesterday.

Five men are being considered for the position, she said. They are two

(*Continued on page* 11)

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

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Editor
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"Irish in Us" to Strand

"The Irish in Us" is scheduled to follow "The Broadway Gondolier" at the Strand next Wednesday.

Wall Street

Eastman Pfd Highest Gain on Big Board

	High	Low	Close	Net Change
Columbia	74½	73	73	— ¾
Consolidated	4¼	4¼	4¼	+ ⅛
Cons., pfd	16¼	16⅛	16⅛	+ ⅛
Eastman	148	147	147¾	— ½
Eastman, pfd	160	160	160	+3
Fox	16¼	15⅜	16	— ¼
Loew's	41¼	40⅜	40½	— ⅜
Loew's, pfd	103⅞	103⅞	103⅞	— ¾
Paramount	4¼	4	4¼	.....
Pathe	⅝	⅝	⅝	.....
Pathe "A"	10	10	10	+ ⅜
RKO	2½	2¼	2¼	— ¼
Universal, pfd ...	35½	35¼	35¼	+1¾
Warner	5	4⅝	4¾	— ¼
Warner, pfd	33¼	31½	31½	.....

Technicolor Off Slightly

	High	Low	Close	Net Change
Technicolor	21½	20¼	20¼	— ¾

Paramount F. L. Bonds Drop 1⅛

	High	Low	Close	Net Change
General Theatre 6s '40 ctf........	13¼	12½	12⅝	— ⅞
Keith B. F. 6s '46	82½	82½	82½	+ ½
Loew's 6s '41 ww deb rights..	103¾	103⅝	103⅝	— ¼
Paramount B'way 5½s '51	61	61	61	.....
Paramount F. L. 6s '47	96¾	96¾	96¾	—1⅛
Paramount Publix 5½s '50	98¼	98¼	98¼	+ ⅛
Warner Bros. 6s '39 wd	73⅞	72⅜	73¼	— ⅜

(Quotations at close of July 25)

◂ Purely Personal ▸

NORMAN WESTWOOD Universal's manager in Shanghai, is in New York, having crossed via London. He will confer here with NATHANIEL L. MANHEIM, the company's foreign sales manager, and later with CARL LAEMMLE at Universal City, before returning to his post.

•

ELISSA LANDI and her mother, the Countess ANTHONY LANDI; DAVID SARNOFF, and LESLIE HOWARD and his family all leave for Europe today. MISS LANDI and her mother will be on the *Bremen* and the others on the *Berengaria.*

•

ED MCNAMEE, postcarding from Colon:

"The cruise is great, but they should change the name of our ship to the Dizzy Dean, as she pitches so well."

•

JUNE KNIGHT will play one of the leads in "Jumbo," the forthcoming Moss Hart-Cole Porter musical. ALBERTINA RASCH will arrange and school the dancers.

•

D. A. DORAN, formerly in Paramount's story department, can now be found at his desk at the St. James Theatre daily and usually knee deep in scripts.

•

ERNEST TRUEX is spending most of his evenings down at the Red Barn Theatre in Locust Valley watching the histrionics of sons, JOHN and PHILLIP.

•

STEVE NEWMAN, formerly in the advertising and publicity department at Warners, joins First Division Monday as assistant to AL FRIEDLANDER.

•

NED E. DEPINET has gone in for badminton, giving up tennis completely. SPYROS SKOURAS is planning to take up the game also.

•

RUTH WEISBERG leaves today on a vacation trip that will take her to California where she will visit the Warner studios.

•

MARY PICKFORD and MRS. MILDRED ZUKOR visited THOMAS MEIGHAN late yesterday afternoon at the Doctors Hospital.

•

BILL PINE, that traveling man from the West, is in town again to busy himself on exploitation of "The Crusades."

•

JACK GREENBERG, secretary of the Philadelphia Film Board, is mourning the loss of his mother.

•

The HENRY GINSBERGS arrive from Hollywood Aug. 1 and sail two days later on the *Rex.*

•

ROWLAND BROWN'S original, "The Guy in the Silk Hat," has been purchased by Radio.

•

. . . Cincinnati

CHARLES "BUDDY" ROGERS was tendered a party while here. Those attending were: WILLIAM DEVANEY, VIRGINIA BLASING, CHARLES WEIGEL and SALLY SHERER of the M-G-M offices; JAMES BRUNETTI and MRS. BRUNETTI, HERMAN BOOTH and MRS. BOOTH, G. B.; JOE GOETZ and MRS. GOETZ, MARGARET WORKS and EDDIE DINERMAN of the RKO division offices.

HAL LE ROY, native son, is here in connection with legal matters. MRS. LE ROY is with him.

COL. ARTHUR FRUDENFELD and party, which included MRS. FRUDENFELD and MARK WOLF, of Indianapolis have returned from a trip through Canada.

•

. . . Denver

FRED METZLER was in Denver on his way to his headquarters in Los Angeles from New York.

HERMAN WOBBER spent a few days here.

RICK RICKETSON has announced several managerial changes: RAY DAVIS, Boulder, Col., has been promoted to city manager at North Platte, Neb. He succeeds MARK BERKHEIMER, who is now unassigned. FRED GLASS has been transferred from McCook, Neb., to city manager at Boulder, Col.

ALFRED MCNEIL spent two weeks in Denver and vicinity with Fox managers advising on the building of programs in cooperation with schools. He is in charge of visual education for Skouras theatres.

•

. . . Omaha

HENRY FONDA surprised his father and relatives by planing in late Saturday, and surprised the local press by planing right back to the coast Sunday night. HENRY grew solicitous over his father's illness, he explained, so flew home.

FLORENCE TRENT, M-G-M office staff, wife of V. B. TRENT, office manager, was given a baby shower by office colleagues and other film row friends. The tiny one expected any week now.

MICKEY GROSS, manager of the Orpheum, Sioux City, has gone to Los Angeles for a GROSS family reunion. His brother JACK manages the RKO Hillstreet in L. A.

MRS. BEN BLOTCKY, wife of the Paramount division manager at Minneapolis, has left here with her two children, following a few days' rest here made necessary by an accident. MRS. BLOTCKY'S car plunged over an embankment in western Wyoming. Bruises were all she and the children suffered, though the car was smashed.

•

. . . Pittsburgh

STEPHANIE DIAMOND, Pittsburgh girl who was on JOE PENNER'S air program all season, is back home and has returned to work at Station WCAE.

KASPAR MONAHAN, drama editor of the *Pittsburgh Press,* is vacationing in Denver and CY KING is sitting in for him.

MRS. MILDRED JENNINGS has returned to Washington after spending a week here with her daughter, MRS. MIKE CULLEN.

With the Fulton closed for the summer, L. B. COOL and his entire staff are at the Pitt for the duration of the Carnera-Louis fight picture run.

HARRY KALMINE and MRS. KALMINE celebrated their wedding anniversary the other day.

DONN WERMUTH, BEN STEERMAN, BEN KALMENSON and BILL SCOTT of Warners are away for two weeks. They're all on vacation.

FLORENCE FISHER PARRY, reviewer and columnist for the *Press,* has returned to her desk after a week looking over the new shows and films in New York.

In Eight Seconds

The phone rang.

It was Joseph I. Breen, head of Production Code Administration, who returned yesterday on the *Washington.*

"What do you want?" he asked.

"A few highlights of your trip," replied a *Motion Picture Daily* reporter.

"Nothing to say. Was on vacation. Gone five weeks. Taking train west Friday. O. K.?"

"Much obliged."

"Goodbye."

"So long."

Warners' 39-Week Net Totals $371,591

(*Continued from page 1*)

mortgages of subsidiaries, refund of Federal income taxes, and additional profit on sale of an investment in an affiliated company. From it, however, was deducted $508,991.28 for possible losses on deposit on a purchase contract, loss on sale of capital assets, and net losses on securities and advances to subsidiaries.

Details of the statement show that net income from operations after amortization of films was $8,546,553.32. This was before provision for Federal income taxes, amortization on properties and miscellaneous charges.

Net operating profit, after deducting all charges, but before deducting Federal income taxes, was given as $821,320.99, which compares with a net operating loss, after similar charges, of $528,836.69 for the corresponding period of the previous year.

The consolidated balance sheet as of May 25 shows current assets of $19,009,785.58, including cash of $4,171,160.65. Current liabilities, other than mortgages and funded debt maturing within one year, were $11,095,713.41.

Greenthal Is Named

Monroe W. Greenthal was formally announced as the new director of advertising and publicity of U. A. to succeed Hal Horne by Al Lichtman yesterday.

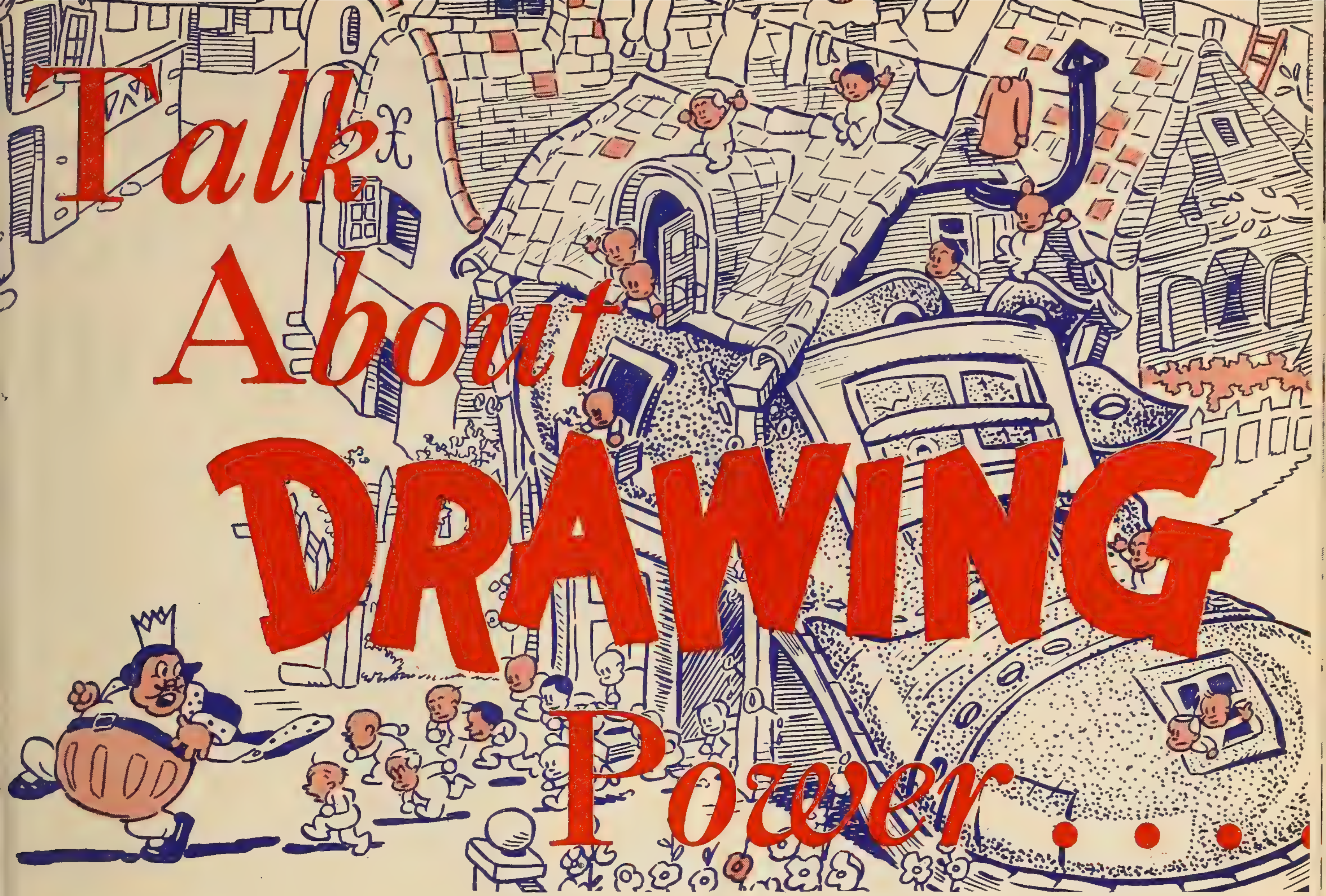
His advancement from exploitation manager is not expected to result in any other changes in the present personnel of his department.

George F. Schott Dead

CINCINNATI, July 25.—George F. Schott, 57, president and general manager of Coney Island, local amusement resort on the Ohio River, died suddenly today from a heart attack. He is the first member of the Cincinnati Variety Club to die. Surviving are his widow, a son and a daughter.

"Crusades" to Astor

"The Crusades" opens at the Astor Aug. 21 on a two-a-day policy. Following the run of the film there, it will be shown on the same policy in key cities before being released generally.



You'll see it demonstrated in a great big way when Warner Bros. present Vitaphone's

"A MERRY OLD SOUL"

A New Departure in Merrie Melody Cartoons in Color — Produced by Leon Schlesinger*

Take all the cartoons you've ever run, silent or sound, full-color or no-color, good or bad... and forget 'em when you play this one! Because, as sure as you're born, here's one little reel that's in a class all its own. We've married Old King Cole and The Old Woman Who Lived In A Shoe...and tell the story in song and *color* for 7 minutes of screen sunshine that's as certain to send them out talking as the top hit in your date book. And...speaking of date books...August 15th is the day to remember if you want to be first to show it!

IT'S ANOTHER HAPPY INDICATION THAT

"VITAPHONE

HAS THE BEST SHORTS ON THE MARKET
THIS SEASON AND EVERY SEASON"

*Watch for more COLORful news soon about next season's Merrie Melodies!

To start
FOX GIVES
THAT WILL

Janet
GAYNOR and Henry
FONDA

in

"The FARMER

THE DRAMA OF A GREAT EPOCH
. . . *and the Great American Love Story*

the new season...

YOU THE PICTURE GIVE YOU NEW HIGHS!

"One of the finest productions FOX has ever offered for release. A certain box office bet." —*Hollywood Reporter*

"This picture is box office. Gripping, well-acted, it has heart, names, laughs, thrills and sobs." —*Showmen's Trade Review*

"An important, big money picture. FOX has transmuted dramatic metals into finely-rolled gold cashable at any box office." —*Motion Picture Daily*

"In the bag! Looks like dough for the boys that check up the tills every night in the theatres." —*Variety Daily*

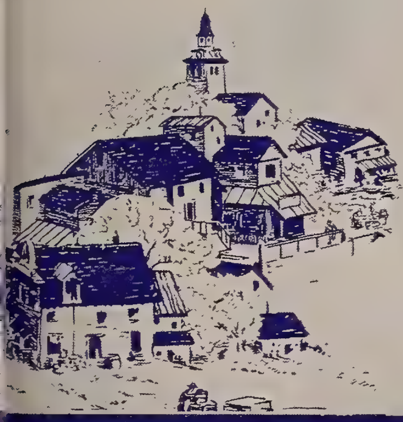
TAKES a WIFE"

with

CHARLES BICKFORD • JANE WITHERS
SLIM SUMMERVILLE • ANDY DEVINE
MARGARET HAMILTON • ROGER IMHOF

Produced by Winfield Sheehan. Directed by Victor Fleming. Screen play by Edwin Burke

From Max Gordon's stage play. Authors: Frank B. Elser and Marc Connelly. Based on the novel "Rome Haul" by Walter D. Edmonds.



YOU HAVEN'T A SHOW WITHOUT FOX

A heart-warming tale of simple folk, set in a dramatic, colorful era of American life and showing the tidal wave of humanity and progress through the young nation's great waterway to the West.

Postal Telegraph
THE INTERNATIONAL SYSTEM
Commercial Cables
Mackay
TELEGRAMS CABLEGRAMS RADIOGRAMS
All America Cables
Radio

RECEIVED BY PRIVATE WIRE FROM
POSTAL TELEGRAPH
STANDARD TIME INDICATED IN THIS MESSAGE

55 DL VIA MACKAYRADIO=JO SEATTLE WASHN 1110

AL LICHTMAN=

UNITED ARTISTS CORP PUBA=

WORLD PREMIERE CALL WILD OPENED YESTERDAY SE
OPENING DAY HOUSE RECORD AND BEAT OPENING D
BY FIVE HUNDRED DOLLARS SAME ADMISSION PRI
SEATING CAPACITY BOTH BIG HOUSES STOP AUDI
ENTHUSIASTIC IN PRAISE OF PICTURE INDICAT
EVERYWHERE CONGRATULATIONS AND BEST WISHE

JOHN HAMRICK.

252P.

"Thanks, Mr. Hamrick, your record-breaking business justifies all the fine things the critics said about 'CALL OF THE WILD'."

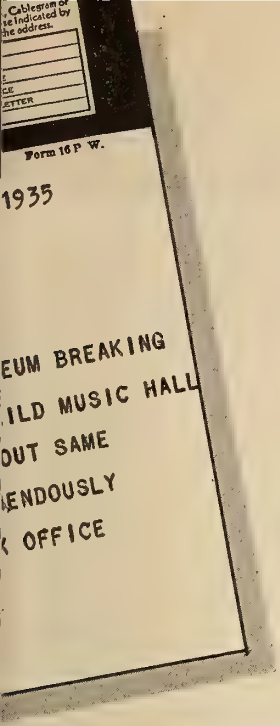
"Wait a minute—Mr. Exhibitor—this review means money to you—read it then join the avalanche of theatres all over the country that now are setting new box-office records."

"That's all there is to it, boys. The rest is up to you."

JOSEPH M. SCHENCK *presents* DARRYL ZANUCK'S *production of*

CLARK GABLE in JACK LONDON'S CALL OF THE WILD

with LORETTA YOUNG • JACK OAKIE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Form 16 P W.

1935

EUM BREAKING
ILD MUSIC HALL
OUT SAME
ENDOUSLY
OFFICE

DAILY **VARIETY** DAILY

ed with entertainment. "Call of the Wild" is a top-
picture for all audiences. It's elemental drama with
as the main feature. Picture is wrapped up by the
le-Young-Oakie combo whose teamwork is near per-
. Gable is the perfect Jack Thornton. He has every
vantage for the part particularly the sex angle. Same
es for Miss Young who gives a grand performance."

THE Hollywood **REPORTER**

"The Call of the Wild" is a bonanza in celluloid form for the gold-seeking exhibitor. Nobody can watch an audience relish the numerous and varied forms of entertainment that are packed into its sequences, and doubt that it will prove as rich a box-office gold mine as the one Clark Gable, Loretta Young and Jack Oakie uncovered in the frozen north."

20th
CENTURY
PICTURE

Released thru **UNITED ARTISTS**

Para. Counsel Approves Few Of Fees Asked

(*Continued from page* 1)

voiced by Thacher to the largest single application submitted, that of the law firm of Root, Clark, Buckner & Ballantine, who, as counsel to the Paramount trustees, asked $700,000. Thacher, with reference to "my good friend, Arthur Ballantine," a partner in the petitioning law firm, said that that claim would be left, insofar as Paramount was concerned, to the discretion of the court. Virtually the only criticism voiced in connection with this application by Thacher was the opinion that "the work ought to have been more economically done, and could have been."

In all, Thacher urged the court to disallow in their entirety applications aggregating approximately $700,000, on the grounds that the petitioners either represented intervening creditors and should, therefore, be paid by them rather than by Paramount; that the services rendered were duplications of those performed by persons appointed by the court and, therefore, valueless to Paramount, or that the services were rendered in connection with the receivership or bankruptcy, rather than the reorganization, and, therefore, were not justified under the new reorganization statutes.

$1,400,000 Held "Excessive"

Applications amounting to approximately $1,400,000 were described as "excessive" by Thacher and the court was urged to reduce them to a reasonable amount. In this category were the large claims filed by the bondholders, stockholders and other protective committees and their atttorneys.

Left to the discretion of the court with no particular recommendation were the applications of the three trustees, their counsel and Adolph Zukor, which aggregate approximately $1,100,000.

If Thacher's urgings were to be followed to the letter by the court, the fees which would be granted would approximate $1,500,000. Judge Coxe called for additional briefs and stipulations from Thacher, Ballantine and others, to be submitted early next week. The applications then will be studied by the court and a decision rendered later.

Following is a list of the applications before the court and the treatment of them recommended by Thacher:

Charles D. Hilles, as receiver and trustee, $128,000; Eugene W. Leake, trustee, $118,000; Charles E. Richardson, trustee, $87,000; Adolph Zukor, as receiver, $18,545, and Root, Clark, Buckner & Ballantine, as counsel to the trustees, $700,000 and expenses and disbursements of $7,679. All five applications were left to the discretion of the court, except in the case of the trustees, and Zukor compensation on the basis of $72,000 per year, representing a slight decrease in the amounts asked, was recommended.

Choate, Hall & Stewart, Boston attorneys, $35,000 fee and $881 expenses; Chase National Bank, as truste under the indenture of Paramount bonds, $1,975 fee; Milbank, Tweed, Hope & Webb, attorneys for Chase as trustee, $1,000 fee; N. Y. Trust Co., as agent in the reorganization, $3,297 fee and $415 expenses; Cobb, Hoke, Benson, Krause & Faegre, Minneapolis attorneys, $4,500 fee and $59 expenses; Pillsbury, Madison and Sutro, San Francisco attorneys, $3,525 fee and $9.83 expenses; Sonnenschein, Berkson, Lautmann, Levinson & Morse, Chicago attorneys, $5,750 fee and $285 expenses; Strauss & Hedges, special counsel, $501 fee; Kiddle, Margeson & Hornidge, special attorneys, $700 fee and $14 expenses; Harry Meyer, Butte, Mont., attorney, $150 fee and $31 expenses; Hornidge & Dowd, special attorneys, $1,980 fee and $26 expenses; Winston, Strawn & Shaw, Chicago attorneys, $1,500 fee and $16 expenses; Johnston, Tory & Johnston, Toronto attorneys, $750 fee, and Price, Waterhouse & Co., accountants, $10,484. All 14 applications were approved unconditionally, both as to the right of the applicants to fees and as to the amounts asked.

Palmer Fee for $15,000

Bibb, Dederick & Osbourne, attorneys for an intervening bondholder, $25,000 fee; Saul E. Rogers, attorney for intervening bond and stockholders, $10,000 fee; Jacob J. Lesser, attorney for an intervening stockholder, $37,500 fee and $12 expenses; Archibald Palmer, attorney for intervening stock and bondholders, $15,000 fee; Louis M. Levy, attorney for intervening stockholders, $750 fee; Samuel Spring, attorney for Paramount creditors, $7,500 fee; Malcolm Sumner and Edwin L. Garvin, attorneys for an intervening creditor, $150,000 fee and $431 expenses; Orrin R. Judd and J. Andrew Crafts, certified public accountants, employed by Sumner and Garvin, $11,000 fee; Myron Robinson, consulting expert, employed by Sumner and Garvin, $12,500 fee; Samuel Zirn, attorney for intervening bondholders, $75,000 fee and $1,207 expenses; A. J. Schanfarber, A. M. Frumberg, Edgar J. Schoen and Samuel Zirn, attorneys, $75,000 fee and $7,868 expenses; Kuhn, Loeb & Co., reorganization activities, $100,000 fee and $14,287 expenses; Cravath, de Gersdorff, Swaine & Wood, attorneys for Kuhn, Loeb, $150,000 fee and $812 expenses; Rosenberg, Goldmark & Colin. special attorneys for Paramount, $3,500 fee and $228 expenses; Joseph P. Day and Peter Grimm, realty advisors, $10,000 fee. All of the foregoing applications, aggregating approximately $700,000, were recommended for denial in their entirety.

Vanderlip bondholders' committee, $80,000 fees and $143,253 expenses; Davis, Polk, Wardwell, Gardiner & Reed, attorneys for the Vanderlip committee, $150,000 fee. The opinion was given by Thacher in connection with these applications that a total remuneration of $150,000 for both the committee and its attorneys would be "adequate." He asked that the expenses be "carefully scrutinized."

Bank group committee, $50,000 fees and $25,728 expenses; Beekman, Bogue & Clark, attorneys for the committee, $75,000 fee. Thacher recommended total disallowance of the committee's fees and the allowance only of "reasonable expenses and fees for legal services."

Merchandise creditors' committee, $13,500 fee and $1,197 expenses; Nathan Burkan, attorney for the committee, $50,000 fee. Members of this committee withdrew their applications for fees in their entirety but asked reimbursement for expenses. Thacher concurred in this and recommended a reduction of Burkan's fee.

Cook, Nathan & Lehman, as attorneys for the stockholders' protective committee and for Paramount, $250,000 fee and $3,759 expenses; stockholders' protective committee, $75,000 fees and $170,000 expenses. Thacher regarded the law firm's application as "excessive" and recommended that members of the stockholders' committee be denied fees and numerous committee expenses be either reduced or disallowed. Final stipulations on these, however, are being filed next week.

Munger debenture committee, $6,000 fees and $1,945 expenses; Szold & Brandwen, attorneys for the committee, $75,000 fee and $78 expenses. These claims were described as "excessive" and urged for reduction.

Paramount Broadway bondholders' committee, $40,000 fees and $16,914 expenses; Stroock & Stroock, attorneys for the committee, $100,000 fee; Independent Paramount Broadway bondholders' committee, $2,500 fee and $297 expenses; Weiss, Pels & Grant, attorneys for the independent committee, $10,000 fee and $84 expenses; Chemical Bank & Trust Co., trustee under the indenture for Paramount Broadway bonds, $21,424 fee and $307 expenses; Cotton, Franklin, Wright & Gordon, attorneys for Chemical Bank as trustee, $8,000 fee and $48 expenses. All of these claims were described as "excessive" by Thacher, who said that some of them were duplications of services and should be disallowed entirely. He recommended an allowance of about $200,000 for the entire Paramount Broadway petitioning group.

Rebuffs Sabath Body

The Sabath Congressional committee investigating real estate reorganizations, in the person of Meyer Kraushaar, its attorney, was rebuffed yesterday by Federal Judge Alfred C. Coxe when Kraushaar sought to intervene in the hearings on application for $3,222,000 of fees for services in the Paramount reorganization.

"I have made up my mind that this court cannot permit you to be heard," Judge Coxe told the committee representative. "This is a litigation between private parties and I see no need for the entrance of another branch of the government, legislative or otherwise, into the proceedings. This court is bound by the oath of office which I have taken to protect whatever interest here the general public has."

Kraushaar folded his papers and left the courtroom.

Native Philippine Film Showing Gain

WASHINGTON, July 25.—Talking pictures made in the Philippine Islands and in the Tagalog language are generally more popular than American productions, according to a study made by the principal Philippine producer, declares a report from Trade Commissioner J. Bartlett Richards, in Manila, to the U. S. Department of Commerce.

Although some American films are very popular, the average U. S. or European film, according to the report, takes in only about 25 per cent as much at the box-office as the average locally made picture.

In spite of this average, revenue from a Philippine picture is limited, as there is no market outside the islands, with the exception of a slight export market in Hawaii, the report continues.

To improve the situation and to enlarge its scope of production, Filippine Films, Inc., the principal producer, which has recently enlarged its capital and is planning to increase production capacity, has exported some films to Singapore, the report states, with Malay language dubbed in and Malay titles superimposed. These will be shown experimentally in the Straits Settlements, Federated Malay States, and the Dutch East Indies. If successful, a new market, with a population six times that of the Philippines, will be opened.

Filippine Films is just completing its first two films in color and they will probably be exhibited next month, the report states.

Al Finkelstein Moves

SEATTLE, July 25.—Al Finkelstein, newly-appointed vice-president of Evergreen State Amusements' theatres in Portland, Eugene and Vancouver, Wash., is leaving here for his new headquarters in Oregon.

He takes with him Roy Brown, booker; Mose Mesher, advertising and publicity director, and Georgina Wells, personal secretary. Brown and Mesher will handle all booking and advertising for the 16 houses included in Finkelstein's new territory.

Tax Jumps in Sight on Any Film Profits

(*Continued from page* 1)

hearing on the measure on that day. About 15 requests for opportunity to be heard have so far been received, Senator Harrison, chairman of the committee, said. The hearings, he added, will be confined to the subjects covered by the House bill and the addition of further taxes will be opposed, although several plans for raising revenue will be offered by Senators from the floor when the bill comes up for consideration in the Senate.

Bondy Promises to Allow "Something"

(*Continued from page* 1)

Federal Judge William Bondy at a hearing on their applications yesterday that the court "would allow them something," but were cautioned not "to spend it all in one place."

The fees sought are those of Irving Trust Co., as trustee of RKO, $100,000; Donovan, Newton, Liesure and Lumbard counsel to the trustees, $126,645; Cravath, de Gersdorff, Swaine & Wood, special counsel to the trustee, $19,320; Randolph E. Paul, tax expert, $35,464; Price, Waterhouse & Co., auditors, $3,275, and an application for an unnamed amount submitted by Thomas D. Thacher, who served as special master at hearings on large creditor claims against RKO. At the moment Thacher's application for a fee was being presented to Judge Bondy, Thacher was busy opposing the allowance of fees for services in the Paramount reorganization at a hearing in another branch of the Federal court.

The RKO applications were without opposition except for an attorney representing one James Young, whose status as an RKO creditor was disputed by counsel for the trustee. Opposition in this case was confined to the size of the fees sought by the trustee and its counsel. Judge Bondy took the applications under advisement after first indicating that appreciable reductions would be made.

Fabian-Buckley Deal Upstate Takes Effect

ALBANY, July 25.—The deal involving acquisition of the Buckley Theatre Enterprises by the Fabian circuit of New York City became effective today when the purchaser took over the properties with Louis R. Golding as group manager. The houses taken over were the Hermanus Bleecker Hall, Leland, RKO Palace and RKO Grand.

Basson Elected as Local 306 President

(*Continued from page* 1)

recording secretaries, respectively. Jack Kieley was named New York business agent and Jack Kelban Brooklyn business agent. Max Linder was picked for sergeant-at-arms.

The officers were installed immediately after the elections, which marked the local's recovery of its antonomy.

Variety Club

Buffalo

Buffalo, July 25.—Bennie Darrow, M-G-M exploiteer, took top prize at the July golf tournament of Variety Club. It was played at the Niagara University course. Jack Kaplan, second assistant chief barker, acted as starter, in place of Sydney Samson, who couldn't attend.

Dewey Schlieder, a guest, took second honors. Prizes were won by Ralph Maw, Alex Weissman, John Osborne, Emory Dickman, George Rosing, William Bradley, Barney Ross, Matt Sullivan, and Murray Whiteman.

About 40 played the course, hardly quarter the number that turned out for the previous field day, when Nate Sauber, took top honors, replacing Chief Barker E. K. O'Shea as club champion.

The Levy Trophy, one of the three major golf cups, was withheld from the Niagara Falls competition. It will be contested for at the August field day, scheduled for the Willowdale Country Club.

Since mid-June, Variety Club activities have been confined to outdoor programs, Chief Barker O'Shea and his board of directors are arranging for a series of events in the fall.

Cleveland

Cleveland, July 25.—Variety Club is planning a stag smoker for July 29. Abe Lichtman and J. W. Cleveland will be kings for a day.

Kansas City

Kansas City, July 25.—The first day under the new Variety Club regime of no kings—only food and brotherhood—went off very successfully July 22. The day was a broiler and the crowd was not large, but the house committee was satisfied.

Benny Benjamin and Harry Taylor shot pool.

Two camps of poker players played for low stakes in separate rooms and kept turning the fan, which stood in the doorway, between.

To keep the money in the Paramount family, Arthur Cole, Jim Slates and Joe Manfre of the exchange, and George Baker of the Newman, played together.

Frank Cassil, Rialto, St. Joseph, Mo., and member of the K.M.T.A. grievance board, was a visitor.

New Union Started By Studio Workers

(*Continued from page* 1)

tive leaders are Ole Heidelman, president; Walter Featherstone, secretary, with Howard B. Rose, former councilman, assisting in organizing.

The leaders state their group is neither affiliated with the A. F. L. nor is it a company union. A conflict is predicted, however, between the new body and studio unions because of the former's seeking members from all crafts.

Allvine Joins Pioneer

Hollywood, July 25.—Glendon Allvine, former Radio associate producer, has joined the production staff of Pioneer Pictures and will act in an executive capacity. He will work under Merian C. Cooper.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Hot Tip"

(*Radio*)

Hollywood, July 25.—Combining the fun-provoking qualities of a hectic domestic comedy drama with the suspense-packed thrills of several exciting horse races, this measures up as satisfactory general audience entertainment. The production is based on a good showmanship idea, suggesting many topical exploitation stunts.

James Gleason is an expert doper of horses and his mental bets always win. The story is different when money rides. He is in "dutch" with his wife, Zasu Pitts, for his gambling tendencies, and he temporarily wrecks his daughter, Margaret Callahan's, wedding plans by betting the prospective groom, Russell Gleason's savings on a touted "hot tip" that fails as his own original selection wins. To recoup, he mortgages and sells the family restaurant to make a deal with J. M. Kerrigan for a partnership on the horse, Honey Girl, and is met with all the familiar difficulties. In a handicap the horse comes through a winner, making Gleason a genius and a hero and assuring happiness to everyone.

Shown in a sneak preview form, the picture needs only intelligent cutting to make it a worthwhile feature.

Newcoming Margaret Callahan looks promising. The supporting bits are all satisfactory with Rollo Lloyd and Arthur Stone pepping up the comedy.

The original story, colorful in all respects, is by William Slavens McNutt, with the screen play by Hugh Cummings and Olive Cooper. Gleason co-directed with Ray McCarey.

No production code seal. Running time, 72 minutes. "G."

Looking 'Em Over

"Get That Man"

(*Syndicate*)

Blundering along through the mazes of a story that does not number intelligence among its virtues, this Mayfair production is decidedly mediocre entertainment. Produced in slip-shod fashion under the direction of Spencer Gordon Bennett, the film unwinds a routine tale in a routine manner.

Wallace Ford and Lillian Miles provide the picture with the only names that mean anything to the fans. Even they seem stymied by the material into which they have been plunked. Supporting them are Leon Ames and E. Alwyn Warren, among others.

At the insistence of a shady lawyer Ford tries to pass himself off as the heir to a large fortune slain in a struggle with his wife's lover. Although the whole business is not to his taste, Ford goes through with it until the truth is found out by the fugitive wife of the real heir and her boy friend. Ford confesses to Miss Miles, the dead heir's sister, to whom he has taken a liking. The girl forgives him. To clinch the happy ending the slain heir's wife and her Romeo are allowed to be killed in an auto crash.

Coincidence plays a large part in the film, which takes the easiest way out in manipulating its characters into or out of situations.

The production contains a few mildly exciting moments and little else. No production code seal. Running time, 57 minutes. "G."

M-G-M Rushing Shorts

Hollywood, July 25.—With four shooting, six editing, and seven preparing, a new peak has been set by the M-G-M short department. Subjects included in the 17 productions are nine Pete Smiths, two Chic Sales, one Robert Benchley, the last of the "Crime Does Not Pay" series, and several novelties.

Chakeres-Bauer Switch

Springfield, O., July 25.—M. C. Chakeres, manager of the State, has switched posts with George Bauer, manager of the Regent. Both are Chakeres-Warner operations.

"Wild" Big in Seattle

Seattle, July 25.—In spite of record-breaking heat that has killed most of the first run business here, the premiere of "Call of the Wild" at Hamrick's Orpheum stacked up a real gross for the opening week-end. For the first three days the take was approximately $5,000. A normal take runs $6,000 for seven days.

Reopen L. A. Tivoli

Los Angeles, July 25.—Ben Berinstein has reopened the Tivoli in the heart of the colored section after complete decoration. Floyd Wyatt continues in charge.

Short Subjects

"Speedy Justice"

(*Universal*)

In this Mentone production are Bobby Lane, Lew Hearn, Eddie Foy, Jr., Arthur Boran and the Danny Dare Dancers. They all combine to provide fair entertainment. Where this type short is liked this one should get over. The story has the entire cast arrested for speeding and when Foy explains to the court that they are a theatrical troupe the judge has a show put on in the courtroom. This gives everyone a chance to display his talent. Production Code Seal, No. 0523. Running time, 10 mins. "G."

"Jungle Waters"

(*Paramount*)

Allan Ross, well-known hunter in the Florida Everglades, is shown here by Grantland Rice in this latest Sportlight as he makes a tour of the swampy waters. Ross dives for turtles, snakes and winds up the reel by capturing a 12-foot alligator alive with his hands. All this is done to the tune of explanatory dialogue by Ted Husing and Ross. Highly recommended. Reviewed without production code seal. Running time, 8 mins. "G."

"Dixieland"

(*Vitaphone*)

Covering practically every historical point of interest in the Old South, this member of the "See America First" series should prove interesting. The homes of figures in American history such as Andrew Jackson, James Polk and others are shown along with monuments in commemoration of the Civil War and its battles. The reel then switches to modern times when many winter resorts are shown. Recommended. Reviewed without production code seal. Running time, 10 mins. "G."

"I'm a Father"

(*Educational*)

Andy Clyde hands out laughs right and left in this comedy. The story is built around Clyde's belief that his wife is going to make him a father when it is his neighbor's wife who is really the future mother. The final scenes, shot in a hospital waiting room, are packed with laughs. Should have audiences howling. Highly recommended. Running time, 14 mins. "G."

"Dick Himber"

(*Paramount*)

Dick Himber and his orchestra are featured. The band goes through the conventional maneuvers found in shorts of this type, but the music is recorded clearly and effectively. "Sugar" Cain, young radio singer, and Sinclair and Day, dancers, are also featured. Fair entertainment. Reviewed without production code seal. Running time, 10 mins. "G."

"Ziegfeld" Starts Aug. 12

Hollywood, July 25.—M-G-M has placed "The Great Ziegfeld" on the schedule for Aug. 12. Seymour Felix, recently signed to a term contract by the studio, will direct the dances. William Powell will play the title role.

None in Washington

Washington, July 25.—This city has no giveaway problem. For some reason or other none of the smaller houses have gone in for them, and the larger operations are definitely opposed.

Business runs along at a fairly even pace here due to the predominance of government employes.

Estimate 75% Of All Texas Using Stunts

DALLAS, July 25.—Trade observers are estimating that about 75 per cent of houses in Texas are using some form of giveaways, mainly money nights, embracing the first one actively to enter this market, bank night, followed by screeno, award night, buck night and adaptations of one or more of these schemes applied individually by house owners to their own use.

All classes of towns and houses from the metropolitan de luxe first runs, San Antonio Majestic and the Dallas Melba, to the neighborhoods and remote hamlets have fallen for the rage.

As a contra, there are striking refusals to adopt any such schemes. This is particularly true in Houston where Interstate, Horwitz and various neighborhood operators are reported to have an agreement to lay off, with the result that in Texas' largest city exploitation rests on showmanship and pictures alone. Also, there is a stubborn fringe of individuals who stick to straight pictures—Scott's Varsity, Jorgenson's East Grand, Dallas neighborhoods; Adelman's Fort Worth and Houston neighborhoods; A. W. Lilly's situations in Commerce and Sulphur Springs, and a few others in this category.

All Circuits Booked Heavily

All circuits in Texas are booked heavily, most of them using one or more services concurrently, to such an extent that as high as three days a week are given over to money nights. Sometimes all houses are under one ownership, and in other cases there is competitive cooperation. As an illustration, in Denison Interstate has two houses, B. Legg one house. Bank night is used in all three houses simultaneously.

Experience with these devices has been spotty. In small places having few seats and low admissions the success is doubtful. Larger towns where there are 600 or more seats and a charge of 25c or more exhibitors claim an exhilarating yield. In the cities, along the Rialtos, in first runs, no one is claiming any success—they apparently do not draw the required extra business to offset the additional load. In the neighborhoods, on the other hand, in some cases response has been positively spectacular.

Opinion as to the long run value of the use of any form of giveaway hinges largely on the type of operations carried on by the commentator.

In closed towns, whatever effect it may have, the exhibitor carries his own load. In competitive spots, these stunts were used first by small houses, booking delayed runs, and under a hard struggle for business. These exhibitors justify giveaways due to their plight. Because they began to draw, larger houses with prior run and higher admissions began to fight fire with fire.

R. J. O'Donnell of Interstate says his houses will revert to straight operation whenever competition will allow. He holds that extraneous trade stimulants are not beneficial in the long run.

Jefferson Amusement, East Texas, claims giveaways are used only in competitive spots, although this is not entirely correct, and officials say they prefer pictures only. R. & R. Theatres, Inc., adjusts such uses by the local situation.

Col. H. A. Cole argues and advises Allied members that any added attraction is entertainment for the patron and that the theatres are the purveyors of entertainment, taken from wherever it may be found.

Probably the best lesson in Texas is in the Oak Cliff, suburb of Dallas. For more than 10 years every exhibitor in the area—now seven houses—has used constantly some extraneous sales pressure, so that now the public looks for these extras and the attendance is meagre when they are not offered. Trade judgment swings largely to the opinion that a straight operation in Oak Cliff would be both difficult and hazardous.

Few Stunts in Northwest

SEATTLE, July 25.—Seattle and the Pacific northwest so far have been singularly free from the inroads of bank night, screeno and other stunts.

There have been bank nights in a few houses in Olympia, Bellingham and Everett, operated by Evergreen. However, neither the first runs or suburban theatres in this city, Spokane, Tacoma or other major spots have featured the rackets.

San Antonio Dissatisfied

SAN ANTONIO, July 25.—Bank and screeno nights are run by all theatres in the city, but they will have shot their bolt soon, for theatre managers are now taking steps to get from under this nuisance. There is scarcely a night in which one of the theatres is not having bank or screeno night. Patrons wait for them. Houses, of course, are filled, but are empty other nights. As a result, theatres plan to gradually abolish these nuisances.

Bank nights have been featured by the Palace and a couple of neighborhood houses for two years. Interstate, which has a monopoly in San Antonio, recently tried to meet the competition by introducing screeno in the Majestic, Aztec, Texas, Empire and State. After a month's trial, Interstate found that grosses has not been increased, hence the plan is to do away with giveaways gradually.

Akron Nights in Court

AKRON, July 25. — Bank night, which has been drawing crowds to two East Akron theatres during recent months, has been tumbled into the courts here.

John Romweber, operator of the Miles-Royal, had asked in Summit County courts that two competing theatres be restrained from promoting bank night and further asked $5,000 damages from operators of the competing theatres. Romweber charges that the stunt is a violation of state laws and city ordinances against lotteries.

"It is no lottery; it is a gift, and we have the city law director's decision that it is legal," responded William L. Hart and Niel J. Krichbaum, proprietors of the Norka and Rialto, respectively.

New in Salt Lake City

SALT LAKE CITY, July 25.—Bank nights has just gotten a foothold here, with L. R. Bach covering the intermountain territory. The Tower is the only house using it at present. China night is also put on at this house.

Houston Houses Prospering; Not Interested in Giveaways

Houston, July 25.—Screeno has not made its appearance in Houston, and in the opinion of most exhibitors, will not.

"We don't need it," one exhibitor explained cryptically. "In the east they do not seem to say 'Houston' in show circles as often as 'Dallas.' Nevertheless, Houston's show business is above average, and has been for a year and all during the hottest July in 20 years, and we do not need the business builders like screeno."

Another exhibitor explained that he might get extra revenue on one night, but he'd just be taking it away from another night, so "Why bother?"

Bank night is used at the Monroe Hopkins Tent Theatre, a stock company that has been here two and a half years. Not a picture theatre in Houston has adopted screeno, gold mine or bank night.

Bank night is popular in some of the smaller towns of South Texas. A Goose Creek house has given $20 for a year in a bank night gag, and at Bay City the come-on is $25. Outside of San Antonio, where Interstate has seven houses, screeno has made little headway in South Texas.

"Amateur night" bids fair to become the popular gag in this town. The Horwitz Circuit sponsors a preliminary amateur contest at the 15-cent house each week, the winners of three weeks being given a professional engagement at the 25-cent house the fourth week. The Major Bowes' amateur show at the Metropolitan has added interest to this stunt, but one exhibitor dubbed it a "summer nightmare."

Virginia Opposed

Richmond, July 25.—Bank night and other forms of giveaways are practically non-existent in Virginia. One Roanoke exhibitor tried bank night and gave it up.

Elmer H. Brient, secretary of the M.P.T.O. unit, says many showmen regard the plan as demoralizing to business.

Philadelphia Foresees Big Giveaway Gain

PHILADELPHIA, July 25.—With this city on the verge of a wholesale invasion from almost all of the new giveaway and prize devices, two results are to be noted. In the first place, closings are far less than last summer with most exhibitors willing to take a chance on premiums to pull them out of the warm weather slump. The second result is a diminution in premiums in favor of the new stunts.

By August 1, bank night will have been instituted in a dozen spots in the territory. Basil Ziegler, former secretary of the local code boards, is the territorial representative and is pushing the idea.

Screeno, which was tried out here a year ago and then dropped, is being revived and will have its share of attention. Lucky-bingo, sweepstakes and pay nights are also on their way in. Another stunt is the grocery tieup by several neighborhood theatres with local merchants in which baskets of provisions are on the giveaway list.

These giveaways are restricted to independent exhibitors. So far Warners has stayed clear of premiums, lotteries and double features.

Denver Ads Are Limited

DENVER, July 25.—Ads and stories about the giveaways in Denver theatres are appearing in newspapers here. In the two dailies, *The Denver Post* and *The Rocky Mountain News,* small ads proclaiming that "Tuesday Night Is Ford Night" and that "Thursday Night Is Plymouth Night" appear daily, in the street and mail editions. In the *News* stories and larger ads with details about the drawing are run by the Harry Huffman theatres which give away Fords. In the mailing edition these ads and stories are killed.

For city coverage a good many theatres use large ad spaces in the *Monitor,* a weekly free distribution paper with over 60,000 circulation. This paper also pulls giveaway ads out of the mail edition.

Bank Night in Springfield

SPRINGFIELD, Mass., July 25.—Bank night has been declared legitimate, so far as theatres in this municipality are concerned, after an order had been sent out by local authorities for the police to crack down. A hurried trip to Springfield by George Ryan, attorney in this territory for the premium plan, resulted in a reversal of the decision.

20th Century-Fox Show Big Two-Year Gain

(*Continued from page* 1)

current assets on that date were given as $3,489,535.54.

During the first 13 weeks of 1933, before the reorganization, Fox had a net of $557,122.49. In the following 39 weeks ending Dec. 30, 1933, the net jumped to $1,410,793.13. In the 52 weeks ending Dec. 29, 1934, the net slipped slightly to $1,273,069.10, but it leaped to a new high level for the 18 weeks ending May 4, 1934, when the total was $1,162,165.53.

Surplus rose steadily from zero on April 1, 1933, to $1,674,353.94 on Dec. 30, 1933; to $3,006,812.13 at the end of 1934, and $4,169.230.47 on May 4, 1935.

The total assets on May 4, 1935, are given as $43,563,838.50.

It is figured that the consolidation of the two companies will raise the assets to $54,072,856.64.

Under the Fox charter 1,500,000 shares of preferred and 3,100,000 shares of common are authorized, but listing has been applied for and received for 1,388,799 shares of preferred and 3,077,407 of common. Of this, 20th Century will receive 132,513 shares of preferred and 613,264¾ shares of common, while 1,226,529½ shares of preferred and 613,264¾ shares of common will be used to convert the present stock outstanding. The remainder will be reserved for conversion of preferred stock, possible conversion of five-year six per cent gold debentures due April 1, 1936, warrants expiring in March, 1936, possible conversion of preferred into common, and options to officers at not less than $10 per share.

SEC Statement Not Needed

Counsel has advised the company that no registration statement is required for the Securities and Exchange Commission.

The new preferred stock is valued at $35 per share in case of dissolution or liquidation of the company, plus accrued dividends, and the company is authorized to purchase it for retirement at not exceeding this price.

The total number of shares reserved for options of officers is 100,000 at not less than $10 per share. S. R. Kent's option is for 60,000 of these shares.

The company is required under the terms of the consolidation agreement to set aside five per cent per year of its consolidated net earnings, after payment of preferred dividends, for retirement of preferred stock. No common can be purchased by the company until all the preferred has been retired.

Holders of the present Class A common will receive one-half share of preferred and one-quarter share of common for each of their shares. Holders of the present Class B voting stock will receive one share of preferred and one-half share of common for each of the present shares. All the new stock will have voting privileges, but if the company fails to pay a dividend on the preferred shares after Jan. 1, 1937, the preferred holders, voting as a class, can elect a majority of the board of directors by plurality vote.

The valuation placed upon the two classes of shares for the purposes of the merger is $31.25 for the preferred and $25 for the common.

The Stock Exchange has turned down parent company statements asked of Fox Film Corp. in connection with the application for listing of stock of 20th Century-Fox approved Wednesday on the ground profits of wholly-owned subsidiaries and a proportion of profits of controlled subsidiaries were included. It is expected revised financial reports will be issued in the final printing of the application for listing.

The action of the Stock Exchange is in step with a proposal that all applicants for listing provide more complete financial reports.

Fish Like Film

Mary Pickford yesterday regaled newspapermen with her experiences fishing for marlin swordfish, and her first one in particular.

"I went out at five in the morning on my first trip," Miss Pickford said, "and didn't get a strike until nearly noon. It was then I learned that big fish, like film executives, don't awaken until after 10 o'clock."

Charter Three Firms

Albany, July 25.—The following have been chartered here:

Locval Prod., Inc., New York City, incorporated by D. A. Doran, Jr., Russell Holman and James F. Reilly; Larry Prod., Inc., by Julius Kendler, Dorothy Lassar and Max Kendler; Cellulose Products Corp., by Alexander Rosenbaum, Murray Sanders and Herman Smilowitz.

Blatt Brothers Combine

Harrisburg, July 25.—Blatt Brothers' Mercer Theatre Corp. has been chartered here by C. R. Blatt of the Park, Somerset; W. J. Blatt, Grand, Patton, and J. A. Blatt, Rex, Corry. It is capitalized for $5,100.

Mary Pickford Soon To Pick Co-Producer

(*Continued from page* 1)

producers who are available immediately, two who are held under contract for a few more months and one director desirous of turning producer.

Miss Pickford, who came east to confer with Al Lichtman on company business and to close a deal for the publication of her book, "Demi-Widow," plans to leave here over the week-end by train for Chicago. From there she will fly to the coast.

Selznick Signs Colman

Hollywood, July 25.—David O. Selznick has placed Ronald Colman under contract as the first of the stars he proposes assembling for the company bearing his name. Colman has one more to make for 20th Century which will set back his first Selznick-U. A. picture until March.

Selznick expects to leave for New York in about a week to look over the story market.

No Giveaways, But Says Grosses Gain

(*Continued from page* 1)

suburban run not now giving away something.

"And business is better than it was the same time a year ago," she comments. "In fact, improvement set in with the widespread promotion of the giveaways. There has been no extra promotion, and we have one less change per week than we did a year ago. At that time we had four, we now have three. We didn't even buy the product of two major companies, a thing not true of our house last year.

"If exhibitors used the money they are spending on china, and other forms of giveaways, to put in a cooling system, more comfortable seats, or better sound equipment, I think the business of all of them would be better than it is now."

Georgia Stunts General

Atlanta, July 25. — Scores of theatres in this territory are using some phase of come-on as an inducement to patronage, calling them variously bank night, cash night, screeno, grocery night, and other alluring titles.

At one time five theatres in one block in Jacksonville used some phase of a come-on, each on a different night.

At least a half dozen theatres in suburban Atlanta are using premium nights, for the most part the original bank night. There is also a swimming resort here using a bank night feature.

One exhibitor in south Georgia is being sued for cash by a patron who was not present, it being claimed that he was at his home when he was notified by some one that he had won. He claimed his reward a half hour late.

Nebraska Use Is General

Lincoln, Neb., July 25.—Since the advent of bank night in Norfolk, Neb., more than a year ago the plan has been put into use throughout the state and with varied degrees of success, but most exhibitors, using the idea have increased their box-office receipts substantially.

Affiliated Distributors Corp. of Des Moines has the features of this plan copyrighted and any theatres pay a royalty for the use of it. There are approximately 30 houses in the state making use of bank night.

County Attorney Towle of Lancaster County has filed a suit against Ray Headrich, theatre owner, who has been operating under this plan. The suit will test the legality of the plan under Nebraska's state lottery laws.

"Angels" and "Murder" One Detroit Draw

Detroit, July 25.—In a week of tumbling grosses the only house to reach par was the State, which took $5,000 with a revival of "Hell's Angels" and a second run of "Murder in the Fleet."

"Ginger," with a vaudeville program, didn't get to first base at the Fox, and a dual, "Public Hero No. 1" and a second run of "Headline Woman," failed to lighten the gloom around the Fisher. "Men Without Names" was a little better than fair at the Michigan.

Total downtown business was $51,000. Average is $60,000.

Estimated takings for the week ending July 18:

"BLACK SHEEP" (Fox)
"SPRING TONIC" (Fox)
ADAMS—(1,770), 10c-40c, 7 days. **Gross:** $3,100. (Average, $5,000)

"GINGER" (Fox)
FOX—(5,100), 15c-55c, 7 days. Stage, 5 acts vaude. **Gross:** $13,300. (Average, $15,000)

"PUBLIC HERO NO. 1" (M-G-M)
"HEADLINE WOMAN" (Mascot)
FISHER—(2,975), 10c-40c, 7 days. **Gross:** $2,800. (Average, $5,000)

"MEN WITHOUT NAMES" (Para.)
MICHIGAN—(4,100), 15c-55c, 7 days. Stage, 5 acts vaude. **Gross:** $18,600. (Average, $20,000)

"HELL'S ANGELS" (U. A.)
(Revival)
"MURDER IN THE FLEET" (M-G-M)
(2nd Run)
STATE—(3,000), 10c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

"STRANDED" (Warners)
UNITED ARTISTS—(2,070), 15c-55c, 7 days. **Gross:** $8,200. (Average, $10,000)

Out Hollywood Way

Hollywood, July 25. — Universal starts new "Tailspin Tommy" serial with Clark Williams in title role . . . Warners change names of two contract players . . . Hugh Enfield becomes Craig Reynolds, and Joe Sauers becomes Joseph Sawyer . . . Ken Whitmore, Paramount publicity department editor, made assistant to Mannie Wolfe, story department head.

Raoul Pagel made assistant director and production manager for the George O'Brien film, "Thunder Mountain" . . . Jack Daily, Walter Wanger's publicity chief in Denver on "Every Night at Eight" . . . Ben Berinstein in a cast as a result of tearing ligaments of his back disentangling two automobile bumpers.

Eddie Cooke, assistant to Al O'Keefe of the Universal exchange, gets one of those major sunburns . . . Ray Olmstead, manager of Principal Exchange, goes to San Diego County every week-end to see how his avocados are getting on . . . R. W. Carmichaels, M-G-M exchange manager, is fishing and taking in the San Diego Fair on his vacation.

✚

Casting—Ralph Forbes and Sidney Blackmer in "Streamline Express," Mascot . . . El Brendel gets lead in "Soldier of Misfortune," a Ralph Staub Warner short . . . Veree Teasdale borrowed by Paramount from Warners for "The Milky Way" . . . Paul Kelly in "From Little Acorns," Paramount.

✚

Writers—Peter Finley Dunne, Jr., and Alden Nash signed by Mascot for work on "The Leathernecks Have Landed" . . . Ken Goldsmith is producing.

✚

Story Buy—"Freshman Love," by Earle Felton, purchased by Warners.

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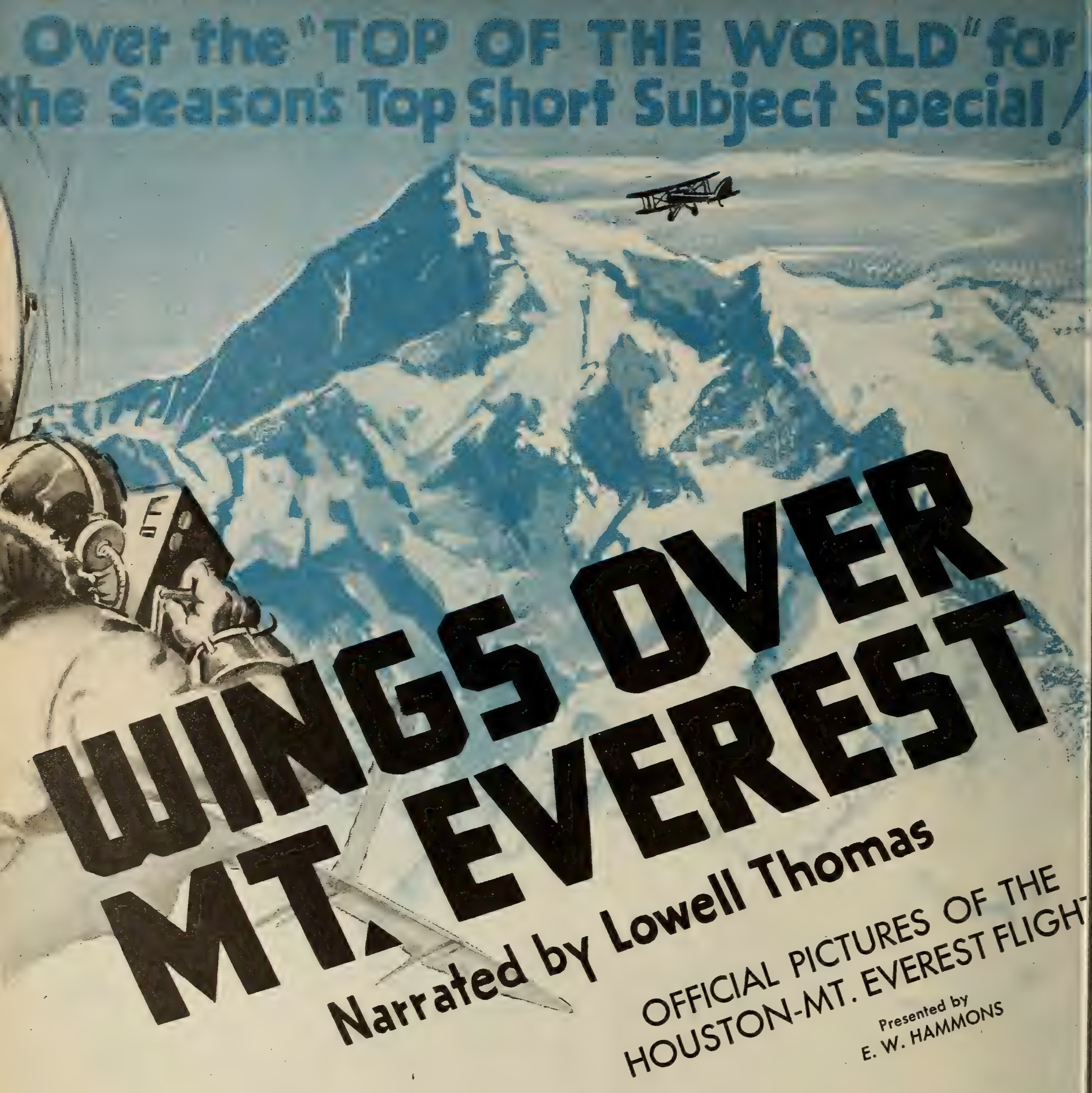

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VOL. 38. NO. 23 NEW YORK, SATURDAY, JULY 27, 1935 TEN CENTS

Schenck May Get Minority Of Met Stock

Sentiment Veers Toward 50% for Fox Theatres

Joseph M. Schenck's United Artists Theatre Corp. may emerge as a minority stockholder in reorganized Fox Metropolitan Playhouses as a result of increasing creditor sentiment favoring the acquisition by Fox Theatres Corp. of the 50 per cent stock interest in the new Fox Met which is offered it under the latter's reorganization plan.

Schenck's theatre company has agreed to make available to Keith-Albee-Orpheum a 10 per cent stock

(*Continued on page* 4)

KMTA Arbitrators To Wait for MPTOA

Kansas City, July 26.—When A. J. Simmons, Lamar, Mo., exhibitor and member of the K. M. T. A. grievance board, returns from a California vacation next week, Frank Cassil, St. Joseph, chairman of the board, will call a meeting to consider the complaint of R. H. Montgomery, operator of the Mainstreet, Independence, Kan.

If any investigation of facts is necessary, the board will proceed with it,

(*Continued on page* 2)

Terre Haute Houses Reopen; City Calm

Terre Haute, Ind., July 26.—Local theatres which were dark during the "labor holiday" have all reopened. The theatres, along with all other business, closed when a city and county-wide strike was called to sympathize with strikers at the Columbian Enameling & Stamping Co.

Gov. Paul V. McNutt sent troops into the city. Like most other business places the theatres deemed it wise to play safe and kept their doors locked during the demonstrations.

"Shanghai" Garners $23,000, Paramount

It was a dull week along Broadway with "Shanghai" at the Paramount making the best showing, $23,000.

"Don't Bet on Blondes" took $19,000 at the Capitol, and "Broadway Gondolier" at the Strand reached $18,200. "Ginger" at the Music Hall took $53,000.

Premium Agents Happy in N. E. As New Stunts Gain

Boston, July 26.—Premium agents are blissful in New England. One concern that started less than a year ago now owns its own building in the film district, its warehouses, and a fleet of trucks. Exhibitors are in many cases resentful over the way the industry has fallen in line with cereal manufacturers, soap concerns and toothpaste wholesalers in bolstering product with giveaways, but they are nevertheless using them. National organizations remain mum, their eyes open. That is the premium situation here.

"Using premiums is the only way a theatreman today can compete with booze, beano, bow-wows and bangtails," Frank Lydon, former code of-

(*Continued on page* 3)

N.O. Suburbans Try Sharing the Wealth

New Orleans, July 26.—Suburban theatres hereabouts won't handle bank night, screeno, lotto and other games, the managers claiming they don't want to have anything to do with anything savoring of gambling.

They have a share the wealth plan, however, which calls for the use of coupons and lucky numbers. About

(*Continued on page* 3)

Little Prospect for Birmingham Doubles

Birmingham, July 26. — Double features have no chance of getting a foothold here, it is agreed.

Frank Merritt, head of Merritt Theatres, and Richard Kennedy, district manager for Wilby, have agreed on this and they control the downtown situation.

Duals were tried three years ago. Business was stimulated for a short time, but after about two months exhibitors found they were not worth while.

Cameraman Lost as "Bounty" Ship Sinks

Hollywood, July 26.—Glenn Strong, an assistant cameraman on location with the "Mutiny of the Bounty" company was found to be missing when the ship on which he was working sank off the coast of San Miguel Island. Seventy-five persons who were on board the ship at the time of the mishap were rescued.

Clark Gable, Franchot Tone and Charles Laughton, principals in the production, were ashore at the time.

Karno to Produce

London, July 26.—Fred Karno, who gave Charlie Chaplin his big chance in "Mumming Birds," will produce six films annually based on this and others of his acts.

New Group to Study British Quota Is Seen

By BRUCE ALLAN

London, July 15.—Formation of a joint committee of producers, distributors and exhibitors to arrive at an agreed policy on quota amendment is foreseen here.

Thomas Ormiston, M.P., member of the C.E.A. Council, indicated the necessity of such a body when he declared that the only prospect of legislation against the "quickie" was by the passing of an amending act by the Board of Trade, on lines desired by the trade itself.

John Maxwell, president of the

(*Continued on page* 4)

First Part of Film Code Report Ready

Washington, July 26.—First draft of a 35-page report on the history and operation of the film code has been completed by William P. Farnsworth, who was in charge of the code as a deputy administrator, and is being revised preparatory to submission to the National Recovery Board.

The report will go into every phase of the operation of the industry under the Blue Eagle, including the degree of compliance and the workability of all provisions.

Every deputy administrator has been instructed to write a similar history of the codes over which he had jurisdiction.

G. B. Made a Member Of Film Board Here

G. B. Picture Corp. has been admitted to membership in the New York Film Board of Trade, effective yesterday. Phil Meyer, local branch

(*Continued on page* 2)

Distributors Finish Fight On Sales Tax

City Expected to Answer In About 10 Days

Distributor representatives here have completed presentation of their arguments against the application of the city sales tax to film rentals and are awaiting a decision from Comptroller Frank J. Taylor on the city's attitude on the tax, it was learned yesterday.

Estimates place the amount of the tax at between $400,000 and $500,000 annually on the basis of local distribution revenue of eight major companies.

The principal grounds cited by the industry for its belief that the city sales tax is not applicable to exchange revenue are that films are leased and not sold and, moreover, are governed by Federal copyrights under which they are leased. For this reason, it is held, no municipality has a legal right to levy on the rentals.

The city is expected to answer the local industry's arguments within the next week or 10 days.

Aides Named to Run Relief for Actors

By CLARENCE LINZ

Washington, July 26.—Plans for the transfer of needy actors from relief rolls to jobs under the Works Progress Administration were announced today by Harry L. Hopkins, administrator, with the appointment of Hallie Flanagan of Vassar Col-

(*Continued on page* 2)

Virginia Sees Hope For Sunday Opening

Richmond, July 26.—Prospects of an argument over Sunday opening and abolition of censorship at the next session of the Legislature are seen in the results of a poll conducted recently. Twenty-seven candidates have expressed themselves as for continuation of dark Sundays and censorship and 13 are against. This is an increase in the strength of the latter group.

Many Changes Noted In Film Securities

Many changes were noted in the stock holdings of officers of companies and executives in the latest

(*Continued on page* 2)

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KMTA Arbitrators To Wait for MPTOA

(*Continued from page* 1)

but it expects to make no decision until M. P. T. O. A. announces its own method for handling grievances, which it is expected to do soon, according to Cassil.

M. P. T. O. A.'s arbitration routine, which the K. M. T. A. board members would like to know before handing down their first decision, may affect the local board's procedure. Existence of a national arbitration setup would give extra weight to its decisions, it is felt. K. M. T. A. affiliated at its recent convention.

The local board expects to accept complaints, make any investigation of facts necessary, and hand down a decision where issues involved are clearcut. In cases where compromise by both parties is indicated, the board will take it upon itself to effect one.

G. B. Made a Member Of Film Board Here

(*Continued from page* 1)

manager for G. B., has been designated the company's representative on the board.

As a result of its membership in the Film Board, all G. B. exhibition contracts will be enforced through the board's legal department, irrespective of the dates of the contract. G. B. is the first British distribution company to be admitted to the local board since its organization 20 years ago.

Purely Personal

David Strong of Criterion Films will handle distribution of Richard C. Kahn's Spanish-language feature, "Un Hombre Peligroso" ("A Dangerous Man"), throughout the world, except the western United States, where the film will be distributed by Sack Amusement Enterprises.

•

Louis F. Blumenthal, one of the owners of the French Casino here, will return home aboard the *Normandie* on Monday. He has been abroad picking talent for the new revue scheduled to open in September.

•

Leo Pillot, G. B. publicity man, has gone to Boston to work on "The 39 Steps." Saul Krugman of the home office staff is in Cleveland doing special work.

•

E. J. Sparks, M. C. Talley and Frank Rogers, Paramount theatre operators in the southeast, are in town for new season film shopping.

•

Victor M. Shapiro, Hollywood manager of Quigley Publications, returns west via the airlane tonight. He has been vacationing here.

•

Paul Kimberley, in charge for National Screen Service in England, is rounding out a two weeks' stay here and plans to sail for London on Tuesday.

•

Louis Dent is due in town early next week from Salt Lake City for new season film deals.

•

Walt Disney, U. A. producer, will arrive on the *Rex* Thursday after a short vacation in Europe.

•

Margaret Callahan, Radio player arrived here from the coast yesterday via the TWA.

•

David Carb's play, "Long Ago Ladies," has been taken under option by Radio.

•

Joseph I. Breen failed to get away to the coast yesterday, but leaves today.

•

Bill Pine and Bob Gillham launch into a weekend fishing trip this morning.

•

S. R. Kent was back at his presidential desk at Fox yesterday.

•

Joe Shea, cutting his holiday short, is off for Hollywood this afternoon.

•

. . . Canada

Diplomatic relations between the U. S. and Canada are perfect . . . the flags were entwined when Jack Arthur, manager of the Toronto Imperial, took unto himself Miss Margaret Phillips of Washington, D. C., the ceremony taking place in the Ontario capital.

Ned Sparks, screen grouch, went hunting with Premier M. F. Hepburn of Ontario around the old St. Thomas wastelands. . . . Sparks hit something that looked like a woodchuck, but Hepburn drew a blank.

Bob Stevens, owner of theatres around Northern Ontario's mining region, is on his feet again after a year's tussle with a broken hip and visited Toronto from Sudbury.

So browned he is taken for a stranger by even his best friends, Mannie Gebertig, Toronto Bluebell owner, has returned from a six months' lounge at Miami, Fla.

Max Allen . . . one of the Allens of chain theatre fame . . . has acquired the Regent and Temple in Windsor . . . a city that has jumped to fourth place among Ontario municipalities.

W. P. Dewees, Vancouver magnate, holidays in Hollywood . . . Fred Bannister of Canadian west coast fame vacations in England.

•

. . . Detroit

Ray Schreiber has taken over the Norglo, which he is remodeling and will reopen soon as the Gem.

Sol and Mac Krim have taken over the Harmony from the John O'Dell circuit.

Frankie Jones, Warner booker, has returned from a vacation at his home in Hamilton.

Ida Gottlieb, United Artists cashier, spent her vacation in Duluth.

Clergyman Objects To Film Criticism

Rev. Gerard B. Donnelly, writing in the current number of the Catholic weekly, *America,* takes issue with the Catholic Daughters of America for the resolution adopted at their Seattle convention early this month in which they attacked the industry. Father Donnelly not only criticizes the organization, but praises the producers for the manner in which they have cleaned up pictures.

In speaking of the producers the priest said, in part: "They have adopted a code written and approved by church authorities. They have employed a conscientious and strict interpreter of that code. Hence it is embarrassing to find the Catholic Daughters do not seem even ordinarily appreciative."

Rites for Harry Hicks

Hollywood, July 26.—Funeral services for Harry Hicks, independent exhibitor, who died Monday, were held Wednesday afternoon at the Graham and Isbell mortuary. Jack Dillon, and Carroll Peacock, heads of the Fox and Paramount exchanges, were among the honorary pallbearers. The services were attended by several hundred.

Mon Randall Cremated

Hollywood, July 26.—Mon Randall, pioneer advertising artist who died on Sunday, was cremated at Los Angeles Crematory on Wednesday. Randall's last position was with Universal.

Mrs. Martha Gill Dead

Milford, Conn., July 26.—Mrs. Martha Gill, 59, who owned film theatres in Milford Center and Walnut Beach, is dead here.

Two More for Singer

Des Moines, July 26.—Mort H. Singer is reported to have acquired the Family and Strand, Marshalltown, from Don Thornburg.

Aides Named to Run Relief for Actors

(*Continued from page* 1)

lege as technical assistant to direct theatre projects.

Hopkins also made known the appointment of Harry G. Alsberg of Washington to direct projects for writers.

Details of projects in which writers and actors will be employed will be drawn up by the new technical assistants, indications being that theatrical troupes will be formed, possibly to present plays written by WPA writers. The work will be carried out under the $300,000,000 fund for "white collar" relief.

Miss Flanagan is the wife of Prof. Philip H. Davis of Vassar, who has for the past nine years been director of the experimental theatre at the college. Alsberg is a former newspaper man. He was director of the Provincetown Players and also adapted the play "Dybuk," which ran for several years in New York and was played in London and elsewhere.

Many Changes Noted In Film Securities

(*Continued from page* 1)

summaries of the shareholding reports of officers, directors and principal stockholders of listed companies released by the Securities and Exchange Commission.

Shareholding reports for May were summarized as follows:

DuPont de Nemours—H. F. duPont, director, 74,036 common, decrease 4,300 shares; F. G. Tallman, officer and director, 400 common, increase 400 shares.

Fox Film—Harold B. Clark, director, 201 A common, increase one share, and decrease of $2,000 six per cent debentures through White Weld & Co.

Loew's, Inc. — Arthur M. Loew, officer and director, 353 common through holding company, decrease 1,765 shares, and David L. Loew, officer and director, same.

Warner Bros. Pictures — Albert Warner, officer and director, 63,260 common, decrease 33,333 shares; 10,618 $3 cumulative preferred and $741,667 six per cent convertible debentures; Jack L. Warner, officer and director, 87,060 common, decrease of 33,333 shares; 10,618 preferred and $1,441,667 debentures, an increase of $15,000 debentures.

Keene Abbott to Retire

Omaha, Neb., July 26.—Keene Abbott, for a quarter of a century critic and reviewer on the *Omaha World-Herald,* will retire within a few days.

Abbott is noted for his short novel, "Wine of the Winds," and for several short stories published in the *Saturday Evening Post* and other periodicals.

Keith Wilson, graduate of the Creighton University School of Journalism and present picture editor of the *World-Herald,* is scheduled to replace Abbott.

Schussler in Chicago

Chicago, July 26.—Fred. Schussler of the Radio casting department arrived here this week. He is spending considerable time at the NBC broadcasting rooms. Schussler also has interviewed several people locally who are not on the air.

"Becky Sharp" 2nd Week Hit On the Coast

Los Angeles, July 26. — "Becky Sharp" overcame the effects of the heat wave in its second week at the Hillstreet by getting $9,100, over a first week normal by $1,100.

"The Scoundrel" in the 900-seat 4-Star was exceptionally strong at $6,300, but none of the other downtown or Hollywood first runs was able to do anything remotely resembling good business.

Total first run grosses were $71,500. Average is $87,700.

Estimated takings for the week ending July 24:

"ORCHIDS TO YOU" (M-G-M)
"CALM YOURSELF" (M-G-M)
CHINESE—(2,500), 30c-55c, 6 days. **Gross:** $8,500. (Average, $12,500)

"MY SONG FOR YOU" (G-B)
FILMARTE—(800), 40c-50c, 7 days. **Gross:** $1,200. (Average, $2,750)

"THE SCOUNDREL" (Para.)
4 STAR—(900), 30c-55c, 6 days. **Gross:** $6,300. (Average, $3,250)

"BECKY SHARP" (Radio)
HILLSTREET—(2,700), 25c-40c, 6 days. 2nd week. **Gross:** $9,100. (Average, $8,000)

"ORCHIDS TO YOU" (M-G-M)
"CALM YOURSELF" (M-G-M)
LOEW'S STATE—(2,500), 30c-55c, 6 days. **Gross:** $7,300. (Average, $14,000)

"LOVE ME FOREVER" (Col.)
PARAMOUNT—(3,595), 30c-55c, 7 days, 2nd week. Stage: F. & M. revue, Rube Wolf and his Three Rhythm Rascals. **Gross:** $17,500. (Average, $18,000)

"AWAKENING OF JIM BURKE" (Col.)
"CHAMPAGNE FOR BREAKFAST" (Col.)
VOGUE—(900), 25c-40c, 7 days. **Gross:** $1,200.

"BECKY SHARP" (Radio)
WARNER BROS. (HOLLYWOOD) — (3,000), 25c-40c, 6 days, 2nd week. **Gross:** $8,600. (Average, $14,000)

"HOORAY FOR LOVE" (Radio)
"GOING HIGHBROW" (Warners)
WARNER BROS. (DOWNTOWN) — (3,400), 25c-40c, 6 days. **Gross:** $8,800. (Average,. $12,000)

"MAEDCHEN IN UNIFORM" (Krimsky-Cochran)
"DEALERS IN DEATH" (Topical Films)
PANTAGES—(3,000), 25c-40c, 7 days. **Gross:** $3,000. (Average, $3,200)

Wall Street

Warner Issues Gain on Big Board

	High	Low	Close	Net Change
Columbia	75¾	74½	75¼	+2¼
Consolidated	4¼	4	4¼	.....
Cons., pfd	16	16	16	— ⅛
Eastman	147¼	147	147	— ¾
Eastman, pfd	164	161	161	+1
Fox "A"	16½	15⅞	16⅛	+ ⅛
Loew's	40⅝	39¾	40	— ½
Loew's, pfd	104	104	104	+ ⅛
Paramount	4¼	4⅛	4⅛	— ⅛
Pathe	⅝	⅝	⅝	.....
RKO	2⅜	2¼	2¼	.....
Universal	35	34½	35	— ¼
Warner	5	4¾	5	+ ¼
Warner, pfd	34½	31¾	34½	+3

Little Change on Curb

	High	Low	Close	Net Change
Technicolor	20⅛	19⅞	19⅞	— ¾
Trans-Lux	2¼	2¼	2¼	.....

RKO Bonds Up ½

	High	Low	Close	Net Change
Loew's 6s '41 ww deb rights..	103¾	103⅝	103⅝	.....
Paramount F. L. 6s '47	96½	96¼	96½	— ¼
Paramount Publix 5½s '50	98¼	98	98	— ¼
RKO 6s '41 pp....	42	42	42	+ ½
Warner Bros. 6s '39 wd	74	72¾	74	+ ¾

(Quotations at close of July 26)

Premium Agents Happy in N. E. As New Stunts Gain

(*Continued from page 1*)

ficial here, who operates the Hamilton, told Motion Picture Daily. "I'm using them for the first time in 23 years, in the form of dishes and bank night."

"This premium racket is okay," commented Leo Britton, who holds the franchise in this territory for jackpot, one of the systems being sued by bank night. Britton also heads the Amity Film Exchange. "I've got 48 accounts signed up at present. They're paying from $10 to $25 weekly."

"Pictures are still what count," declared Thomas Woodbury, city manager in Beverly for the Ramsdell Brothers. He intimated that he is using premiums only to meet competition. "We give out a lot of dishes when there is a poor film on, and only a few when there's a good program."

"Premiums never work out," was the opinion of Joseph Cohen, Regional Chain Theatres executive. "They take business away from other nights. Furthermore, we found from trying them seven or eight years ago that they start big, but taper off."

"We're going to do away with vaudeville and put premiums in, instead," stated Ben Welansky, who operates four grind houses on Washington St. in the Hub. "Tango, which I'm using two nights a week at the Globe, is increasing business 300 per cent."

Holds N. E. Tango Franchise

One reason for Welansky's enthusiasm for tango may hinge upon the fact that he recently acquired the New England franchise for tango. This box-office stimulant is placed in 85 spots at present, according to Welansky.

"It's a case of either using premiums or selling my theatre to the racetrack for a dog kennel," said Richard Rubin, Allied official. "I'm against them, but I haven't any choice. I'm using dishes, and I'm going to put in bank night."

Both Joseph Brennan, executive secretary of the M. P. T. O. A. unit in Massachusetts, and Arthur K. Howard, business manager for Allied, declined to comment officially on the use of premiums. The same stand was taken by Martha W. Ferris, secretary of the Film Board of Trade. Regarding these organizations, however, it may be noted that Allied here has a hand in distributing a premium.

"Twenty accounts is all I'm handling at present," remarked William McLaughlin, independent exhibitor and dish distributor. His position is somewhat unique here, inasmuch as he affirms that his premium business has been better than it is at present. He adds, however: "Competition is the only reason I'm not selling more stuff."

The Metro Premium Co., headed by Irving Zussman, is riding the crest of the premium wave. Thriving on more than 100 accounts, by its own statement, this concern is supplying part of the M. & P. Publix circuit. Zussman got into the premium splash less than 12 months ago. He has acquired and is remodeling the building on the second floor of which he once hired space. He has two warehouses and his own trucks.

"Gold mine has over 30 accounts here at present," computed one of the distributors of this scheme. "These pay from a minimum of $10 weekly to a present maximum of $35."

Bank night has twice been refused injunctions against gold mine, which is handled by James Kennedy, who originally sold bank night over much of New England. Hearings before a suit may kill the cash-giveaway golden goose, as Federal Judge Brewster made the point in denying an injunction that if the suit should finally be heard, authorities should ascertain whether or not such schemes are lotteries.

N.O. Suburbans Try Sharing the Wealth

(*Continued from page 1*)

90 per cent of the suburbans are using it.

All kinds of giveaways, all the way from baskets of food to dinner sets, have been used in the past. Bathing revues have been common, and the other night a hat contest was introduced.

United still sticks to dishes. Downtown houses have refrained from giveaways. Harry McLeod tried ice cream for children, but decided it didn't help business much.

Settle Bank Night Suit

Kansas City, July 26.—Affiliated Enterprises, Inc., through R. W. McEwan, Kansas and Missouri distributor of bank night, has withdrawn an infringement suit from Federal district court against Tom Edwards, operator of the Ozark, Eldon, Mo. The suit has pending under Judge Merrill E. Otis. A Settlement out of court was agreed to under which Edwards will use bank night on contract.

Max Davidson of the Mayflower at Florence, Kan., who has been operating cash night, has signed a contract for bank night.

St. Louis Opening Awaits Union Deal

St. Louis, July 26.—Failure to get together with the musicians' and stagehands' unions on a working agreement to cover stage shows at one or two of its local first runs has caused Fanchon & Marco to call off all stage show bookings and this city will continue without such attractions in its picture houses.

According to the F. & M. management, President Sam Meyers of the musicians' union refused to consider any contract other than a full-season agreement, while the stagehands are said to have asked for an increased number of workers.

F. & M. has been forced to cancel bookings for Olsen and Johnson and the Texas Mustangs of Southern Methodist University. It had planned to reopen the Ambassador with stage shows and pictures. The house has been dark for several weeks.

Boston Goes Deeper into Torrid Slump

Boston, July 26.—Heat, baseball, dog and horse races kicked a heavy dent in box-offices for the week. The only showing regarded as even fair was made by the dual, "Front Page Woman" and "Going Highbrow," playing day and date at the Fenway and Paramount. The take at the former was $4,000, under normal by $500, and at the latter it was $6,000, under average by $1,000.

All other houses were in such a bad way that some of them did not reach 50 per cent of normal.

Total first run business was $49,300. Average is $68,500.

Estimated takings for the week ending July 26:

"FRONT PAGE WOMAN" (Warners)
"GOING HIGHBROW" (Warners)
FENWAY—(1,382), 30c-50c, 7 days. **Gross:** $4,000. (Average, $4,500)

"KEEPER OF THE BEES" (Republic)
"THE CLAIRVOYANT" (G. B.)
KEITH'S MEMORIAL—(2,907), 25c-55c, 7 days. **Gross:** $6,800. (Average, $12,000)

"LOVE ME FOREVER" (Col.)
(Second Week)
LOEW'S STATE—(3,537), 25c-55c, 7 days. **Gross:** $8,000. (Average, $12,000)

"SHANGHAI" (Para.)
METROPOLITAN — (4,332), 35c-65c, 7 days. Stage: Lee Whitney, star of "Great Waltz" in big revue. **Gross:** $15,000. (Average, $22,000)

"FRONT PAGE WOMAN" (Warners)
"GOING HIGHBROW" (Warners)
PARAMOUNT—(1,793), 25c-50c, 7 days. **Gross:** $6,000. (Average, $7,000)

"CHARLIE CHAN IN EGYPT" (Fox)
"CHASING YESTERDAY" (Radio)
RKO BOSTON—(3,246), 25c-50c, 7 days. **Gross:** $6,500. (Average, $11,000)

Harris Selects New Variety Committees

Pittsburgh, July 26.—John H. Harris, chief barker of all Variety Clubs, has designated new committees for the year beginning Jan. 1 next. They are:

Midway Concession—Carter Barron, Washington—Main Guy; R. C. Li Beau, Kansas City; Jack E. Flynn, Detroit; Harry Goldstein, Cleveland; Eddie Fontaine, Chicago.

The Law—Eddie Ruben, Minneapolis—Main Guy; D. J. Miller, Milwaukee; George Fisher, Milwaukee; James Lognard, Pittsburgh, and one more to be named.

The Side Show—Leo Haelein—Main Guy; John Hardgrove, Bernie Gardiner, Dick Borel and Lew Bryer, all of Columbus.

The Heart—Duke Clark, Columbus—Main Guy; Ted O'Shea, Buffalo; Marc Wolf, Indianapolis; Earle Sweigert, Philadelphia; Allan S. Moritz, Cincinnati.

The Biller—Jay Emanuel, Philadelphia—Main Guy; George Tyson, Pittsburgh; Harry Kalmine, Pittsburgh; W. E. Banford, Des Moines; Rudy Berger, Washington.

The Payoff—Nat Holt, Cleveland—Main Guy; Izzy Schmertz, Cleveland; E. E. Kirchner, Detroit; Mike Cullen, Pittsburgh; Ralph Pielow, Albany.

The Winter Quarters—Max Stearn—Main Guy; Billy James, Ross Anderson, Les Irwin, Duke Clark, all of Columbus.

New Haven Applies

New Haven, July 26.—Local film men have applied to the Main Tent of Variety Club in Pittsburgh for a charter.

"Call" Milwaukee Hit

Milwaukee, July 26.—"Call of the Wild," Zanuck-United Artists release established a new record at the Warner Theatre here. On the opening day the picture beat the record-holder, "Les Miserables," by approximately $300.

Schenck May Get Minority Of Met Stock

(Continued from page 1)

interest in the new Fox Met out of its own 50 per cent interest in the new company. Fox Theatres, proponent of the Fox Met reorganization plan, is given an option under the plan to acquire 50 per cent of the new stock by payment of $150,000 and the withdrawal of its claim against Fox Met. Its alternative is to sell the 50 per cent interest to U. A. Theatre Corp. for $275,000. Retention of the stock, thus, would give Fox Theatres the controlling interest.

The sentiment of Fox Theatres' creditors appears to be veering in favor of retention of the new Fox Met stock as an investment, and this procedure already has been endorsed by Federal Judge Martin T. Manton, who has jurisdiction over the Fox Theatres' receivership. The latter company is bound by the Fox Met reorganization plan to make its decision on the purchase or relinquishing of the stock within 60 days after consummation of the Fox Met reorganization.

Seek Windup by Aug. 15

Efforts are now being made to conclude the reorganization by Aug. 15, with that date tentatively set for the transfer of assets from the trustee to the new company. This would give Fox Theatres until Oct. 15 to make its decision. Milton C. Weisman, receiver for Fox Theatres, has stated he would call a meeting of creditors of the company immediately after the Fox Met reorganization to vote on a course of action in connection with the stock, and would place the results of the vote before Judge Manton for final directions.

Six directors of Fox Met have already been designated, Schenck having three representatives, including himself, and Fox Theatres, three. Fox Met bondholders will also be given three places on the new board. As Federal Judge Julian W. Mack has retained the right to veto the as yet unnamed bondholder representatives, the bondholders' committee is expected to elect only temporary board members at the time of the consummation of the plan next month. These three would remain in a temporary capacity until confirmed by Judge Mack, who is not due back from a current European vacation until Oct. 2. Indications are that no election of officers may be held prior to that date.

Wants GTE Trustees To Pass on Merger

Wilmington, Del., July 26.—Acting as receiver for General Theatres Equipment, U. S. Senator Daniel O. Hastings of Delaware today petitioned Chancellor Josiah C. Wolcott in Chancery Court here for permission to direct voting trustees of G. T. E. to approve consolidation of Fox with 20th Century. The consolidation plan will go before stockholders of Fox in New York Aug. 15. Hearing on the petition was set for Aug. 12.

Chancellor Wolcott ordered that in the meantime details of the plan of consolidation be open to creditors, stockholders and holders of voting trust certificates for inspection at the offices of Hughes, Schuman & Dwight in New York.

Senator Hastings, receiver of G. T. E. since his appointment by the court on Feb. 29, 1932, is owner of voting trust certificates representing eight percent of Class A and 86 percent of Class B common stock of Fox under voting trust agreement. Voting trustees are Harley L. Clarke, Frank O. Watts and Albert H. Wiggin. Hastings' petition says they wish to be directed to vote for the consolidation and that the receiver believes the merger to be to the best interests of G. T. E.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Here Comes the Band"

(M-G-M)

Hollywood, July 26.—Shown in lengthy, all-inclusive form, the evident purpose of this preview undoubtedly was to let the audience decide what should remain in the picture. As it stands it is a lively concoction of variety amusement which dips into almost every entertainment phase.

Motivating a story at times entirely ignored is a sort of futuristic music tinged with a conception of what might have become of some of the boys who were in the Big Parade. With that atmosphere surrounding Ted Healy, Nat Pendleton and Addison Richards, it rings in a light comedy-drama romance involving Virginia Bruce and Harry Stockwell. Accenting that angle and playing to give exhibitors and audiences something new and different, there's a semi-farcical presentation of an amateur radio hour, a typical picturization of Ted Lewis and his band doing some of their best known old favorites and several new numbers.

Taking a twist that involves a bit of song-pirating skullduggery, the whole is climaxed by a courtroom sequence in which the singing of Negro, Indian and hill-billy folk songs, the original characters for which were uniquely rounded up by Stockwell, proves that he is the author of a stolen typically native American song.

Showmanship availability is the keynote of the original screen play by Paul Sloane, Ralph Spence and Victor Mansfield. Production values also provide much more with which to work.

Of the song numbers, on which many collaborated on the music and lyrics, "Too Tender Is the Night" and "Headin' Home," played by Lewis and his band, favorably introduce Stockwell as a singing star. Intelligent editing should deliver attractive merchandise for patrons and showmen. Sloane directed.

No production code seal. Running time, 95 minutes. "G."

"Every Night at Eight"

(Wanger-Paramount)

Hollywood, July 26.—Clever dialogue, smart musical numbers and good direction make this picture satisfactory from every angle. Although the story is light, action is not lacking and the interpolation of specialties sustains interest.

Frances Langford, Alice Faye and Patsy Kelly, all amateurs, enter a radio contest and are beaten by George Raft and his band. The acts then team up under Raft's management and after a struggle rise to a top spot as radio entertainers. At the height of their success the girls rebel against Raft's business tyranny and walk out. Tuning in on their program away from the studio they relent and rush back in time to finish. The love interest is furnished by the romance between Raft and Miss Langford, with the former not realizing the depth of his emotion until the girls walk out.

In putting this story by Stanley Garvey on the screen director Raoul Walsh has pointed up few dramatic sequences and worked in music effectively. Specialties by the Three Radio Rogues and Florence Gill during an amateur broadcast are outstanding, as are the performances of Walter Catlett, Herman Bing and John Dilson in support.

The songs by Dorothy Fields and Jimmy McHugh are catchy and the screen play by Graham Baker and Gene Towne gives Miss Kelly some funny lines.

The production rates top billing on most programs. Production Code Seal No. 1091. Running time, 76 minutes. "G."

Theatre Sale Held Up

Bucyrus, O., July 26.—Common Pleas Judge C. U. Ahl has granted a moratorium under the Best Act to John Hoover, Cincinnati contractor, covering his indebtedness against the uncompleted theatre building which he began in 1929. The property was sold to the Limo Corp., Ohio Schine subsidiary, at sheriff's sale last week.

The court requires Hoover to pay all back taxes, as well as interest charges to a local building and loan company, and post a $15,000 bond by next Monday. If he fails, the court will confirm the sale to the Schine interests.

New Group to Study British Quota Is Seen

(Continued from page 1)

Kinematograph Renters' Society and also chief of Associated British Pictures, says distributors would be quite willing to discuss action with exhibitors.

"The Act is working well except for the 'quickie' business," he declared.

Any committee which came into being would be faced with the task of reconciling the exhibitors' demand for a smaller quota with the British producers' wish for increased protection.

* * *

Application for provisional approval of the Paramount Theatre, on part of the site of the grammar school, has been successful at Birmingham. The scheme has been vigorously opposed by local exhibitors, on the ground of redundancy. The theatre will be one of the circuit of Paramount supers in British provincial towns. There are others in Glasgow, Leeds, Manchester, Liverpool and Cardiff.

Zanuck Will Make 'Ramona' in Big Way

Hollywood, July 26.—Darryl Zanuck today moved the John Stone production, "Ramona," into the special category at 20th Century-Fox. The film was originally planned as a programmer. He ordered a larger budget for the picture to make possible its production on a more elaborate scale.

It is reported all previous casting commitments have been written off. Zanuck cabled Loretta Young, who is abroad, an offer to play the starring role and set back the starting date to after Labor Day to give the actress time to get here should she accept. Rita Cansino, formerly slated for the lead, is being transferred to another film, as Zanuck and Sol Wurtzel view her as a potential star.

Picket Coast Theatre

Los Angeles, July 26.—The Criterion, subsequent run, was being picketed today by Local 150, I. A. T. S. E., which charges T. I. Tally, who operates the house, with using non-union help and cutting his staff and payroll in half. Tally's refusal to negotiate was said to have caused the union to start picketing late this afternoon with announced intentions to keep pickets on duty until the theatreman gives in or goes broke. The union claims Tally's payroll at present is only one-fourth what it was at one time.

More Coast Arrivals

Ben Goetz and his wife are in town from Hollywood.

Clarence Brown, M-G-M director, is also here.

Sam Marx, scenario editor for Metro, rounds out a group which arrived by 'plane Thursday morning.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

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Revival of Film Boards Of Trade Due in the Fall

Will Be Agency Through Which Clearance May Be Evolved

Revival of the Film Boards of Trade on an active, full strength basis in 33 exchange centers will be undertaken this fall, it was learned on Saturday.

The collapse of the industry's NRA code, which had subjugated the Film Boards to a minor position in the distribution branch of the industry, leaving only skeleton organizations in approximately 15 exchange centers, left many important trade functions without an agency to handle or direct them. It is to fill the gap thus created that the boards are being re-established, it was stated in several distribution quarters.

Indications are that the field organization will be developed along somewhat different lines than in the past and will undoubtedly relinquish

(*Continued on page 3*)

Theatre Deals At Para. Next For Otterson

Partnership Pacts Up for Consideration

Either working agreements or new long-term contracts for Paramount theatre operators and partners will be negotiated during late August and September under the direction of John E. Otterson, Paramount president, on his return here from the coast about Aug. 15.

Despite the fact that no move has been made yet to replace the 90-day agreements under which the Paramount theatre operators are now working, and which expire Sept. 28, there is no prospect of an abandonment of the company's policy of decentralized theatre operation for a revival of home office or centralized operation, it was said. The failure of the company to initiate action thus far on renewals of the operating pacts

(*Continued on page 3*)

Hearing on Katz's Claim Up Wednesday

Arguments on the legality of the $281,000 claim of Sam Katz against Paramount, based on a personal service contract, will be set for hearing Wednesday when the report of Special Master John E. Joyce holding the claim to be without legal basis goes to the U. S. District court. The report will be referred to Federal Judge Alfred C. Coxe for hearing of arguments and decision.

Joyce held that under the stock corporation laws Paramount was entitled to terminate Katz' services without incurring liability under the unexpired portion of his contract. It is assumed that the ruling may also have a bearing on the $320,000 claim against Paramount of Jesse L. Lasky and the $72,500 claim of Sidney R. Kent.

Seek Friendly End To Loew-Para. Suit

A proposal for authority to settle the $5,000,000 anti-trust claim against Paramount arising from a suit for triple damages filed in Boston several years ago by E. M. Loew, independent theatre operator, will be placed before the Paramount board in the near future.

Trustees of the company had settlement negotiations well under way at the time Paramount emerged from

(*Continued on page 3*)

Grosses Drop To a New Hot Weather Low

Grosses continued their mid-summer decline in 125 key city theatres during the week ending July 11-12. The total take was $1,023,457. The number of theatres open also continued to fall, the latest count being 125. The previous week 127 were in operation.

The falling off has been steady since the start of June, with the exception of the week ending June 13-14 when there was a slight rally.

The surprising thing about the latest decline is the fact that 11, or exactly half the total number of cities reporting, showed gains, some of them quite sizable. The cities registering

(*Continued on page 6*)

Production Running Along in High Gear

Hollywood, July 28.—Production continued a record pace here last week despite midsummer weather and vacations of studio personnel. The seven-day check of schedules showed 45 features and three short subjects in active work as compared to 46 features and five shorts for the preceding week.

M-G-M retained its lead in the feature category with 10 pictures shooting, one in preparation and slated for the sound stages within two weeks and 12 in the cutting room for editing. Universal hit its peak for the last five years with seven shooting, two preparing and one cutting. Fox had six,

(*Continued on page 3*)

Rivalry Marks Deals For Republic Lineup

British film companies' rivalry for the distribution rights abroad to the new season lineup of Republic's approximately 60 features and westerns, culled from some of the industry's leading independent producers, is enlivening negotiations which have been under way here for almost a month and has placed Republic in a favorable trading spot.

Both British International Pictures and British Lion are vying for Re-

(*Continued on page 2*)

Filtering

Cleveland, July 28.—Signatures to the new local exhibitor agreement providing for double features of any feature product not playing a downtown first run, are coming in slowly. To date, the agreement has been signed by approximately 60 theatres. 82 signatures are necessary to make it binding.

No Giveaways In Providence; Lean on Duals

Providence, July 28.—This city is singularly immune from the epidemic of gold mine, screeno, bingo games and other lures used in other parts of the country to ensnare the wary summer guest in search of entertainment. None of the major houses in the downtown belt has succumbed as yet, trusting to straight double features for the pull.

The nearest approach to a departure was the staging of the Summerfield amateur radio shows at Loew's during the spring. Exhibitors are of the opinion that strong features only will get them business and this is borne out by the earnings for the past six months.

No Complaints in Omaha

Omaha, July 28.—Thus far no complaints have arisen from exhibitors in this territory over the use of bank nights, china nights, gold mine nights, jackpot, money nights, pay-off-nights,

(*Continued on page 8*)

Rosenblatt, Jaffe in Law Practice Today

William B. Jaffe and Sol A. Rosenblatt take up the practice of law in partnership today at offices in the International Building in Radio City. Both were formerly associated with the Nathan Burkan law firm.

Rosenblatt recently was division administrator under the NRA. Jaffe has been in charge of Columbia Pictures legal work for the past six years.

New Sound System Is Offered by Hammond

Boston, July 28.—Eighteen patent licenses for a new sound system have been allowed John Hays Hammond, Jr. The invention is known as "the dynamic multiplier system" and was developed in the inventor's Gloucester laboratory. The purpose of the device is to do away with the undesirable characteristics of present sound apparatus, it is said.

The invention is said by film men to whom it has been demonstrated to give a more life-like quality to pictures.

Ellison Purington is the engineer who has been in charge of the project, which, it is claimed, may revolutionize the industry.

"U"-Sullavan Dicker For Longer Contract

Hollywood, July 28. — Universal and Margaret Sullavan are getting together on an extension of her contract. She has three to make for "U" before Dec. 1 with only one property, "Next Time We Love," lined up. Paramount has held her longer than anticipated on "So Red the Rose." That time will be part of the extension, since she negotiated for the part independently.

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Rivalry Marks Deals For Republic Lineup

(*Continued from page* 1)

public's output. The negotiations have caused numerous delays in the scheduled departures for London of Arthur Dent of B. I. P. and Sam Smith of British Lion. Dent has been here about two months and Smith almost a month. The latter now plans to leave next Saturday on the *Aquitania* in the expectancy of a final decision some time this week.

Dent closed with First Division Exchanges on Saturday for a deal whereby the latter will distribute 10 B. I. P. pictures here. No reciprocal arrangement for British distribution of First Division pictures was involved.

Aids Foreign Product

PARIS, July 28.—Premier Laval has issued a decree lowering the taxes on film houses without discrimination against those showing foreign product. His action ended a system of compulsory block booking, which was found objectionable.

Skolsky Column Resumed

BOSTON, July 28.—Sidney Skolsky is back in the *Boston Traveler.* The columnist was dropped here shortly after the trouble from within the industry that caused his daily dope to be "filed" by the *Detroit Free Press.*

Drop Censorship Room

NEW ORLEANS, July 28.—Plans for a projection room at the Roosevelt for the use of Louisiana's new censors have been dropped.

Insiders' Outlook

By RED KANN

DAVID SARNOFF, president of the Radio Corporation, set forth on Friday on his annual business trip abroad; he will be gone two months. Which leads to some speculation regarding RKO and the if and when about its emergence from the bankruptcy regime. Bouncing around gently and heard, so far as is known, by only a handful has been the rumor a plan of reorganization was already under way for presentation to the Federal court very shortly now. Yet a check of sources which should know disconcertingly reveals nothing, despite the existence of the report and the understanding Sarnoff originally uttered it. . . .

▼

You can figure the Sarnoff junket overseas in two ways and both of them are rather obvious. One immediately suggests that no plan is ready, despite what is regarded as the continued willingness of Floyd B. Odlum and the Atlas Investment group to take over RCA's interest in RKO—on the books at approximately $16,000,000—for $5,000,000 in cash, which is a considerable number of dollars. The other way of ruminating about the matter indicates a plan is in work and is so far along that Sarnoff's presence in the next few weeks is not necessary to its progress. This does not appear to make very much sense, although it might be a mistaken idea to arbitrarily rule it out of the running. . . .

▼

The reputed difficulty about a deal between Sarnoff and Odlum is the usual difficulty which these matters entail. The former is striking for as much on RCA's sixteen millions in RKO that it can get. It is said to be in the Sarnoff mind that he is holding out for a dollar-for-dollar deal. It is also said for those who, by experience at least, are familiar with finance at large that Sarnoff, if he is holding on to such an idea, will find himself holding on for some time to come. The understanding is, however, that RCA is of far more interest to him than RKO and that, because this is so, Sarnoff is adamant about a full return on the communication company's investments in the film company. . . .

▼

In the meantime and of interest in that it reveals how RKO is going these days are these figures: The distributing company is running at the rate of $434,000 a week and the theatre organization at the rate of $397,000 every seven days. These statistics are in averages, do not take into account seasonal decline or gain and are drawn from the first report of the trustees recently submitted to the United States district court in New York. For the twenty-one weeks to May 21, bulk rentals were $9,115,442; theatre grosses, $8,344,044. . . .

▼ ▼

The constant query: Is theatre business better? The government supplies an answer, fortified by figures which are always considerably more satisfactory than speculation. For the fiscal year ending with June, admission taxes increased almost $765,000 to a total of $15,379,397 as compared with $14,613,414 for the previous period. June and the hot weather it ushered in left its toll, an anticipated toll, it might be added, although year - in - and - year - out familiarity with it makes theatre operators none the readier to accept it. The returns for that month shriveled more than $120,000 as compared with last May and $386,000 as compared with the May of 1934. While government figures make no differentiation between types of amusements, common acceptance always has been that picture theatres furnish somewhere between sixty and perhaps as high as eighty per cent of the aggregate. . . .

▼

Efforts to collect on the $297,000 judgment to which William Fox confessed to some ten days ago in connection with alleged defaults on a guaranteed lease on the Fox, San Francisco, were met, the story goes, with one of the saddest tales of woe encountered in the industry since 1931. Bill Fox examined the judgment entered against him, according to the story, brushed a tear from his eye with a tattered sleeve and turned to the plaintiff's lawyer. "I haven't a dollar," he is quoted as saying. "I haven't even a home any more. Through the generosity of a friend I've been living in a four-room servants' apartment over his boat house on the Sound." The lawyer blotted a few errant tears from the judgment papers and departed.

▼

About "Diamond Jim." In the background, the colorful era when America was extending its steel rails into the four corners of the land; in the foreground, highlights in the colorful life story of one of Broadway's most interesting characters. Edwin Arnold plays Diamond Jim and plays him rough-house and well. Production values are high and the interest is constantly sustained. It also happens to be the best of the Edmund Grainger-supervised pictures to date. . . .

▼

Exhibitors who have been approached by Columbia on deals for the new season are arching their eyebrows, to say the least. It has to do, of course, with selling terms which run as follows:

Six at thirty-five per cent.

Six at thirty per cent.

Twelve at the highest allocation in flat rentals.

The remainder at as high an average as prevailed last season. . . .

August Campaign for Astaire Film Is Set

National exploitation for Radio's new Fred Astaire picture, "Top Hat," which is to have pre-release showings in key cities around Labor Day, will be augmented throughout August by a radio and advertising campaign tie-up with Lucky Strike cigarettes, according to S. Barret McCormick, advertising and publicity head. Astaire will feature on the cigarette company's radio broadcasts on four Saturdays in August with tunes from "Top Hat." The picture will also be plugged during the month in the cigarette company's newspaper and special advertising.

Special Ads Ready For "Irish in Us"

Warners' newspaper ad campaign on "The Irish in Us" is being aimed at all types of newspaper readers by the placement of copy in three separate sections of newspapers in addition to the amusement section. Specially prepared copy will be placed on the sports pages, the home or woman's page and fiction or feature pages to attain thorough reader coverage, according to S. Charles Einfeld, advertising and publicity director.

Massachusetts for Longer Racing Meet

BOSTON, July 28.—The Senate has concurred with the House in authorizing an increase from 70 to 90 in the number of horse racing days under the new pari-mutuel law. An important amendment to the horse and dog racing law in this state was added, taking away from the State Racing Commission power to grant a license for a dog track unless the locale has once been approved by the mayor and aldermen or the selectmen. This lends a certain degree of hope to theatremen, inasmuch as Bay State citizens seem unwilling to have dog tracks near their homes.

Omaha Bookies Freed

OMAHA, July 28.—Much amusement money that has been pouring into race horse bookies' pockets will continue to go the same route, as a result of a ruling handed down by Municipal Judge Lester Palmer. After the legislature made horse racing legal last spring, bookies opened all over the city. Last week police raided all bookie shops, and charged the proprietors with vagrancy. Judge Palmer dismissed the 57 defendants on the grounds the legislature had legalized all forms of horse racing, which included bookie shops.

Purely Personal

STANLEY BERGERMAN, slated to make four features independently this season, left for Hollywood over the week-end after launching distribution negotiations with two companies.

•

H. A. Fortington, Paramount director and chairman of the company's finance committee, is due back here in about a week from a fishing vacation off Labrador.

•

Herbert Kalmus returns from abroad on the *Normandie* today. He's been in England for the past six or seven weeks.

•

Edward Hughes, long with Universal's playdate department, leaves Aug. 1 to become general manager of a department store in Newburgh.

•

Robert Emmett's "Gun Slingers" and Lindsley Parsons' "The Oregon Trail" have been bought by Republic for John Wayne.

•

Leon Leonidoff has been appointed a regent on the board of the Society of Arts and Sciences.

•

Bud and Mrs. Ernst (she is Lyda Roberti) get in tomorrow from the coast on the *Santa Elena*.

•

. . . Baltimore

Maxwell Weinberg, Little Theatre house manager, has left for Havana for a brief vacation and expects to write a few more chapters on his novel while away.

Robert Marhenke, entrance supervisor at the Hippodrome, has been appointed assistant manager and Clifford Jarrett will succeed him as entrance supervisor.

Ted Routson is manager.

Rudolph Werkmeister, proprietor of the Bridge, is ill from severe sunburn received on his trip to Mexico with the Rotarians.

Mike Leventhal, managing director of the Scheck Theatrical Enterprises, again arranged for the sound and talking picture entertainment for the 50,000 persons who attended the Druid Hill Park Lawn Party.

Warners Realigning Coast Stock Company

Hollywood, July 28. — Warners seem to be intent upon realigning their stock company, replacing present contractees with new material with greater promise for stardom. Options are not being taken up on Phillip Reed, Maxine Doyle, Mary Russell, June Martell and Helen Lowell. The later is being dropped because there are not enough character parts to keep her busy.

"U" Drops O'Connell

Hollywood, July 28.—Hugh O'Connell's option is not being taken up by Universal, in spite of the fact that a series of ZaSu Pitts-O'Connell features have been announced. The reason is that Miss Pitts, signed for only two films, is not re-signing and O'Connell's high salary prevents his being carried until another comedy partner is found.

Theatre Deals At Para. Next For Otterson

(*Continued from page* 1)

has been due entirely to the pressure of production and management activities which have commanded Otterson's attention to the exclusion of everything else during his first month as the new head of Paramount.

Paramount theatre partners from all over the country are currently negotiating new season film buys here with the counsel of Y. Frank Freeman, the company's theatre head. Many of the deals were concluded or gotten well under way during the past week and others will be advanced this week.

Otterson is due back from the studio in from two to three weeks, and among the first order of business for him, it is said, will be the opening of conferences on the extension of the temporary theatre operating pacts under which Paramount's theatre empire of 1,000 houses are administered. It is assumed that the new pacts will vary in only minor details from those under which the theatres have been operated for the past two years. This is regarded as the explanation of why the renewal of the pacts is being left to the last 30 or 40 days prior to the expiration of the temporary agreements.

Otterson is also expected to decide the future position in Paramount of S. A. Lynch, former head of Southern Enterprises and advisor to the Paramount trustees on theatre reorganizations, on his return. Lynch, who is now ending a brief European trip on personal business, is due back here late this week. He has considerable work yet to do in connection with the reorganizations of Olympia and other Paramount New England theatre units, and on the conclusion of this his future status in Paramount will probably be definitely decided.

Seek Friendly End To Loew-Para. Suit

(*Continued from page* 1)

reorganization. The negotiations were then terminated to await directions from the new board.

A special master at Boston who heard testimony in the Loew anti-trust action two years ago, recommended triple damages of $120,000 in favor of Loew in his report to the Federal court at Boston. A settlement figure mentioned during the Paramount trustees' negotiations with Loew was $50,000.

Quebec Fights Billboards

Quebec, July 28.—A vigorous campaign against billboards is being pressed by the Quebec Provincial Government under recently-enacted legislation which gives the Minister of Highways the right to remove or prohibit signs "whose presence masks or mars a countryside or panorama."

Delaware MPTO to Meet

Harrington, Del., July 28.—The Independent M.P.T.O.A. of Delaware and Eastern Maryland will meet here on Aug. 1 to discuss a proposed code for the 30 theatres in the organization.

Wall Street

Warner Pfd High Gain on Big Board

	High	Low	Close	Net Change
Columbia	75¼	74¾	74¾	— ½
Cons. pfd.	16	16	16	.....
Eastman	147¾	147	147¾	+ ¾
Fox	16⅛	16	16⅛	.....
Loew's	40⅛	39¼	39¾	— ¼
Paramount	4⅛	4	4⅛	.....
Pathe	⅝	⅝	⅝	.....
Pathe "A"	10½	9¾	10½	+ ½
RKO	2⅜	2¾	2⅜	+ ⅛
Warner	5	4⅞	5	.....
Warner pfd.	38¾	35	38¾	+4¼

Technicolor Up Slightly on Curb

	High	Low	Close	Net Change
Technicolor	20¾	20⅛	20¼	+ ⅜

Little Activity on Bonds

	High	Low	Close	Net Change
Loew's 6s '41 ww deb rights	103¾	103¾	103¾	+ ⅛
Warner Bros. 6s '39 wd.	74½	74	74½	+ ½

(Quotations at close of July 27)

Production Running Along in High Gear

(*Continued from page* 1)

one and three; Warners, six, one and eight; Paramount, five, three and seven; RKO five, four and seven; Columbia, four, one and four; Goldwyn, one, zero and one; Roach, zero, zero and one with the independent studios registering one, two and one.

Short subject production took a brief lapse. M-G-M had one in work, two in preparation and four in the cutting room. Roach had one, zero and zero; Universal, zero, one and zero; Columbia, zero, one and zero; Warners, zero, one and one; RKO, zero, zero and three. The independent group had one, two and zero.

New Incorporations

Albany, July 28.—Three new certificates of incorporation have been filed here at the State House. They are:

Affiliated Music Corp., New York, to exhibit motion pictures and theatricals. Capital, 5,000 shares non par value stock. The incorporators are Emanuel Feldberg, Ralph Copland and Hyman Roven.

Nepeta, Inc., New York. Incorporators are Florence Lipnick, Tillie Saling and Augusta Simpkins.

The Players Group, Inc., New York, for theatrical business. Capital, 7,500 shares preferred stock $1 par value and 125 shares common stock non par value. Incorporators are Julian Lieberman, S. Sylvan Simon, Jean Berk, Max R. Less and Benjamin J. Goldman.

Film Board Revival Due Coming Fall

(*Continued from page* 1)

the Film Board name for some new designation. Exactly what shape the new organization will take could not be learned over the weekend, although indications are that its composition and functions are already fairly well defined in distribution minds.

That the new local organizations will take a leading part in initiating the drafting of clearance and zoning schedules and in formulating acceptable procedure for voluntary arbitration of contract disputes, appears certain. Numerous other routine functions will be inherited from the original Film Boards, such as local and state legislation work, providing an industry point of contact for public relations work, including cooperation with civic organizations and censorship bodies, furnishing advice on charity requests, and supervision of fire inspections at exchange centers.

Staffs for the new local organizations will probably be recruited from former Film Board personnel, it is reported. Many Film Board secretaries were retained throughout the code period to head skeleton organizations. Others were maintained on a part time basis as a contact source when needed. The new organizations are expected to be in readiness on or about Oct. 1.

Acquire Ohio House; Schines After More

Norwalk, O., July 28.—Schine Enterprises of Gloversville, N. Y., takes over the Forum, new 600-seat house built last year, in a deal closed late last week. William Selman, president of the Norwalk Theatre Corp., which built the theatre, remains as manager.

Louis Lazare, zone manager in charge of Schine houses in Ohio, confirms the report that his organization is entering into a large expansion program in the state, the object being to acquire either by lease, purchase or construction, as many good houses as are available.

Epidemic Hits Virginia

Richmond, July 28.—Virginia theatres are feeling the effects of the spread of infantile paralysis in a number of cities in the state.

AIR CONDITIONING CHARTS

that represent standard practice in air conditioning for motion picture theatres. Practical advice on how to attain the best atmospheric conditions for your house winter and summer. Devised to be put on the wall for constant reference. Available until the supply is exhausted at 25 cents each, payment with order. Write direct to

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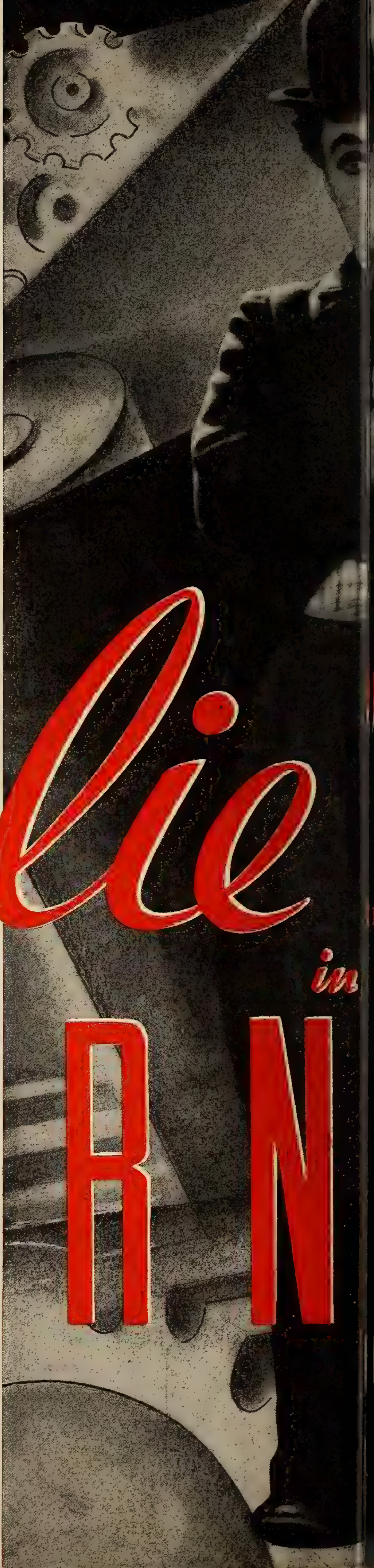

Charlie

in

"MODERN

Chaplin
TIMES"
U.A.
HE STANDARD OF THE INDUSTR

Washington's Heat Leaves Mark on B.O.

WASHINGTON, July 28.—With a gross, which in itself was not remarkable, "College Scandal" at the Earle topped the Capital with a take of $18,600, a paltry $200 over the average. They have heat here.

"The Triumph of Sherlock Holmes" at the Metropolitan was the only other first run to exceed par, here the gross of $4,400 topping the average by $100. Although it took but $9,500, "The Scoundrel" at Loew's Palace was better than expected. The picture was praised by all critics with their most compelling superlatives.

Total first run business was $59,200. Average is $73,700.

Estimated takings, exclusive of tax, for the week ending July 25:

"COLLEGE SCANDAL" (Para.)

EARLE—(2,218), 25c-77c, 7 days. Stage: Ina Ray Hutton & Her Melodears; Jack Pepper, with Terry Howard & Sammy Cantor; Selden & Endler. **Gross:** $18,600. (Average, $18,400)

"NO MORE LADIES" (M-G-M)

LOEW'S COLUMBIA—(1,264), 25c-40c, 7 days (return engagement, 2nd week). **Gross:** $2,700. (Average, first week, first run, $3,600)

"SANDERS OF THE RIVER" (U.A.)

LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage: Jolly Coburn & His Rainbow Room Orchestra, with Kathleen Wells & Robinson Twins; Paul Gerrits; Erner & Fisher Revue; Mae "Betty Boop" Questel. **Gross:** $16,500. (Average, $20,900)

"THE SCOUNDREL" (Para.)

LOEW'S PALACE—(2,370), 35c-77c, 7 days. **Gross:** $9,500. (Average, $15,900)

"TRIUMPH OF SHERLOCK HOLMES" (Olympic)

METROPOLITAN — (1,591), 25c-40c, 7 days. **Gross:** $4,400. (Average, $4,300)

"KEEPER OF THE BEES" (Mono.)

RKO-KEITH'S—(1,836), 25c-55c, 7 days. **Gross:** $7,500. (Average, $10,600)

Providence Dull; All Theatres Quiet

PROVIDENCE, July 28.—"Paris in Spring" and "Air Hawks" was the only combo-bill capable of pulling average business for the week, the Strand being the fortunate house. The Majestic caught $6,100 with "Stranded" and "Don't Bet on Blondes" while Loew's was $5,000 under with "Sanders of the River" and "Man of the Hour." The RKO Albee, too, had a poor week, garnering only $3,500 with "Lady Tubbs" and "What Price Crime?".

Total first run business, $23,950. Average business, $40,500.

Estimated take for week ending July 25:

"PARIS IN SPRING" (Para.)
"AIR HAWKS" (Col.)

STRAND—(2,300), 15c-40c, 7 days. **Gross:** $6,500. (Average, $6,500)

"SANDERS OF THE RIVER" (U.A.)
"MEN OF THE HOUR" (Col.)

LOEW'S STATE — (3,800), 15c-40c, 7 days. **Gross:** $7,100. (Average, $12,000)

"STRANDED" (W.B.)
"DON'T BET ON BLONDES" (W.B.)

MAJESTIC—(2,400), 15c-40c, 7 days. **Gross:** $6,100. (Average, $7,000)

"LADY TUBBS" (U.)
"WHAT PRICE CRIME?" (Beacon)

RKO ALBEE—(2,300), 15c-40c, 7 days. **Gross:** $3,500. (Average, $7,000)

"VANISHING RIDER"
"BREWSTER'S MILLIONS" (U.A.)

RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $750. (Average, $1,000)

Grosses Decline to a New Summer Low in Key Cities

(*Continued from page* 1)

increases were: Chicago, Cleveland, Portland, Providence, San Francisco, Minneapolis, Omaha, Pittsburgh, St. Paul and Seattle.

Comparative grosses for last available periods:

	Week Ending July 18-19		***Week Ending July 11-12***	
	No. Theatres	***Gross***	***No. Theatres***	***Gross***
Boston	6	$48,000	5	$62,000
Buffalo	5	28,100	5	29,500
Chicago	8	120,000	8	119,500
Cleveland	6	48,000	6	40,550
Denver	5	12,800	6	21,000
Detroit	6	51,000	6	59,100
Indianapolis	4	21,000	4	23,500
Kansas City	5	47,400	5	40,800
Los Angeles	9	68,850	9	79,800
Minneapolis	5	22,000	5	20,000
Montreal	4	23,000	4	25,500
New York	7	162,377	7	186,300
Oklahoma City	4	12,300	4	13,900
Omaha	3	18,900	3	16,800
Philadelphia	8	61,200	8	64,100
Pittsburgh	4	34,000	5	30,000
Portland	6	28,700	6	25,900
Providence	5	24,550	5	21,850
San Francisco	8	83,580	9	74,950
St. Paul	5	17,000	5	16,500
Seattle	6	27,700	6	27,650
Washington	6	63,000	6	64,000
	125	$1,023,457	127	$1,063,200

Comparative grosses for the last available periods:

Week Ending	***No. Theatres***	***Grosses***
Sept. 27-28	132	$1,419,815
Oct. 4-5	132	1,412,844
Oct. 11-12	132	1,344,137
Oct. 18-19	131	1,385,533
Oct. 25-26	133	1,386,935
Nov. 1-2	135	1,288,992
Nov. 8-9	134	1,386,736
Nov. 15-16	133	1,389,743
Nov. 22-23	136	1,305,450
Nov. 29-30	137	1,369,576
Dec. 6-7	136	1,401,989
Dec. 13-14	135	1,244,610
Dec. 20-21	135	1,070,800
Dec. 27-28	139	1,408,788
Jan. 3-4	141	1,719,887
Jan. 10-11	138	1,361,450
Jan. 17-18	138	1,251,130
Jan. 24-25	138	1,251,130
Jan. 31-Feb. 1	137	1,354,350
Feb. 7-8	135	1,332,415
Feb. 14-15	136	1,381,960
Feb. 21-22	137	1,318,630
Feb. 18-19	140	1,405,417
March 7-8	139	1,295,650
March 14-15	137	1,358,384
March 21-22	135	1,325,360
March 28-29	137	1,334,375
April 4-5	139	1,242,487
April 11-12	140	1,205,456
April 18-19	139	1,115,386
April 25-26	142	1,421,800
May 2-3	140	1,250,132
May 9-10	145	1,417,888
May 16-17	138	1,236,100
May 23-24	137	1,235,650
May 30-31	137	1,152,200
June 6-7	134	1,119,900
June 13-14	134	1,155,950
June 20-21	134	1,089,850
June 27-28	129	1,160,370
July 4-5	126	1,063,119
July 11-12	127	1,063,200
July 18-19	125	1,023,457

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Fox Wants Devine

HOLLYWOOD, July 28.—Andy Devine is back in football pictures with his part in "Offside" at Universal. He is making $400 a week, in spite of the fact that his loanout figure is higher, and is said to have a Fox contract waiting if he can settle with Universal.

"Farmer" in Philadelphia $5,000 Above

PHILADELPHIA, July 28. — "The Farmer Takes a Wife" was the only picture last week to defeat an almost incessant rain and a Turkish-bath temperature. It ran to $17,000 at the Fox and will be held for four more days.

Everything else hit the toboggan. The Arcadia revived "Naughty Marietta" at the last minute when "Murder in the Fleet" flopped and didn't get a chance to give it a buildup. The picture only lasted three days, but the revival idea hasn't been killed at the theatre. The house figures a better weather break and a little advance notice will bring some money for the repeaters.

"Shanghai" proved no world beater at the Boyd, with a $9,300 take and "Love Me Forever" finished a second week at the Stanley with a fair $9,500. Total first run business was $58,400. The average is $63,900.

Estimated takings for the week ending July 25 were:

"NAUGHTY MARIETTA" (M-G-M)
(Revival)

ARCADIA—(600), 25c-40c-50c, 3 days. **Gross:** $800. "Murder in the Fleet" (M-G-M), 3 days. **Gross:** $600. (Average, 6 days, $2,400)

"SHANGHAI" (Para.)

BOYD—(2,400), 40c-55c, 6 days. **Gross:** $9,300. (Average, $12,000)

"LADY TUBBS" (Univ.)

EARLE—(2,000), 25c-40c-50c, 6 days. Stage: Cliff Hall, Sid Marion, Harry Howard, Ted Adair and Company, Paul Rosini. **Gross:** $11,000. (Average, $12,000)

"FARMER TAKES A WIFE" (Fox)

FOX—(3,000), 40c-55c-65c, 6 days. Stage: Frank Libuse, Joaquin Garay, Paul Sydell and Spotty, Virginia Bacon and Co. **Gross:** $17,000. (Average, $12,000)

"ESCAPADE" (M-G-M)

KARLTON—(1,000), 2nd run, 25c-35c-40c, 6 days. **Gross:** $2,500. (Average, $3,500)

"BECKY SHARP" (Radio)

KEITH'S (2nd run)—(2,000), 30c-40c-50c, 6 days. **Gross:** $2,700. (Average, $4,000)

"LOVE ME FOREVER" (Columbia)

STANLEY (2nd run)—(3,700), 40c-55c, 6 days. **Gross:** $9,500. (Average, $12,000)

"FRONT PAGE WOMAN" (Warners)

STANTON—(1,700), 30c-40c-50c, 6 days. **Gross:** $5,000. (Average, $6,000)

Buffalo Sizzles; Box-Offices Drop

BUFFALO, July 28.—Sizzling and sticky midsummer heat sent Buffalonians scurrying to beach, ball park and dog track and cut theatre attendance far below normal here for the week ending July 26. Making the best showing was the Century, where "Silk Hat Kid" and "Dealers in Death" grossed an estimated $4,600, as compared to a norm of $5,500.

Total first run business was approximated at $26,600. Average is $35,000. Estimated takings:

"BROADWAY GONDOLIER" (F.N.)

BUFFALO—(3,500), 30c-50c, 7 days. **Gross:** $6,600. (Average, $10,000)

"FRONT PAGE WOMAN" (Warner)

HIPPODROME—(2,100), 30c-50c, 7 days, **Gross:** $5,400. (Average, $7,000)

"DON'T BET ON BLONDES" (Warner)
"ARIZONIAN" (Radio)

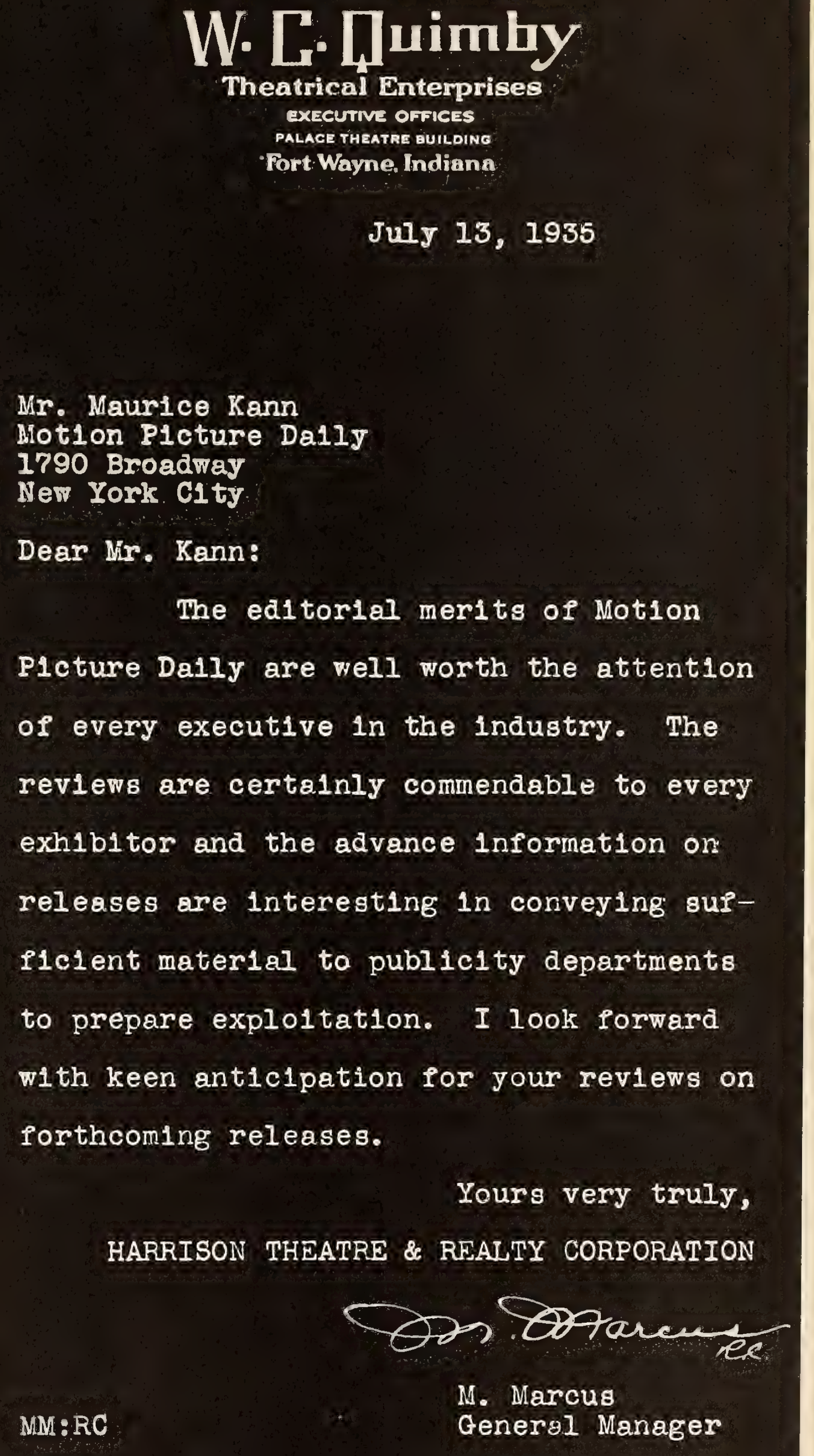
GREAT LAKES—(3,000), 25c-40c, 7 days. **Gross:** $5,900. (Average, $7,300)

"SILK HAT KID" (Fox)
"DEALERS IN DEATH" (Topical)

CENTURY—(3,000), 7 days, 25c. **Gross:** $4,600. (Average, $5.500)

"NOTORIOUS GENTLEMAN" (Univ.)
"STRANGE WIVES" (Univ.)

LAFAYETTE — (3,300), 25c, 7 days. **Gross:** $4,100. (Average, $5,100)



W. C. Quimby
Theatrical Enterprises
EXECUTIVE OFFICES
PALACE THEATRE BUILDING
Fort Wayne, Indiana

July 13, 1935

Mr. Maurice Kann
Motion Picture Daily
1790 Broadway
New York City

Dear Mr. Kann:

The editorial merits of Motion Picture Daily are well worth the attention of every executive in the industry. The reviews are certainly commendable to every exhibitor and the advance information on releases are interesting in conveying sufficient material to publicity departments to prepare exploitation. I look forward with keen anticipation for your reviews on forthcoming releases.

Yours very truly,
HARRISON THEATRE & REALTY CORPORATION

M. Marcus

MM:RC

M. Marcus
General Manager

1790 BROADWAY, NEW YORK CIT

$6. per yea

No Giveaways In Providence; Lean on Duals

(*Continued from page* 1)

screeno, or any of the box-office stimulators.

However, exhibitors who have been holding a co-operative giveaway in Sioux City, Ia., worked a good stunt to death by giving away an auto once a week. Now, to win back their patronage, theatre men have decided to give autos away every fortnight. Patrons became too accustomed to the weekly giveaway.

In Omaha, the auto giveaway is being restricted to once monthly, with 22 theatres in the city participating.

A cash giveaway plan, recently tried in the tri-cities in eastern Iowa, Davenport and Rock Island and Moline, Ill., is being studied by exhibitors in Iowa, Nebraska and other western states. The cash giveaway replaces the car giveaway there with all the rules of the car giveaway in force.

Little Used in Los Angeles

Los Angeles, July 28.—Giveaways are not being used extensively in this territory and almost not at all in metropolitan areas. In outlying theatres, however, trading stamps, china nights and other come-ons are used in addition to bank nights. Screeno and gold mine are unknown.

The influence of Fox West Coast is believed an important factor in the situation, as it is said that if F. W. C. once started the practice of using giveaways, independents would be forced to follow suit. F. W. C. policy, however, has been to lay off giveaways except where competitors have resorted to them.

Preparing N. H. Test Case

Boston, July 28.—A bank night test suit is being prepared against the New Hampshire attorney general for a decision on the legality of the practice, it is revealed here. Bank night was recently ordered stopped in New Hampshire on the grounds it was a lottery.

George Ryan, bank night attorney here, has satisfied the officials bank night is legal, but rather than reverse himself without due cause the attorney general of New Hampshire suggested a friendly test case.

Sparks Uses Bank Night

Tampa, July 28.—Sparks is using bank night here and in a number of other places in the state. Its developments have been varied.

First it was tried at the Tampa. The house couldn't hold the crowds, so it was extended to the Victory with the same picture the same night. At first the winner had to be in the theatre, but after a warning from the attorney general on lotteries this was changed.

Two houses in Ybor City use it, and it has spread to the negro houses. Fights at the 116th Artillery Arena couldn't stand the competition and introduced cash night.

Pickwick Likes Bank Night

Greenwich, July 28.—The Pickwick finds bank night a good draw and incidentally gets plenty of free advertising. The local daily runs a news story on page one each week, announcing the winners and giving various details of the stunt's reception by the audience.

Not Used in Portland

Portland, July 28.—Box-office stimulants other than straight exploitation are not used here and the opinion is definite that they will not be introduced, provided the quality of product is maintained.

Bank Night in Virginia

Richmond, July 28.—Bank night is being tried in Roanoke and Hopewell and automobile giveaways have arrived in Charlottesville. Opposition is still general, however.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Little Big Shot"

(*Warner*)

Hollywood, July 28. — Aside from being top-notch entertainment slated for fancy grosses at the box-office, this one introduces a new child actress who should give other youngsters plenty of competition for an audience following. The story, tailored on the "Little Miss Marker" formula, unfolds swiftly and smoothly, containing a pleasing blend of comedy and pathos.

Intelligent showmanship should build for excellent results. The story, although not entirely new, is handled deftly. Sybil Jason, a talented newcomer, is thrown in with two petty racketeers, Robert Armstrong and Edward Everett Horton, who sell fake watches. The child becomes the ward of the team when her father is put on the spot in a gangster mixup. The dramatic and comedy situations built on a series of incidents bring the story towards its climax with Glenda Farrell, Armstrong's romantic interest, contributing a reforming influence. Miss Jason suddenly reveals a singing and dancing talent and the boys start a sideshow ballyhoo with Miss Farrell intervening for the child's welfare. Armstrong's yen for big dough finally gets him in trouble with gangsters and Miss Jason goes to an orphanage. The dramatic climax revolves around Armstrong's love for the youngster and his efforts to regain custody. The film has the usual serene ending.

Michael Curtiz directed with a sensitive feeling for emotional values. All the cast performances are of a high calibre. The screen play by Jerry Wald, Julius Epstein and Robert Andrews is good. Harrison Jacobs did the original.

No production code seal. Running time, 75 minutes. "G."

"Hopalong Cassidy"

(*Sherman-Paramount*)

Hollywood, July 28.—Smart casting and a showmanlike production give this an edge as an unusual action type of picture. Bill Boyd, reflecting long trouping experience, makes the title character thoroughly likable and exactly as readers of the Clarence Mulford stories have probably pictured him. The story for the first of the series moves rapidly and ends on a note which leaves the audience anticipating adventures to be produced later.

The plot concerns cattle rustlers who stir up trouble between Robert Warwick and Charles Middleton, rival ranch owners, to cover up their own operations. Kenneth Thomson, the heavy, who is Warwick's foreman, keeps things stirred up until he is exposed by George Hayes. Hard riding and gunplay follow, with Boyd finally rounding up the gang. The romantic interest is carried meanwhile by Jimmie Ellinson, Boyd's assistant, and Paula Stone, Warwick's daughter.

The photography is of major calibre and credit is due Doris Schroeder for a fine adaptation job. The direction of Howard Bretherton shows a nice sense of timing.

If the other films in the series equal this, a large audience following can be built up.

Production Code Seal No. 1,110. Running time, 65 minutes. "G."

May Raze Hollis Street

Boston, July 28.—The Hollis Street, which was originally erected in 1811 as a church for which the paternal grandfather of the first J. Pierpont Morgan was once pastor, will be torn down shortly, it is indicated. Judge Prest in Suffolk Probate Court has granted a petition of the trustees of the Robert Breck Brigham estate, which controls the property, to raze the building subject to 20 days' notice from possible remonstrants.

The old brick walls of the church remained practically intact when the theatre was constructed a half century ago. It is reported that the land will be used for a parking space, mainly for the Metropolitan.

Short Subjects

"The Perfect Tribute"

(*M-G-M*)

The story of Abraham Lincoln's Gettysburg address is told here in such a poignant manner that it will probably be impossible for any audience to sit through it dry-eyed and unmoved. It has more drama and entertainment value packed into its two short reels than a vast majority of features released this past year.

Charles ("Chic") Sales portrays the famous president with a characterization extremely true and finely drawn, particularly during the last few feet of the film.

The picture tells how Lincoln came to write the famous speech and his reaction to its reception. His disappointment at the silence of the audience when he delivered it and the final realization of how deeply moved the people were are highlights. Many of Lincoln's well-known characteristics are woven into the story, especially during the last reel when he visits a wounded southern soldier in a prison hospital.

It is a safe wager that in practically every theatre this short plays it will take the play away from the feature unless the latter is of exceptional quality. Production Code Seal, No. 941. Running time, 19 mins. "G."

"Alibi Racket"

(*M-G-M*)

This, the latest of the "Crime Doesn't Pay" series, shows how police break down alibis of crooks and racketeers when they feel certain of their guilt. With a cast acting out various parts of a well-written story, the reel starts building audience interest at its inception and mounts to a strong climax. The story takes a racketeer suspected of murdering a gang leader and proceeds to break down his alibi. Police work on all angles of the case and how they finally break down the criminal is shown. This short subject should be a worthy addition to any program. Reviewed without production code seal. Running time, 18 mins. "G."

"Thicker Than Water"

(*Roach-M-G-M*)

Laurel and Hardy return here with most of their old tricks, but they do have several new ones that should have audiences holding their sides. During the last few feet of the film they reach new comedy heights. With Hardy the hen-pecked husband of Daphne Pollard and Laurel their boarder, the way is opened for the two comics to do their stuff and they take every advantage of the opportunities offered. Miss Pollard and James Finlayson are capable foils for the two comedians and hold their own for the most part when competing with them for laughs. One of the funniest shorts Laurel and Hardy have turned out in some time and one to be recommended anywhere. Production Code Seal, No. 1061. Running time, 21 mins. "G."

Exercise Moore Option

Hollywood, July 28.—Columbia has exercised its two-picture option on Grace Moore, bringing its total commitments next season to four pictures.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 25 NEW YORK, TUESDAY, JULY 30, 1935 TEN CENTS

Hollywood and Apollo May Be Taken by Loew

Move Aimed to End Long M. & S.-RKO Row

Loew's is expected to close with M. & S. either today or tomorrow for the purchase of the Apollo and Hollywood, two lower east side theatres, which have been the subject of legal controversy between M. & S. and RKO for the last year.

The surprise move is said to have been brought about by a product situation facing Loew's Ave. B, Commodore, Delancy and Canal. The four houses are reported to have been affected by the Apollo's elevation into the first run category under RKO

(Continued on page 2)

Plans Are Set for Jacksonville Meet

Jacksonville, July 29.—Plans are all set for the summer convention of the Southeastern Theatre Owners' Ass'n. scheduled to be held here Aug. 11-12-13. One business session and a lot of varied entertainment are on the program.

An attendance of between 400 and 500 is predicted by M. C. Moore, Riverside Theatre, who is entertainment chairman. In addition, to a big delegation of members it is expected a

(Continued on page 4)

Schreiber to Seek Rehearing of Case

Detroit, July 29.—A petition asking re-hearing in his suit against Co-Operative Theatres of Michigan will be filed this week in Federal court here, Jacob Schreiber said Saturday. Master in Chancery William Sayres last week made a recommendation that the complaint be dismissed because it did not involve interstate commerce and, therefore, the United States court was without jurisdiction.

In the suit, which was filed a year ago and which required several weeks for hearing, Schreiber charged that

(Continued on page 4)

U. A. Sold Solid to The Warner Circuit

The Warner circuit had closed for the entire United Artists output next season, starting with "The Call of the Wild." Al Lichtman acted for the distributor and Joseph Bernhard for the circuit.

Kansas Perks Up Following Dust, Drought

Recovery Is Real, Tax Figures Reveal

Kansas City, July 29. — Visitors from the east are amazed at the recovery of Kansas from the effects of the widely publicized drought and dust storms this spring and last summer.

That this recovery is actual and not the product of optimism is indicated by tax figures made public by the state tax commission which show that values suffered little decrease during the year ended March 1.

Total assessed valuation, both tangible and intangible property, as returned by the county clerks of 105 counties for the present year's taxes, amounted to $2,714,165,022. This compares with $2,716,104,723 a year ago. It had been feared that total assessed

(Continued on page 9)

Philadelphia IEPA Talking Zone Buys

Philadelphia, July 29.—Some 25 independent exhibitor leaders met here today at a non-partisan meeting at I.E.P.A. headquarters to discuss a buying combine for the local territory and to zone the city into six sections. The zones picked were Kensington, North Philadelphia, West Philadelphia and suburban, Germantown,

(Continued on page 4)

Kalmus Deals Before Directors Tomorrow

Announcement of various deals negotiated by Herbert T. Kalmus, president of Technicolor, while abroad will be made tomorrow after a meeting of the company's board of directors, Kalmus declared yesterday upon his arrival on the *Normandie*.

Asked about the story published July 24 in Motion Picture Daily which stated Sir Adrian Baillie, Alexander Korda and Gerard Industries

(Continued on page 9)

Indiana ATO Wants Arbitration Moves

Indianapolis, July 29.—Associated Theatre Owners of Indiana favor industry arbitration and urge members to affix signatures to contracts so providing. In a bulletin, the organization says exhibitor associations everywhere are urging their members to go for the practice.

Hot Weather Note

An Erpi engineer was called in by Paramount officials to oversee the installation of a cooling system in the new office quarters for John E. Otterson, Paramount president. The installation completed, another Erpi specialist tested the equipment just to make sure that there would be no flaws in its performance.

Otterson is now at the Paramount studio on an inspection visit of indefinite length.

Italy Talking Rental Tax to Aid Its Films

Washington, July 29.—Italy is studying various measures designed to foster home production, declares Commercial Attache C. A. Livingood in Rome in a report to the U. S. Department of Commerce.

At present a project is reported to be under consideration involving (1) the existing limitation on import of films would be removed to the extent that imports would be allowed equal to 100 per cent of the corresponding imports in 1934; (2) the present "dubbing" tax of 25,000 lire (about $2,000) per film would be eliminated; (3) a

(Continued on page 9)

First Division to Take 18 from B.I.P.

First Division, headed by Harry H. Thomas, has closed a deal with Arthur Dent, managing director of British International Pictures and vice-president of Alliance Pictures, Ltd., to take over American distribution of 18 selected productions out of a list of 25.

At a luncheon yesterday at the St. Moritz, Thomas told trade press representatives and theatre men that First

(Continued on page 9)

St. Louis Shies Off Most Theatre Prizes

St. Louis, July 29.—With a circuit attorney who might enforce the laws covering the situation and local newspapers that decline to carry advertisements remotely touching on anything resembling a lottery or the

(Continued on page 9)

Begin a Move To Probe Fox, 20th Century

Committee to Seek Aid Of Attorney General

Moves to enlist the aid of the New York Attorney General in a probe of stock transfer angles involved in the 20th Century - Fox merger are to be discussed today at a meeting in the office of Henry L. Sperling, attorney for a stockholders' committee.

L. T. Pidwell is chairman of the committee and Cromwell Gibbons is secretary. They are not generally known in the industry, although it was learned that Pidwell has been connected with banking institutions.

Sperling said yesterday he had asked for information from Fox Film Corp., 20th Century Pictures and United Artists on details of the plan. He says there is no hope in a proxy plan of opposition to the merger.

"A majority of the Fox stock has always been voted as a unit," he says. "Some of the members of the present committee surveyed the situation at

(Continued on page 4)

Zanuck Himself Will Handle 20th's Series

Sidney R. Kent, in a statement issued yesterday designed "to clear up any misunderstanding that might exist as to the duties of Darryl F. Zanuck," made it clear the producer will continue to "personally supervise" the 20th Century end of the Fox lineup.

"Mr. Zanuck," read the statement, "will be in charge of all production of the Fox Film Corp. In this capacity he will have general supervision

(Continued on page 4)

Say Lasky Favored For Pickford Aide

Jesse L. Lasky is understood to have the edge on all other contenders as Mary Pickford's co-producer, although Miss Pickford informed Motion Picture Daily last night she will not divulge the appointee until she arrives on the coast Monday. She has abandoned stage plans and

(Continued on page 4)

Campi Office Will Darken Tomorrow

Campi will close its office in the RKO Building tomorrow. The financial report recently completed by Price, Waterhouse will be sent to the Code Authority finance committee.

MOTION PICTURE
DAILY
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Martin Quigley
Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

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Lawrence Improving

New Haven, July 29.—"Laudy" Lawrence, general European representative for M-G-M, is making rapid progress here from a back injury received while on board ship some weeks ago and expects to be discharged the end of the week.

Wall Street

Warner Issues Gain on Big Board

	High	Low	Close	Net Change
Columbia	74½	73¼	73¼	—1½
Consolidated	4	4	4	— ¼
Cons., pfd	16	15¾	15¾	— ¼
Eastman Kodak ..	148¼	147¾	148¼	+ ½
Fox Film "A"....	16¼	15⅝	15⅝	— ½
Loew's, Inc.	40⅛	38⅜	39⅛	— ⅝
Loew's, Inc., pfd..	105¼	104¼	105¼	+1¼
Paramount Publix	4¼	4	4¼	+ ⅛
Pathe	¾	⅝	¾	+ ⅛
Pathe "A"	11¼	10½	11¼	+ ¾
RKO	2½	2⅜	2⅜	.....
Warner	5⅛	5	5⅛	+ ⅛
Warner, pfd......	40⅛	38¼	39⅞	+1⅛

Little Activity on Curb

	High	Low	Close	Net Change
Technicolor	20½	20¼	20¼	— ½
Trans-Lux	2¼	2¼	2¼	.....

Paramount Bonds Gain

	High	Low	Close	Net Change
General Theatre 6s '40 ctf.......	13	12¾	12¾	+ ⅛
Loew's 6s '41 ww deb rights..	104	103⅝	104	+ ¼
Paramount F. L. 6s '47	97½	96¾	97½	+1
Paramount Publix 5½s '50	99	99	99	+ ½
RKO 6s '41 pp....	43½	43	43½	+1½
Warner Bros. 6s '39 wd.......	75⅜	74¾	75	+ ½

(Quotations at close of July 29)

Purely Personal

Max Baer, according to well defined report, will make a picture in London. Anna Neagle, Nils Asther and Cedric Hardwicke will be in the cast. Sounds like a B. and D. production.

•

Fred M. Jack, Warner southern district sales manager, escaped with minor injuries when a plane in which he was flying over Tennessee last Saturday crashed.

•

Rosamond Pinchot has finished work in "The Three Musketeers" and is on her way east to join a summer stock company at Falmouth, Mass.

•

Wendy Barrie will leave Hollywood for a brief vacation in England Aug. 1. She plans to return in November.

•

Henry King, now at work on "Way Down East" has purchased an airplane in which he will take a vacation by flying across the country.

•

Mary Brian will star in "Stop Go," a new revue to be presented after a time in London by Charlot who knows his revues.

•

Ben Lyon and Bebe Daniels, who have been touring with "Hollywood Holiday," stage play, expect to bring it into New York later.

•

Sam Marx was another in-and-outer. In from Hollywood by air Thursday, he was on his way back Sunday.

•

William Garity, production manager of the Walt Disney studios, arrives in town today from the coast.

•

Robert Suits, manager of the Loew, Reading, returned home yesterday after a short vacation here.

•

George Burns and Gracie Allen leave Hollywood for New York tomorrow.

•

Bob Hope finishes work on a two-reeler at the Brooklyn Vitaphone plant today.

•

Frank Phelps of the Warner office is back from a business trip through Pennsylvania and Ohio.

•

Earl Felton's story of college crew racing, "Freshman Love," has been purchased by Warner Bros.

•

Sidney Howard is Hollywood-bound. A writing assignment is calling.

•

Wallace Beery heading east by plane—his own.

•

Leslie E. Thompson is back from Hollywood.

•

Ben Goetz spent two days here and left by plane for California Saturday.

•

Joe Moskowitz plans a coast trip in about three weeks.

Henry Ginsberg and his wife leave the coast by plane tomorrow and will sail on the *Rex* Saturday on a combined business and pleasure trip. After a vacation in Italy, Ginsberg will visit London to study the film situation.

•

Hal Roach, his wife and son have gone to Honolulu where the M-G-M short subject producer will compete in the annual island polo tourney. Oliver Hardy leaves for the same island next week for a vacation.

•

Joseph M. Schenck is due from the coast in two weeks. He will attend the Fox stockholders' meeting Aug. 15.

•

R. H. Cochrane was among the cheering squad greeting the *Normandie* on its arrival yesterday. His son-in-law was a passenger.

•

Paul Burger, who recently resigned from U. A., is now on the coast and will probably join 20th Century-Fox as a writer.

•

Patsy Kelly flew in from the coast yesterday and will return Saturday to start work in "Thanks a Million" for 20th Century-Fox.

•

Elmer C. Rhoden, head of Fox Midwest, arrives from Kansas City today for contract conferences with Spyros Skouras.

•

Oliver Messel, European stage designer, has arrived at the M-G-M studios to act as advisor on "Romeo and Juliet."

•

Walter Winchell's blessed event has arrived and it's a boy, born Friday at the Park West Hospital.

•

Emanuel Cohen is in town from Hollywood. He flew in and arrived Sunday.

•

Robert and Mrs. Montgomery get back from their European vacation today on the *Aquitania*.

•

Lou Irwin, Inc., has taken new offices in the RKO Building.

•

Arthur Loew is back from that coast trip.

Davies to Star in 2 Of 6 Cosmopolitans

Marion Davies will star in two of the six Cosmopolitans to be made for Warners next season. The first is "Page Miss Glory." Others include "Navy Sweethearts" with Dick Powell and Ruby Keeler; "Special Agent" with George Brent, Bette Davis and Ricardo Cortez, and "Green Light," probably to star Leslie Howard.

GB-Warners in Deal

George W. Weeks, GB's general sales manager, stated yesterday that John Scully, Boston manager, and W. A. V. Mack, salesmen in charge in New Haven, had concluded a circuit deal for GB's entire 1935-1936 product throughout the Warner circuit in Connecticut and Massachusetts.

Hollywood and Apollo May Be Taken by Loew

(*Continued from page 1*)

operation. The Hollywood is a second run, but while not materially affecting Loew's, will go along in the deal.

Acquisition of the two independent units by Loew's will forestall future litigation between M. & S. and RKO, it is said. Last Tuesday RKO appealed from the recent state court order affirming an arbitration award in favor of M. & S. for $40,000 damages and specific performance of the long term contract. A settlement of the award will be made when RKO gives up the leases, it is said.

During the lengthy arbitration hearings in the M. & S. case, David Loew, vice-president of Loew's in charge of buying and booking, was on the stand for five consecutive days.

An announcement of the Loew-M. & S. deal is expected the latter part of the week.

Revise Deal for Loew's

Under a deal closed with Allied Owners Corp., the Loew circuit will be permitted to spread remaining payments due on ownership of the Pitkin, Valencia and Kings theatres over a period of 25 years as against 12. Payments will run at the rate of $500,000 yearly from 1933 to 1943 and at $550,000 a year for 1944 and 1945.

Has 90th Birthday

Topeka, July 29.—L. M. Crawford, veteran Topeka exhibitor, celebrated his 90th birthday anniversary by driving to Estes Park, Col., with Mrs. Crawford and their daughter.

Crawford came here in 1858 and lived here until a few years ago, when he began dividing his residence between Topeka and Wichita.

Inactive in the theatre business in Topeka now, he owns three theatres, one at Wichita, one at Lincoln, Kan., and one at El Paso, Tex., all of which are under lease.

Operate on Hy Fine

Boston, July 29.—Hy Fine, former manager of the Metropolitan here and present director of stage productions for the M. & P.-Publix, is resting comfortably at Beth Israel Hospital after a night operation for appendicitis.

Nick Smith Dead

New Orleans, July 29.—Funeral services will be held for Nick Smith, treasurer of the Tulane, who died here of heart disease. Smith was 60 years old and not married.

Postpone IEPA Meeting

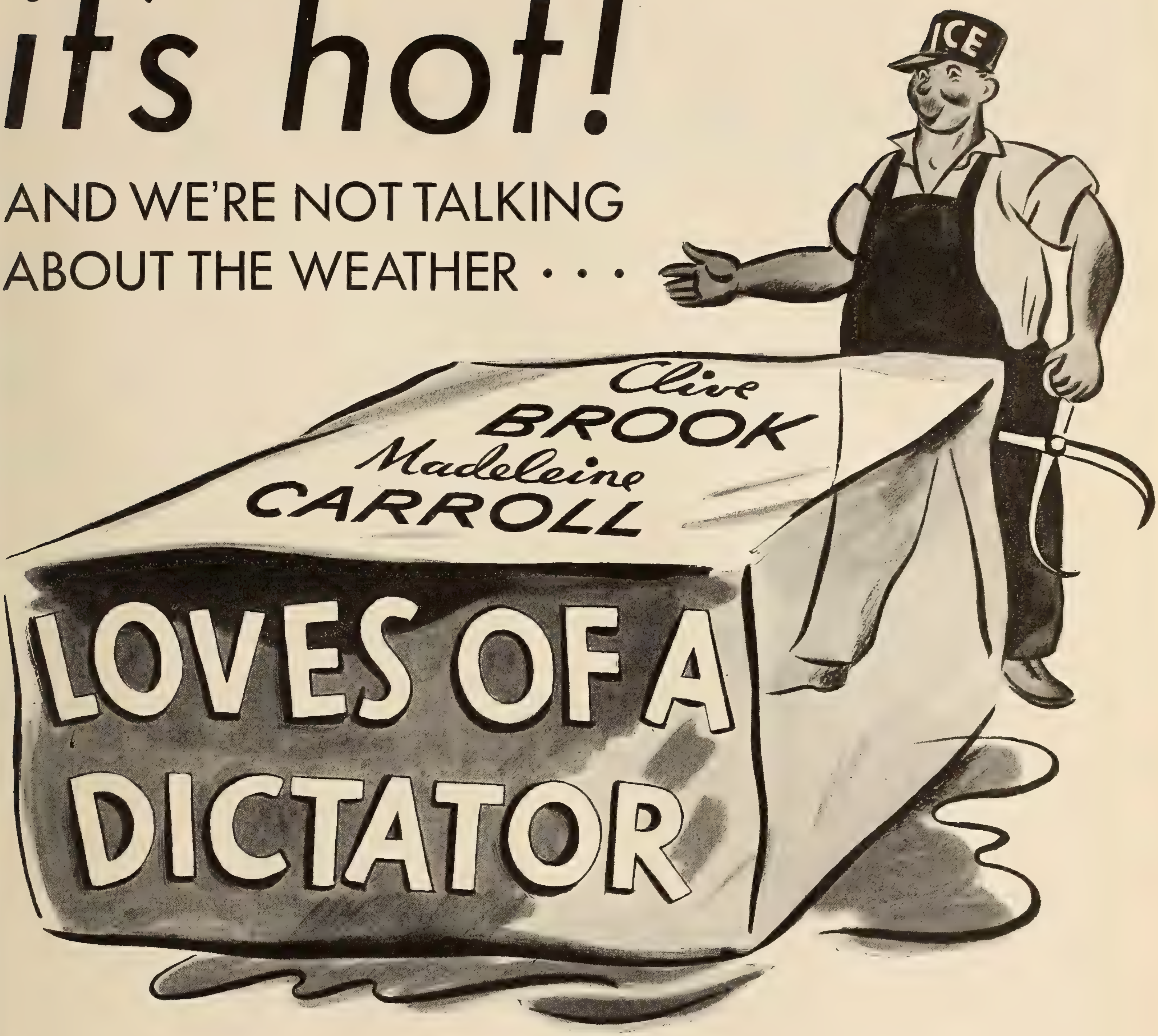
Milwaukee, July 29.—The first annual meeting of the I. E. P. A. of Wisconsin and Upper Michigan, Inc., slated originally for Aug. 6 and 7, has been postponed until fall.

Johnsons to Borneo

Chanute, Kan., July 29.—Martin and Mrs. Johnson will sail from New York Aug. 13 for Borneo, the scene of their next travel picture.

it's hot!

AND WE'RE NOT TALKING
ABOUT THE WEATHER . . .


ICE
Clive
BROOK
Madeleine
CARROLL
LOVES OF A
DICTATOR

We're talking about a red hot natural. It will freeze out competition and bring buckets of cold cash to your box office.

TOPS 'EM ALL

Directed by VICTOR SAVILLE • Produced by L. TOEPLITZ

A TOEPLITZ PRODUCTION
A GB RELEASE

Physical Distribution • Fox Exchanges • Canada: Regal Films, Ltd.

TOEPLITZ PRODUCTIONS LTD. • FROM LONDON TO THE WORLD

Begin a Move To Probe Fox, 20th Century

(*Continued from page* 1)

the time of the reorganization in which five-sixths of the equity of the stockholders was transferred to holders of the obligations of the company. Prior to that time the ownership of the control was generally known, but this identity has now been lost.

"However, it is apparent that the control is still functioning as a single unit. According to newspaper reports the merger has already been effected without awaiting the formality of its approval at the meeting of stockholders called for Aug. 15. Zanuck and Schenck are already in their jobs at Fox.

Committee Is Pleased

"The committee is satisfied, however, that the certificate for the reclassification of the Fox stock when the merger is consummated opens a door for the minority. This certificate, according to the printed announcements sent to stockholders of record, states in Section (a) of the fourth paragraph: 'The said Class A common stock and the said Class B common stock shall share equally in any distribution to stockholders whether by way of dividends or otherwise." In the eighth paragraph the same proposed certificate states, regarding the exchange of stock: 'On the basis of half of a share of said preferred stock and a quarter of a share of said common stock for each share of said Class A common stock issued or unissued, and on the basis of one share of said preferred stock and half of a share of said common stock for each share of said Class B common stock.'

"The committee is interested in a legal interpretation of the 'equally' and 'otherwise' in this proposed certificate."

Say Lasky Favored For Pickford Aide

(*Continued from page* 1)

will devote all of her time to pictures with a flyer in radio perhaps added.

Hollywood, July 29.—Jesse L. Lasky was hesitant in answering reports on his probable affiliation with Mary Pickford, indicating a deal is "very hot."

However, he stated no deal has been signed and that he was seriously considering several proposals. He added he would most likely talk to Miss Pickford on her return to the coast. Lasky acknowledged receipt of a lucrative proposal from an English company, headed by independently financed sources, which he was giving serious consideration. He expressed a desire to remain in California, if possible.

Current pictures in work will keep Lasky on the Fox lot until Aug. 10. He then plans to take a vacation, probably going to London, after which he will announce his new affiliation.

Thalberg to Do 'Knights'

Hollywood, July 29.—Irving Thalberg will produce "Knights of the Round Table."

Zanuck Himself Will Handle 20th's Series

(*Continued from page* 1)

of all pictures made at our studios. In addition to that, he will personally supervise the 20th Century pictures which are to be released by Fox Film Corp. just as he has personally supervised previously-made 20th Century product.

"In the production of the Fox pictures, Zanuck, of course, will have the assistance of several other associate producers, including Sol Wurtzel."

Zanuck Cuts Payrolls

Hollywood, July 29.—With a view toward engaging music department talent on a picture-to-picture basis, Darryl Zanuck slashed the 20th Century-Fox music department personnel to four over the week-end. The staff formerly totaled 11.

In the publicity department Harry Brand has also cut his staff by dropping Dick Mitchell, Bill Speyers and Eddie Mills. There is a possibility that Mills and Speyers will get new studio positions.

Changes also have been made in the story department. Scenario writers are to be left out of story conferences. Associate producers will have complete charge of their units. Once a story has been assigned to a producer he will be in control, although assignment of writers will be done by the story department headed by Julian Johnson.

Col. Jason Joy, who has been in charge of the scenario department, will handle censorship problems. He is now in Washington on a mission of this kind.

Selling Separately

Indianapolis, July 29.—The Fox office here, according to a bulletin issued by Associated Theatre Owners of Indiana, has declared the 20th Century deal is separate and apart from original Fox contracts; that Fox salesmen will approach accounts on sales of 12 from 20th Century, but that failure to buy will have no bearing on delivery of the Will Rogers' and Shirley Temples. The A. T. O. I. says it has received complaints that exhibitors who bought Fox prior to the consolidation "were being approached by salesmen who gave you the impression that you would have to buy Twentieth Century in order to get the Rogers' and Temples previously bought by you."

Philadelphia IEPA Talking Zone Buys

(*Continued from page* 1)

South Philadelphia and Southwest Philadelphia.

A committee was appointed for each zone to line up exhibitors for zone meetings to be held in about 10 days. These meets will be followed by a general meeting at which plans for a buying corporation will be formulated.

The plan behind the corporation is to have the members as stockholders who will pay a percentage of film rentals for servicing charges.

Buying in the territory is well advanced now, possibly to the extent of 60 per cent, but Morris Wax, president of the I.E.P.A. and a prime mover in the combine, stated the movement was aimed for the next buying season, although the purchases remaining this year by members of the group would be conducted on a combine basis.

It was also stated that it would take approximately three weeks before the corporation could be launched.

Plans Are Set for Jacksonville Meet

(*Continued from page* 1)

group from Atlanta and Jacksonville exchange areas, equipment dealers and others will be present.

Robert Wilby, Oscar Lam and Sam Norisky, in charge of the program, say the business session will start Monday morning and will last as long as any member has anything he wants to say, with an open forum for airing grievances. Ed Kuykendall, M. P. T. O. A. president, will be one of the speakers. Headquarters will be at the Carling Hotel.

After that there will be deep sea fishing, a banquet, golf, bathing, fish frys, a banquet and a dance. All the routine business will be left for the winter convention in Atlanta.

Our Gang in Musical

Hollywood, July 29.—For the first time since the Our Gang comedies were started 15 years ago Hal Roach will use the juvenile talent for a musical. It will be called "Our Gang Follies of 1935." The two-reeler will be placed in production when the Roach studio reopens Aug. 28.

Out Hollywood Way

Hollywood, July 29. — Oliver Hardy to fish in Oregon, Washington and British Columbia during shutdown of Hal Roach Studios. . . . Stan Laurel taking his parents, Arthur Jefferson and Mrs. Jefferson, on motor trip through California. . . . Sam Cohn, Roach publicity chief, going to Portland.

Eddie Cantor held three extra days for personal appearances at the Fox, San Francisco. . . . Margaret Lindsay joined Janet Gaynor and her mother on that Honolulu trip. . . . Gus Kahn opens new pool with party for 50.

Edwin Justus Mayer signed to a new 60-week contract by Paramount. . . . Phillip MacDonald also given new one-year pact. . . . Bebe Daniels and Ben Lyon going to New York to play in "Hollywood Holiday" when they finish in "Beauty's Daughter," Fox.

Double congratulations being handed out on all sides: To Lewis Milestone, director, and Kendall Lee Glaenzer of New York, who were married in Tucson over the weekend; to Ernst Lubitsch and Vivian Gaye, who tied the knot in Phoenix.

Lucas & Jenkins Get Fox, Atlanta, Lease

Atlanta, July 29.—Lucas & Jenkins, Paramount partners, today closed a deal to take over the Fox here for five years on a straight annual rental of $30,000. Jesse Draper, local realtor, handled the negotiations.

The lease, effective Sept. 1, was secured from Mosque, Inc., the corporation which underwrote the payments by which the city of Atlanta recently acquired the theatre building. Under terms of the lease, a method of notification is provided whereby the city may obtain use of the auditorium as and when desired for any length of time for as short a period as one day, except Saturday. The lessor may cancel at the end of three years, but the new operators are bound for five years.

Lucas & Jenkins plan to reopen the house, dark for some time, early in the fall. The exact date has not been set. Stage attractions may be booked along with films.

Schreiber to Seek Rehearing of Case

(*Continued from page* 1)

the booking combine conspired with various local exchanges to prevent him from buying film for his Colonial.

Should the U. S. District Court here deny his request for a re-hearing, Schreiber said that he would appeal to a higher Federal court and, that should that court sustain the decision given, he would file a suit in state court charging violation of the Michigan laws.

He contends that the court misunderstood the method of supplying film to theatres and also overlooked the fact that contracts were sent to New York for final approval, which, he maintains, places the matter in interstate commerce and, therefore, under the jurisdiction of the Federal court.

Coast ITO Rescinds Zoning Notification

Los Angeles, July 29.—The I. T. O. at a general meeting today rescinded a letter sent to all exchanges last week declaring adherence to the Los Angeles clearance and zoning schedule. About 75 per cent of the membership attended. Action on the schedule was tabled until 48 hours pending further discussions.

Harry Vinnicoff, C. A. Ferry, Jack Berman, Max Sinker, Lou Bard and Earle Johnson were elected directors. Harry Popkin was named honorary director. The new board will meet later in the week.

Wanger Signing Fonda

Hollywood, July 29.—Henry Fonda will be a Walter Wanger star for the next five years at least. A contract stipulating this has been drawn up between the player and the producer.

Paramount has closed term contracts with two writers, Vincent Lawrence and Harold Lamb. Lawrence will prepare the script for "Invitation to Happiness," which Lewis Milestone will direct. Lamb, who collaborated on "The Crusades" will work with that director on "Samson and Delilah."

Ernest Cossart has had his option for a third picture taken up by Paramount.

THE WHISPERING CAMPAIGN HAS BECOME A SHOUT!

"UNIVERSAL HAS THE LINE-UP!"

....AND HERE ARE THEY'RE ALL

THE OPENING GUN

EDWARD ARNOLD
in
"DIAMOND JIM"
With JEAN ARTHUR · BINNIE BARNES
Directed by Edward Sutherland
An Edmund Grainger Production

RELEASED SEPTEMBER 2nd

●

TWO MARGARET SULLAVAN PRODUCTIONS
Universal's great star at her greatest!

●

CAROLE LOMBARD
in
"SPINSTER DINNER"
Faith Baldwin's Cosmopolitan Magazine
Sensation . . . Directed by Walter Lang

●

BINNIE BARNES
in
"HER EXCELLENCY, THE GOVERNOR"
Nina Wilcox Putnam's Liberty Magazine
success . . . Directed by Stuart Walker

●

EDMUND LOWE
in
"KING SOLOMON OF BROADWAY"
With Dorothy Page and Pinky Tomlin
Directed by Alan Crosland . . . A
Julius Bernheim Production

●

KARLOFF and LUGOSI
in
"THE INVISIBLE RAY"
Howard Higgin's and Douglas Hodges' weird story

JACK OAKIE
in
"FAST AND FURIOUS"
From the auto-racing romance by Paul
Sidney...Directed by Edward Laemmle

●

EDWARD ARNOLD
in
"HANGOVER MURDERS"
With CONSTANCE CUMMINGS · ROBERT YOUNG
SALLY EILERS · REGINALD DENNY · ROBT. ARMSTRONG
From the novel by Adam Hobhouse . . . Directed by
James Whale . . . A Carl Laemmle, Jr. Production

●

CHARLES FARRELL
in "OFF-SIDE"
Stanley Meyer's sensational football story
With JUNE MARTEL...Directed by Hamilton Macfadden

●

MAY ROBSON
in
"THREE KIDS AND A QUEEN"
Directed by Edward Ludwig

●

JACK HOLT
in
"STORM OVER THE ANDES"
With MONA BARRIE and ANTONIO MORENO
Directed by Christy Cabanne

●

EDMUND LOWE
in
"THE GREAT IMPERSONATION"
E. Phillips Oppenheim's best-seller
Directed by Lloyd Corrigan

●

MARTA EGGERTH
Universal's New Singing Venus
in a merry American musical romance
"SONG OF JOY"

THE PICTURES SHOUTING ABOUT:

CHARLES BICKFORD
in
"EAST OF JAVA"
Gouverneur Morris' famous story
Directed by George Melford

•

ZASU PITTS-HUGH O'CONNELL
The Nation's Newest Scream-Mates
in
"ALONE TOGETHER"
Directed by Kurt Neumann

•

The Great KARLOFF
in
"BLUEBEARD"
Screenplay by Bayard Veiller, author of
"Within the Law" and "The Trial of Mary Dugan"

•

EDWARD EVERETT HORTON
in
"HIS NIGHT OUT"
Henry Irving Dodge's famous comedy

•

JANE WYATT
in
"STRANGERS AT THE FEAST"
From the best-seller by Beatrice Lubitz
Screenplay by Gladys Unger

•

VICTOR HUGO'S immortal masterpiece
"HUNCHBACK OF NOTRE DAME"

•

NOAH BEERY, Jr. and JEAN ROGERS
in **"STORMY"**
Cherry Wilson's story of wild horses and wilder men!
Directed by Louis Friedlander

"DRACULA'S DAUGHTER"
By John L. Balderston...A Carl Laemmle, Jr. Production

•

"GIANT PLANE"
By James Warner Bellah...Directed by Ernst L. Frank

"AGENT 44"
The first story of the Government's woman-hunters!

•

Gaston Leroux's classic drama of all time
"PHANTOM OF THE OPERA"

•

JACK HOLT in
"RIVERBOAT GAMBLER"
Based on the famous stories by Bret Harte
Screenplay by Gouverneur Morris and Gerald Geraghty

•

"TROUBLE IN B FLAT"
A brand new kind of comedy with music by
James Edward Grant, author of "Whipsaw"

•

JACK HOLT in
"TALL TIMBER"
The drama of the last wilderness!

•

"YELLOWSTONE"
Arthur Phillips' stirring story
of America's natural wonder

•

"THE FLYING SQUADRON"
A romance of aerial daring!

•

SIX BUCK JONES FEATURES
The greatest Western star of all
in his biggest money-makers!

•

JACK HOLT in
"DESTROYER"
Samuel Johnson's gripping
story of a submarine pirate

AND DON'T FORGET WHAT WE PROMISED ABOUT WINDING UP THE CURRENT SEASON IN A BLAZE OF GLORY

WITH

IRENE DUNNE
in John M. Stahl's production of
"MAGNIFICENT OBSESSION"
With ROBERT TAYLOR, Charles Butterworth, Betty Furness
[Now in Production]

◆

MARGARET SULLAVAN
FRANCIS LEDERER
in **"NEXT TIME WE LOVE"**
From Ursula Parrott's newest novel!

◆

WILLIAM POWELL
in **"MY MAN GODFREY"**
From the Liberty Magazine serial by Eric Hatch

◆

"SUTTER'S GOLD"
A Howard Hawks Production...From the epic novel by Blaise Cendrars

◆

IRENE DUNNE
in **"SHOW BOAT"**
Edna Ferber's Immortal Classic! . . . Music by Jerome Kern
A Carl Laemmle, Jr. Production . . . Directed by James Whale

Italy Talking Rental Tax to Aid Its Films

(Continued from page 1)

tax would be established amounting to 10 per cent of rental receipts on imported films, this tax, however, not to be less than 15,000 lire (about $1,200) per film; (4) an additional provision reported to be under consideration, would allow Italian producers to import for each Italian produced three foreign films free from the rental tax.

It is understood that the proposal to tax film rentals would have the double objective of reducing the amount of money sent out of Italy and of providing funds for promoting growth of a national film industry.

Estimates of what the rental tax would produce vary considerably, the report states. An official states that rentals on imported films amount to approximately 80,000,000 lire (about $6,400,000) a year, while an unofficial estimate places the total at 120,000,000 lire (about $9,600,000) a year.

It is impossible to state accurately to what extent the proposed tax would exceed the present "dubbing" tax, the report states, but several informed persons estimate that the distributors in general would have to pay at least twice what they have to pay under the present tax.

Swiss Seek Home Industry

WASHINGTON, July 29. — Efforts are being made in Switzerland to establish a domestic film industry, according to a report from the American Consulate-General in Zurich to the U. S. Department of Commerce.

The chief factor in this movement has been the Swiss Tourist Office, which recently promoted a gathering of 60 interested groups to discuss the matter. At this meeting several points were brought out, chief among which was that roughly six or seven million Swiss francs are paid annually to foreign producers because Swiss production is negligible. Approximately 400 foreign features are imported.

The need of creating a film credit bank, financed by the government, similar to that in Germany, was emphasized.

The first practical result of this gathering was the formation of an organization a few days later to promote cooperation.

Record Warner Deed

SALEM, Mass., July 29.—A mortgage for $400,000 from the Mass. Amusement Corp. for two years at four and one-half per cent to Warner Bros. Pictures, Inc., was recorded here today. Among the properties covered by the mortgage are the Ara, Waldorf, Comique and Warner theatres in Lynn and several houses in Lawrence.

Rob New Haven House

NEW HAVEN, July 29.—Thieves, using acetylene torches, cut through the safe of the Howard Theatre here last night and made off with over $1,000 in receipts. The manager's office, in which the safe was located, was also badly damaged.

St. Louis Shies Off Most Theatre Prizes

(Continued from page 1)

like, bank nights, screeno and similar arrangements have not caught on the St. Louis metropolitan area as in other parts of the country.

A checkup of the situation indicates but one small outlying local house operating a bank night and two other suburban theatres using a similar arrangement to catch extra cash customers.

Reports, however, are that a number of theatres in the smaller towns of eastern Missouri and southern Illinois either have started or are considering such plans for stimulating business.

Locally it is known that the more prominent exhibitors do not look with favor on bank nights, etc., feeling that if they should adopt these systems their competitors would quickly follow and in a few days any momentary advantage would be lost and the entire industry would plunge into the cut-throat competition tactics that prevail in Denver, Chicago and Kansas City.

Various giveaways are being used. A check of the 83 theatres in the metropolitan district, not including those in East St. Louis or other Illinois communities, revealed that no less than 33 houses are giving away premiums of some kind, ranging from hot ovenware, cups and saucers to dinner sets and silverware. A favorite system is for a house to start by giving one piece of china or glassware from a set. This requires the recipient to attend the theatre once a week for a number of weeks in order to complete the set.

It has been estimated that these giveaways approximate $1,750 each week.

Kalmus Deals Before Directors Tomorrow

(Continued from page 1)

would finance the newly formed Technicolor, Ltd., Kalmus said that the deal would not be set until the board ratified it. Korda's first color film will probably be "Elizabeth, the Queen" with Natalie Kalmus as color director, according to the story emanating from London on the day the Technicolor head sailed for New York.

"The various deals depends on the votes cast Wednesday by the Technicolor board," Kalmus asserted. He added he would issue a statement following the meeting.

On the same liner was Louis F. Blumenthal, who operates the French Casino here with Jack Shapiro. He was optimistic over the new show which will replace the Folies Bergere on Sept. 5. He said he had signed Enrico Bartaloso, an Italian tenor, for 10 years. He added he also had lined up Venita Kramer, who has appeared at the Palladium, London, for the past seven months, in addition to a number of new novelties and acts. The new company will sail from Havre on the *Ile de France* on July 21. Blumenthal said he spent most of his time in Paris and visited the exposition in Brussels.

Cut 6 Months' Loss

Heywood-Wakefield Co. reports a loss of $53,129 for the six months to June 30 as compared with a loss of $59,099 for the same period in 1934.

First Division to Take 18 from B.I.P.

(Continued from page 1)

Division had solved its problems and that the deal would start a new policy for the company.

"All of these films cost $300,000 or more," he said, "and were intended for first run release in Alliance theatres abroad. They are the forerunner of similar deals which we hope to close for American product to round out our program. We all realized that the days of the independent distributor were numbered on the old basis," he went on. "We have canceled some of our existing production contracts and intend to gear our organization accordingly."

John A. Curtis, one of those who brought March of Time and First Division together some months back, said the company was now on its feet with plenty of capital behind it and predicted it would "go places."

Louis Nizer, Dent and Anna May Wong also spoke. Miss Wong's quiet humor drew a laugh when she said British International made her first picture and also her first talking film.

"I have always been impressed by the modesty of the company," she said, "and now I hope you Americans will overcome that."

'Lady Tubbs' Big at Roxy

"Lady Tubbs" at the Roxy last week garnered $25,900. This week "The Arizonian" will approximate around $28,000. The Palace with "Men Without Names" last week was off with a gross of less than $7,000.

Kansas Perks Up Following Dust, Drought

(Continued from page 1)

values would be $25,000,000 under last year's because of poor crops.

It is even likely, according to Clarence Smith, secretary of the commission, that after that body clears up controversial and unsettled assessments, valuations may reach last year's total or be even greater.

The value of intangibles increased by more than $2,000,000. They were $161,986,236 in 1935, and only $159,641,273 in the 1934 tax year. In other words, Kansans have $2,000,000 more in money, securities and similar wealth than in the preceding year.

One thing that has helped during the past year is the increased activity in oil leases in Western Kansas, according to Smith.

KMTA's Arbitrators Decide to Go Ahead

KANSAS CITY, July 29.—Frank Cassil, chairman of the K.M.T.A. grievance board, will convene its members this week to consider the complaint of R. H. Montgomery, Independence, Kan. A. J. Simmons, member, is in California and returns next week, but the board will go ahead anyway, either with only two members—Cassil and Tom Edwards—or an alternate may be appointed.

The board will make its decision during the week, Cassil announced.

USHER IN
HIGH INTENSITY PROJECTION
DURING YOUR SUMMER RENOVATING

DISCARD your obsolete, low intensity projection lamps. Patrons dislike groping blindly to their seats. They desire enough supplementary lighting for comfortable vision from the moment of entrance.

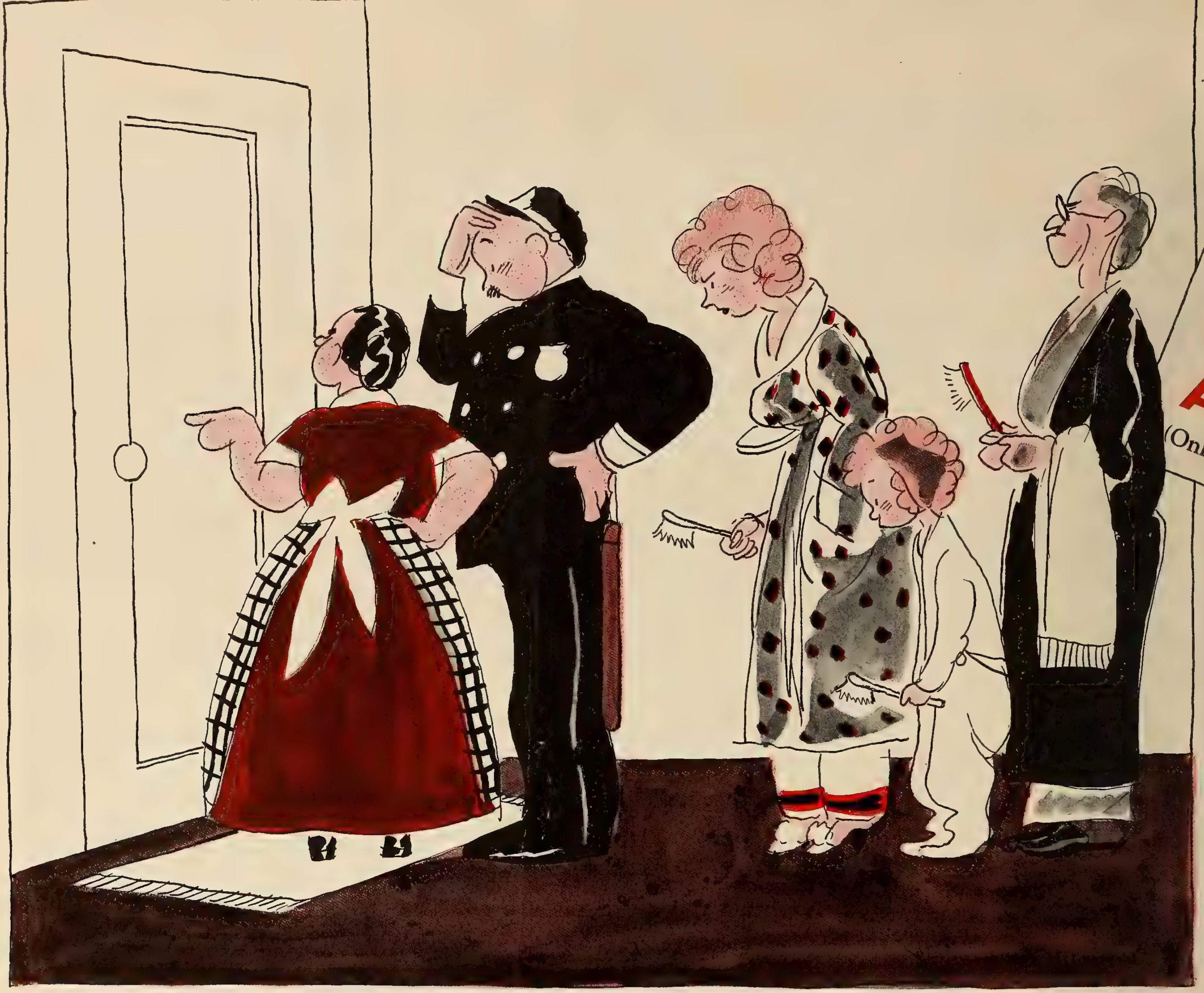
High Intensity Projection

Permits a comfortable level of general illumination. Improves the quality of black and white projection. Adds to the beauty and realism of color productions.

● There is a High Intensity Lamp, A.C. or D.C., for every theatre, large or small. There is a National Projector Carbon for every Projection Lamp.

Install High Intensity Lamps *this summer . . . they insure sustained patronage.*

NATIONAL CARBON COMPANY, INC.
Carbon Sales Division, Cleveland, Ohio
Unit of Union Carbide UCC and Carbon Corporation
Branch Sales Offices: New York ✦ Pittsburgh ✦ Chicago ✦ San Francisco



"HE'S BEEN IN THERE FOR AN HOUR!"

With my eyes wide open I'm buying....
M-G-M 935-36 CONTRACT

-G-M '35-'36
ELEASES!
MPLETED!
IEWED!
AIMED!
pany can be FIRST)
—Sure, it's great news. Go on please—

A MESSAGE *that* EVERYBODY'S READING!

HIGHLIGHTS OF M-G-M'S FALL HARVEST—

(August, September, October, November —happy days you'll long remember!)

Clark GABLE, Jean HARLOW, Wallace BEERY *in* "CHINA SEAS" (Giant hit, previewed, acclaimed, nationally advertised)

GARBO, Fredric MARCH, Freddie BARTHOLOMEW *in* "ANNA KARENINA" (Coast critics hail it as Garbo's greatest. Nationally advertised.)

Wallace BEERY, Jackie COOPER *in* "O'Shaughnessy's Boy"

RONALD COLMAN and Great Cast *in* "Tale of Two Cities"

"THE BISHOP MISBEHAVES". Stage Triumph. Big Cast.

Joan CRAWFORD *in* "Glamour" with Brian Aherne

"BROADWAY MELODY of 1936" (Giant Musical with Jack Benny heading cast of 15 electric light names)

Clark GABLE, Charles LAUGHTON, Franchot TONE, *in* "Mutiny on the Bounty"

JOAN CRAWFORD'S great picture introducing CLIFTON WEBB (Title to come)

Jeanette MacDONALD, Nelson EDDY *in* "Let Freedom Ring"

MARX BROTHERS *in* "Night at the Opera"

Bill POWELL's new Secret Service Drama

Warner BAXTER *in* "ROBIN HOOD OF ELDORADO"

(That's just part of the Harvest Party)

If by any chance you missed last week's big M-G-M advertisement in the trade press ask your Branch Office for a copy. We've never had such an enthusiastic reaction in all our history. M-G-M showmen are set for their biggest year. And we're spending a quarter of a million dollars in promotion to help them.

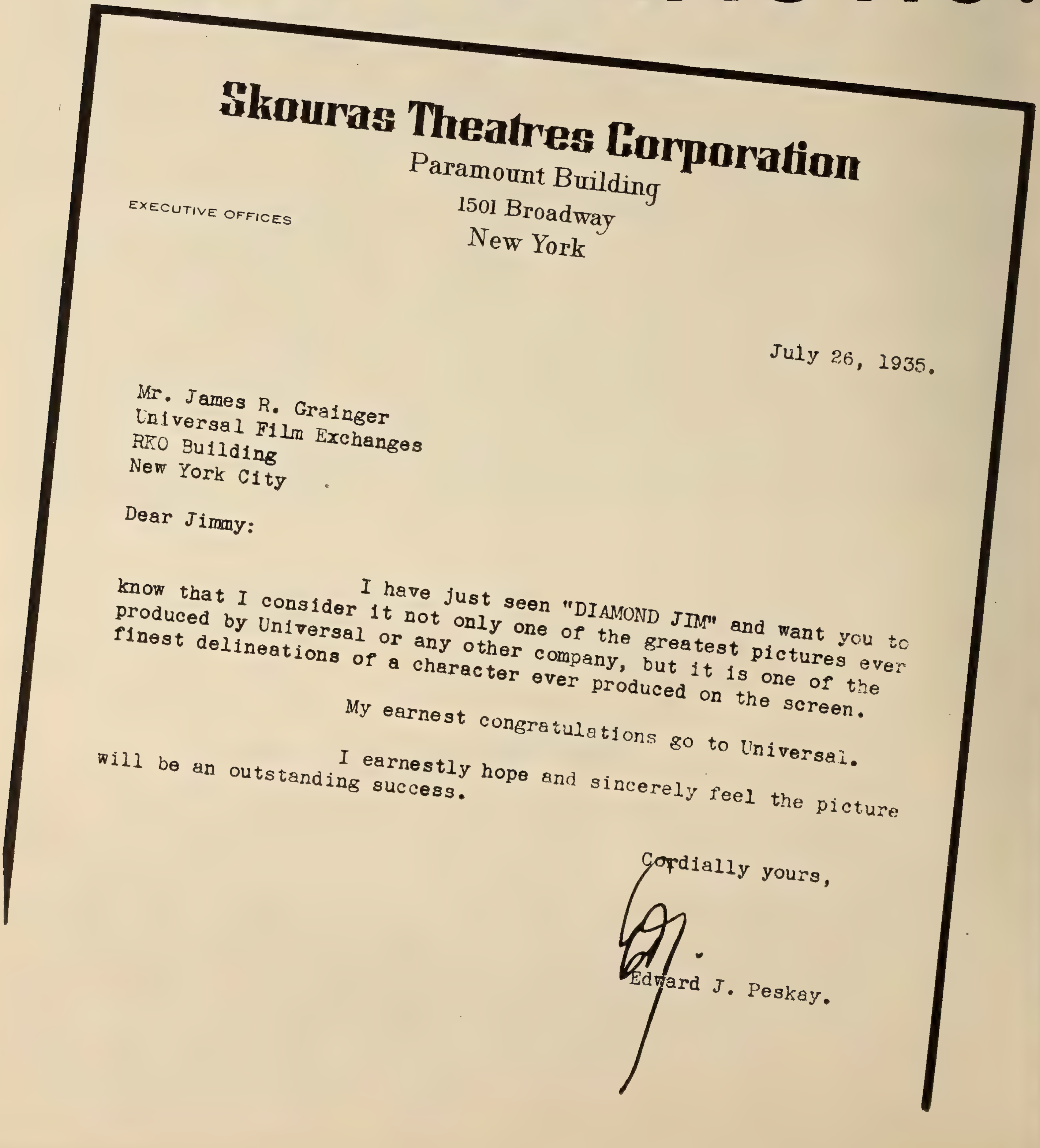
WOW!
It came!
We saw!
Are we happy!
Certainly it's

"CHINA SEAS"

previewed at M-G-M Home Office, confirming every sizzling adjective of California preview critics.

GET SET FOR THE FIRST BIG DOUGH OF '35-'36!

MR. PESKAY buys thousands of pictures ...and HE KNOWS!



Skouras Theatres Corporation
Paramount Building
1501 Broadway
New York

EXECUTIVE OFFICES

July 26, 1935.

Mr. James R. Grainger
Universal Film Exchanges
RKO Building
New York City

Dear Jimmy:

I have just seen "DIAMOND JIM" and want you to know that I consider it not only one of the greatest pictures ever produced by Universal or any other company, but it is one of the finest delineations of a character ever produced on the screen.

My earnest congratulations go to Universal.

I earnestly hope and sincerely feel the picture will be an outstanding success.

Cordially yours,

Edward J. Peskay.

The Leading
Daily
Newspaper
of the
Motion
Picture
Industry

MOTION PICTURE DAILY

Alert,
Intelligent
and
Faithful
Service to
the Industry
in All
Branches

VOL. 38. NO. 26 NEW YORK, WEDNESDAY, JULY 31, 1935 TEN CENTS

Russians Say They May Buy From the U.S.

Declare Soviet May Take Raw Stock, Equipment

A Soviet market for American raw stock, studio and laboratory equipment and for an increasing number of American made films was suggested yesterday by Boris Z. Shumiatsky, president and general manager of the Soviet film industry, on the eve of his departure for London after more than two months in this country.

Shumiatsky, with Friedrich Ermler, president of [illegible] [illegible] M. P. Directors' [illegible] [illegible] Ass'n, and Vladimir [illegible], president of the faculty of Cinema Technique, State M. P. Institute, have just returned here from a six weeks' study of Hollywood production methods.

The party stated it had been most impressed by America's film laboratories and the high technical development of production. It was stated that the impression had been gained by the Soviet visitors that "art" was

(*Continued on page* 8)

ITOA to Get Plans For Booking Today

Plans for the formation of an independent booking circuit in New York will be presented to members of the I.T.O.A. at a special meeting scheduled for the Astor this afternoon.

Milton C. Weisman, attorney for the unit, yesterday met with John Benas, Maurice Fleischman and Bernard Barr, the committee working on the circuit, when it was decided to call the special session. Weisman has been working on the plan for some

(*Continued on page* 8)

Seeks to Arbitrate "Cellini" Objection

Refusing to date "The Affairs of Cellini" because he had been requested by the St. Boniface Rectory in Jersey City not to play the film, Louis Geller of the Palace, Jersey City, today will

(*Continued on page* 8)

Skouras Will Stay In 2 Jersey Houses

Skouras Theatres Corp. will continue to operate the Palace, Bergenfield, and Dumont, Dumont, N. J., under terms of a new lease with the

(*Continued on page* 8)

Academy's Council Favors Use of 2,000-Foot Reels

Hollywood, July 30.—Adoption of 2,000-foot reels for use on all pictures released after Jan. 1 was recommended tonight by the Research Council of the Academy. The recommendation was the result of months of study and is intended to save the industry approximately $250,000 a year.

The research work on the problem was conducted by the council's reel length sub-committee consisting of J. M. Nickolous, superintendent of the M-G-M laboratory, chairman; A. J. Guerin, J. J. Milstein, Sidney J. Twining and Gordon S. Mitchell, manager of the council.

At present film is shipped to theatres from exchanges on 1,000-foot reels and is rewound onto 2,000-foot reels by theatres. In the splicing the tail end leader from reel No. 1 is cut and the head end leader from reel No. 2 is also clipped. This applies also to reels four, five and six and two frames are cut from each reel in the process. In the course of several of these operations considerable damage is done.

Under the recommended plan laboratory processing will be the same.

(*Continued on page* 8)

Para. Fees Again Cited in Congress

By CLARENCE LINZ

Washington, July 30.—Declaring that evidence had been uncovered during the investigation of protective bondholders' committees indicating collusion between brokers, bondholders' committees and the owners of equity

(*Continued on page* 8)

Decides Kohn Must Accept Suit Papers

Ralph Kohn, former Paramount treasurer, will have to accept service in the suit brought by trustees of Paramount to recover from former officers and directors of the company

(*Continued on page* 8)

Stepping

Bucyrus, O., July 30.—Fast on the heels of reports the Schine circuit plans a wholesale expansion in Ohio is a deal for the Hoover Theatre Building here for $15,000. The Limo Corp., a Schine subsidiary, was the purchaser.

Overrule Demurrer In St. Louis Case

St. Louis, July 30.—Federal Judge George Moore has overruled the demurrers to the government indictment filed on behalf of the RKO Distributing Corp. and its president, Ned E. Depinet, in the alleged conspiracy in restraint of trade charged against RKO, Warners and Paramount and their subsidiaries and six of their executives and has set Sept. 30 as the date for the trial.

The court, however, granted the defendants' request for bills of particulars and directed that attorneys for

(*Continued on page* 9)

Rockefeller Center Claim Case Delayed

A hearing on RKO's exceptions to Special Master Thomas D. Thacher's report recommending the allowances of Rockefeller Center's claim against RKO in the amount of $8,270,000, which was scheduled for hearing Friday, has been postponed to Sept. 30 to permit Federal Judge William Bondy

(*Continued on page* 9)

Local 306 Members To Share Operation

Members of Local 306 will be given a voice in operation of the union under the new administration, Joseph Basson, newly elected president, has decided. The first general meeting of the members since the local di-

(*Continued on page* 2)

Lightman Takes Film Test

Hollywood, July 30.—M. A. Lightman has taken a screen test. He started out as a civil engineer, then became a distributor, later an exhibitor and exhibitor leader, and now he may become an actor. Stranger things than that have happened in the film industry.

Many people don't know it, but he is a prime mover in the Memphis Little Theatre. He knows something about acting.

Some time ago Carl Laemmle sent out an appeal to film editors

(*Continued on page* 9)

Kent Declares Fox Is 'Proud' Of Its Merger

Will Meet Stockholders For Talks, He Says

Declaring that Fox Film Corp. is "very proud" of the arrangements for the proposed merger of the company with Twentieth Century Pictures, Sidney R. Kent, president of Fox, said yesterday that the company was "prepared to meet any stockholders' committee of any kind that wants to talk to us."

"We have nothing to hide in this deal," Kent said. "We are very proud of it and we are prepared to battle it through on its merits."

Referring to the stockholders' committee organized by L. T. Pidwell to study the effects of the merger on Class A stockholders of Fox, Kent said: "We had the same thing to contend with when we reorganized the company and saved it from bankruptcy. If it had gone into bankruptcy there would not be any common stockholders. We are proud of what we have to defend. We have nothing to apologize for."

Meanwhile, Pidwell's committee met last night to discuss possible courses

(*Continued on page* 8)

Justice Department Gets Allied Charge

Washington, July 30.—The Bureau of Investigation of the Department of Justice has been given material gathered by Special Agent Paul Williams anent a case to be brought in the near future by the Allied Theatre Owners of the District of Columbia against four major distributors for alleged violation of the Clayton Act.

The material which Charles H. Olive, president of the Allied unit, has been collecting and turning over to Williams, has been worked into ap-

(*Continued on page* 8)

Reich Again Attacks Films' "Non-Aryans'

Dispatches from Berlin, signed by International News Correspondent Pierre J. Huss, yesterday revealed that the Third Reich had renewed its campaign to drive Jewish members out of the industry in Germany with the suspension of Willie Zeyn, a director, from the Reich film chamber for working with a Jewish director.

At the same time, however, it was denied that Emil Jannings, Angela Salokker and Otto Gubuehr—all

(*Continued on page* 8)

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Sirica to New Britain

NEW BRITAIN, July 30.—John Sirica has been engaged by Michael Daly, as manager of the Rialto, New Britain. Sirica was formerly manager of the Lyric, Waterbury.

Wall Street

Slight Losses Mark Big Board

	High	Low	Close	Net Change
Columbia	73	71¼	71¼	—2
Cons., pfd	15⅞	15¾	15¾	.....
Eastman	148½	147½	148	— ¼
Fox	15¾	15½	15½	— ⅛
Loew's	39¼	38¼	39	— ⅛
Loew's, pfd.	105	105	105	— ¼
Paramount	4⅜	4⅛	4¼	.....
Pathe	¾	¾	¾	.....
Pathe "A"	11⅜	10¾	10¾	— ½
RKO	2⅜	2¼	2⅜	.....
Universal, pfd	35¾	35¾	35¾	+ ¾
Warner	5¼	5	5	— ⅛
Warner, pfd	38	37½	37½	—2⅜

Little Change on Curb

	High	Low	Close	Net Change
Technicolor	20½	20	20	— ¼
Trans-Lux	2¼	2⅛	2¼	.....

Paramount Bonds Gain

	High	Low	Close	Net Change
General Theatre 6s '40 ctf	12½	12½	12½	— ¼
Keith B. F. 6s '46	82	82	82	— ½
Loew's 6s '41 ww deb rights	104	104	104	.....
Paramount F. L. 6s '47	98¼	97⅞	98⅛	+ ⅝
Paramount Publix 5½s '50	99¾	99½	99¾	+ ¾
RKO 6s '41 pp.	45	44	45	+1½
Warner Bros. 6s '39 wd	76¼	75	76	+1

(Quotations at close of July 30)

Insiders' Outlook

By RED KANN

FORMER Federal Judge Thomas D. Thacher, who is now a member of the law firm of Simpson, Thacher and Bartlett, which is fighting for handsome reductions in the $3,221,328 fees and expenses sought by fifty-three petitioners, is probably the most unpopular figure among all and sundry tied into Paramount's affairs these days. In dignified language which makes his contention not one trifle less understandable, Thacher, by brief submitted to Federal Judge Coxe, asserts the petitioners did not do nearly so much for the late bankrupt as they would convey. . . .

▼

Thacher, from this point on:

"In presenting their petitions for allowances the petitioners lay great stress upon the profitable operations of the debtor corporation during the pendency of proceedings in equity, bankruptcy and reorganization. Counsel for the trustees, in their petition, claim credit in behalf of the trustees for an increase of $15,557,000 in cash of Paramount and its subsidiaries during these proceedings up to June 22, 1935. They emphasize a loss shown in 1932 of $19,945,569 as compared with profits exceeding $5,000,000 in 1933 and 1934 and $2,400,000 during the first quarter of 1935. These figures are estimates. . . . The increased market value of Paramount debentures and common stock during the administration of the estate is also emphasized." . . .

▼

The trustees, then, claim their administration increased the company's cash by $15,557,000. Thacher asserts they failed to explain that cash settlements, in accordance with the reorganization plan, including expenses of administration and the reorganization itself, totaled $8,202,000 and, therefore, properly should be deducted from the $15,557,000 to a more true total of $7,355,000. He draws the conclusion with which you may or may not agree that the "company's cash position has not been improved by administration and reorganization except for cash retained as a result of non-payment of accruing obligations during administration (which is largely offset by the issuance of new securities) and from the proceeds of the sale of the new second preferred stock." . . .

▼

Economic forces beyond the control of trustees and their counsel resulted in the enhancement of values in Paramount securities, Thacher continues. Therefore, he concludes: "It is quite out of the question" to credit the trustees for that rise in the values. Proceeding further along this tack is another excerpt from the brief:

"We have had prepared and will submit upon the hearing a comparative tabulation from reliable sources showing the values of securities of leading motion picture companies at the dates upon which the trustees in their petition have compared the value of the securities of Paramount to show the increase in such value during the period of administration. The following results are significantly relevant to the contention that the various counsel in this proceeding were responsible for the present financial condition of Paramount:

"The security values of Loew's, Inc., during the same period increased $46,000,000; Metro-Goldwyn Pictures Corp., a subsidiary of Loew's, increased $1,447,000; Fox Metropolitan Playhouses, a small chain of theatres, increased $5,800,000; Radio-Keith-Orpheum, one of the larger companies still in bankruptcy, increased $4,380,000; Columbia Pictures Corp., a very small producing company, increased $9,800,000; Warner Brothers Pictures increased $27,400,000.

"The increased value of Paramount's securities was $31,378,000."

▼

Thacher's job, naturally, is to see reorganized Paramount pay out as little as it can, just as it is the ambition of the fifty-three petitioners to get as much of what they have asked for as they can wangle. Who is correct is something this department not only does not know, but does not care about especially. It found the latter day picture in the Paramount muddle of interest. That's why you get it this morning. . . .

▼

Luise Rainer, about to demonstrate again the Cinderella-like aspects of this business by threatening to advance herself into stardom on the strength of one picture, "Escapade," is being tested for the role of Anna Held in "The Great Ziegfeld." Metro would produce. This Viennese girl, whose name the American public cannot even pronounce correctly, got a break when Leo and Myrna Loy developed salary trouble. Rainer substituted for Loy and Metro got a new shining light. Bergner-like in her histrionic tricks and demeanor and Colbert-like in her physical appearance, Miss Rainer is utterly charming and refreshing in "Escapade," a second look the other night convinced anew. Among other condents of delight, she does a lady-like drunk, champagne-induced, that is one of the most appealing and amusing bits of play-acting to flash across this spectator's horizon in some time. . . .

▼

"Practically the entire Paramount publicity department revolted last week and threatened to quit their jobs, being dissatisfied with the way the department is being conducted. They are not alone, for many of the big Paramount stars have voiced their dissatisfaction and refuse to cooperate with the publicity department."

This appeared in the Hollywood column of one of the New York tabloids and becomes proper material for the X-ray. Emanating from the typewriter of the scrivener who has been explaining to the public whose business it is not how production tricks are worked, the comment runs from Hollywood to New York to Detroit. Because a Paramount theatre partner there insisted and succeeded in having the column pulled from the *Free Press* in the Motor City, the evidence seems to point to a campaign of retaliation leveled at the studio publicity head and his boss in New York. . . .

▼

What the columnist may not know is that the studio publicist he is trying to castigate made effort through New York to persuade Detroit to lay off on the theory, which we think correct, that this business, or any integral part of it, has no right to attempt to foist a censorship on newspapers when it fights a censorship of its own screens. There are ways of talking out a problem such as this around a table or across a couple of drinks, using persuasion rather than threat. At any rate, the chatter writer is holding the publicity man responsible in Hollywood for what took place in Detroit and that mixes him up sadly and unfairly on his geography and his tactics. Aside from that, who among the public care whether the Paramount or any other publicity department is pinpricked by the urgings of revolt. Their interest, obviously, is in stars and their peccadilloes, not in press agents.

Local 306 Members To Share Operation

(*Continued from page* 1)

vorced itself from I. A. T. S. E. supervision will be held Aug. 7, at which time new policies proposed by the executive board will be decided.

The executive board, consisting of Basson, Vice-President Frank Ruddock, Recording Secretary Herman Gelber, Frank Pineau, Edmund Bendheim, Louis Boritz, William De Sena, George Edwards, David Garden, Phil Grill, Maxwell Horowitz, Benjamin Morel and Anthony Rugino met yesterday to formulate plans for the coming year. These plans will be voted on by the membership. The board also heard individual grievances from more than 40 members at the all-day session.

"Ladies" Is Chicago Hit; Gets $9,000

Chicago, July 30. — "No More Ladies" was the best comparative draw of the week. It ran up to $9,000 in the 900-seat Garrick. This is $1,000 above normal.

"Times Square Lady" took a good $16,000 at the Oriental with the "Band Box" revue on the stage.

Total first run business was $116,500. Average is $128,600.

Estimated takings:

Week Ending July 25:

"LOVE ME FOREVER" (Col.)

CHICAGO—(4,000), 25c-50c-68c, 7 days. Stage: Leo Carrillo; Phil Spitalny and an All-Girl Radio Show. **Gross:** $36,000. (Average, $34,600)

"TIMES SQUARE LADY" (M-G-M)

ORIENTAL—(3,940), 25c-40c, 7 days. Stage: "Band Box" Revue and vaudeville. **Gross:** $16,000. (Average, $15,000)

"OLD MAN RHYTHM" (Radio)

PALACE—(2,509), 25c-35c-50c, 7 days. Stage: Ed Sullivan; Dawn Patrol Revue with Dixie Dunbar, Jean Abbott and others. **Gross:** $12,000. (Average, $22,000)

"THE FLAME WITHIN" (M-G-M)

ROOSEVELT—(1,591), 25c-35c-50c, 7 days. **Gross:** $9,500. (Average, $11,000)

"ESCAPE ME NEVER" (U. A.)

UNITED ARTISTS—(1,700), 30c-40c-50c, 7 days. **Gross:** $16,000. (Average, $17,000)

Week Ending July 25:

"AGE OF INDISCRETION" (M-G-M)

APOLLO—(1,400), 25c-35c-50c, 7 days. **Gross:** $7,500. (Average, $8,000)

"NO MORE LADIES" (M-G-M)

GARRICK—(900), 25c-35c-40c, 7 days. **Gross:** $9,000. (Average, $8,000)

"THE AWAKENING OF JIM BURKE" (Col.)

STATE-LAKE—(2,776), 20c-30c-35c, 7 days. Stage: Billy House; 4 Albee Sisters; Heller & Riley. **Gross:** $10,500. (Average, $13,000)

"Front Page" Hits $3,000, Oklahoma

Oklahoma City, July 30.—"Front Page Woman" was exceptionally strong for this time of the year at the Capitol. It went $1,000 over normal on a take of $3,000.

"The Raven" also was in the money. It grossed $2,000 in four days at the Liberty. Normal for seven days is $3,500. "She" was a disappointment. It finished with half the average take of $5,000 at the Criterion in five days.

Total first run business was $10,300. Average is $13,500.

Estimated takings for the week ending July 27:

"SHE" (Radio)

CRITERION—(1,700), 10c-26c-36c-55c, 5 days. **Gross:** $2,500. (Average, $5,000)

"OIL FOR THE LAMPS OF CHINA" (F. N.)

MIDWEST—(1,500), 10c-26c-36c-56c, 7 days. **Gross:** $2,500. (Average, $4,000)

"FRONT PAGE WOMAN" (Warners)

CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $3,000. (Average, $2,000)

"THE RAVEN" (Univ.)

LIBERTY—(1,500), 10c-15c-26c-36c, 4 days. **Gross:** $2,000. (Average week, $2,500)

"GIGOLETTE" (Radio)

LIBERTY—(1,500), 10c-15c-26c-36c, 3 days. **Gross:** $300. (Average week, $2,500)

"Vagabond" Is $13,000 Smash Hit in Denver

Denver, July 30. — "Vagabond Lady" was a sensation at the Orpheum. It piled up $13,000, leaving average $8,400 behind, with a French revue on the stage.

"Sanders of the River" had some standouts and seemed on the way to something big, but it finished with a par $2,000 at the Aladdin. It was moved to the Broadway for an extended run.

Total first run business was $34,700. Average is $19,800.

Estimated takings for the week ending July 25:

"SANDERS OF THE RIVER" (U. A.)

ALADDIN—(1,500), 25c-35c-50c-60c, 7 days. **Gross:** $2,000. (Average, $2,000)

"CHAMPAGNE FOR BREAKFAST" (Col.)
"IT HAPPENED IN NEW YORK" (Univ.)

BROADWAY—(1,500), 25c-40c, 7 days. **Gross:** $1,000. (Average, $1,200)

"SHANGHAI" (Para.)

DENHAM—(1,500), 25c-35c-40c, 7 days. **Gross:** $3,500. (Average, $4,000)

"LOVE ME FOREVER" (Col.)

DENVER—(2,500), 25c-35c-50c, 7 days. Stage band. **Gross:** $12,000. (Average, $5,000)

"VAGABOND LADY" (M-G-M)

ORPHEUM—(2,600), 25c-35c-40c, 7 days. Stage show. **Gross:** $13,000. (Average, $4,600)

"MURDER IN THE FLEET" (M-G-M)

PARAMOUNT—(2,000), 25c-40c, 7 days. **Gross:** $3,200. (Average, $3,000)

Montreal Gains as Evenings Get Cool

Montreal, July 30.—Cooler evenings improved business somewhat for downtown first runs. "Thunder in the East" and "Unknown Woman" reached a par $6,000 at the Princess. "Death Flies East" and "Wicked Woman" came within $500 of normal on a gross of $3,000 at the Imperial. "No More Ladies" reached $8,500 at the Capital.

Total first run business was $25,000. Average is $30,000.

Estimated takings for the week ending July 27:

"THE FLAME WITHIN" (M-G-M)
"ONE NEW YORK NIGHT" (M-G-M)

CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $7,500. (Average, $9,500)

"DEATH FLIES EAST" (Col.)
"WICKED WOMAN" (Univ.)

IMPERIAL—(1,914), 20c-25c-34c, 7 days. **Gross:** $3,000. (Average, $3,500)

LOEW'S—Reopens in August.

"NO MORE LADIES" (M-G-M)

PALACE—(2,600), 25c-35c-40c-50c-65c, 7 days. **Gross:** $8,500. (Average, $11,000)

"THUNDER IN THE EAST" (U. A.)
"UNKNOWN WOMAN" (Col.)

PRINCESS—(2,272), 30c-35c-50c-65c, 7 days. **Gross:** $6,000. (Average, $6,000)

Homer Harmon Promote

St. Louis, July 30.—Homer Harmon, publicity director for the Shubert, local Warner house, has been promoted to zone advertising manager for Warner theatres.

Cleveland in Summer Slump Grosses Poor

Cleveland, July 30. — Alternating excessive heat and rain during the day with a city pageant at night resulted in lowest grosses of the summer. "Front Page Woman" with a popular stage show at the RKO Palace just topped the average of $15,000 by $100.

"The Raven" at the Allen made the best percentage showing, going to $4,750 as against a $3,000 average. "Shanghai" made a good hot weather showing with $8,900, just under the $10,000 average. "Paris in Spring" came within $400 of the Stillman average with $3,600 gross and "Love Me Forever," big in its first week at the Warner Hippodrome, couldn't hold to its high standard a second week. "Men in White" grossed $1,600 at the Circle as a revival. Total business was $38,750. Average is $42,000.

Estimated takings for the week ending July 26:

"THE RAVEN" (Univ.)

ALLEN—(3,300), 30c-35c-42c, 7 days. **Gross:** $4,750. (Average, $3,000)

"LOVE ME FOREVER" (Col.)

WARNERS' HIPPODROME—(3,800), 5 days. Second week. **Gross:** $4,800. (Average, for 7 days, $8,000)

"FRONT PAGE WOMAN" (Warner)

RKO PALACE—(3,100), 30c-42c-60c, 7 days. Stage: Borrah Minnevitch and His Harmonica Rascals. **Gross:** $15,100. (Average, $15,000)

"SHANGHAI" (Para.)

LOEW'S STATE—(3,400), 30c-35c-42c, 7 days. **Gross:** $8,900. (Average, $10,000)

"PARIS IN SPRING" (Para.)

LOEW'S STILLMAN—(1,900), 25c-35c, 7 days. **Gross:** $3,600. (Average, $4,000)

"MEN IN WHITE" (M-G-M)

CIRCLE—(1,925), 15c-25c-30c, 7 days. **Gross:** $1,600. (Average, $2,000)

"Ginger" Garners $4,500 in Lincoln

Lincoln, July 30. — "Ginger" at $4,000 had the heaviest take here for the week at the Stuart. The Lincoln with "Front Page Woman" took $2,500.

The Orpheum had two good shows on a dual bill. "Under Pampas Moon" and "Transient Lady" were in for the full week and with a break from the weather packed the house two nights. The take was $2,000.

Total first run business was $9,300. Average is $7,850.

Estimated takings:

Week Ending July 26:

"COLLEGE SCANDAL" (Para.)

COLONIAL—(750), 10c-15c, 7 days. **Gross:** $800. (Average, $850)

"UNDER THE PAMPAS MOON" (Fox]
"TRANSIENT LADY" (Univ.)

ORPHEUM—(1,200), 10c-15c-25c, 7 days **Gross:** $2,000. (Average, $1,700)

"FRONT PAGE WOMAN" (Warners)

LINCOLN—(1,600), 10c-20c-25c, 7 days. **Gross:** $2,500. (Average, $2,200)

Week Ending July 27:

"GINGER" (Fox)

STUART—(2,000), 10c-25c-40c, 7 days. **Gross:** $4,000. (Average, $3,100)

Anritz Is Chartered

Dover, Del., July 30. — Anritz Amusement Co. has been incorporated here by E. P. Jones, C. R. Cummins and E. G. Saimon.

Kansas City Grosses Hit By Dog Days

Kansas City, July 30.—Dog days arrived last week for downtown first run houses. Temperature soared, but not grosses.

The Newman, showing "Men Without Names," took an average gross of $7,000.

"She" at the Mainstreet disappointed, with $7,000, below par by $1,000.

"Murder in the Fleet" at the Midland made a poor showing, $6,900 against par of $11,500; while "Black Sheep" at the Fox Uptown did only $2,100 in five days against an average of $3,000, and was pulled.

Total first run business was $31,100. Average is $36,500.

Estimated takings:

Week Ending July 25:

"LOVE ME FOREVER" (Col.)

TOWER—(2,200), 25c-35c, 7 days. Stage: White Lee & Sue Alene and Evans Bryant, Raines & Young Ray Sax, Nat Nazarro, Jr., Tower Adorables. **Gross:** $8,100. (Average, $7,000)

"MEN WITHOUT NAMES" (Para.)

NEWMAN—(1,800), 25c-40c, 7 days. **Gross:** $7,000. (Average, $7,000)

"SHE" (Radio)

MAINSTREET—(3,100), 25c-40c, 7 days. **Gross:** $7,000. (Average, $8,000)

"MURDER IN THE FLEET" (M-G-M)

MIDLAND—(4,000), 15c-25c-40c, 7 days. **Gross:** $6,900. (Average, $11,500)

Week Ending July 26:

"BLACK SHEEP" (Fox)

UPTOWN—(2,000), 25c-40c, 5 days. **Gross:** $2,100. (Average, $3,000)

"Names," "Blondes" Are Omaha Leaders

Omaha, July 30.—"Men Without Names" and "Don't Bet on Blondes" on a dual at the Omaha made the best showing of the week, getting $5,800, over the line by $800, at the Omaha.

"Shanghai" and "Orchids to You" took a par $7,500 at the Orpheum.

"Love Me Forever" slipped during the early stages of its second week at the Brandeis and was pulled after five days with a gross of $2,000.

Total first run business, $15,300. Average is $15,000.

Estimated takings:

Week Ending July 24:

"LOVE ME FOREVER" (Col.)

BRANDEIS—(1,200), 25c-35c-40c, 5 days, 2nd week. **Gross:** $2,000. (Average, $3,500)

"MEN WITHOUT NAMES" (Para.)
"DON'T BET ON BLONDES" (Warners)

OMAHA—(2,200), 25c-40c, 7 days. **Gross:** $5,800. (Average, $5,000)

Week Ending July 25:

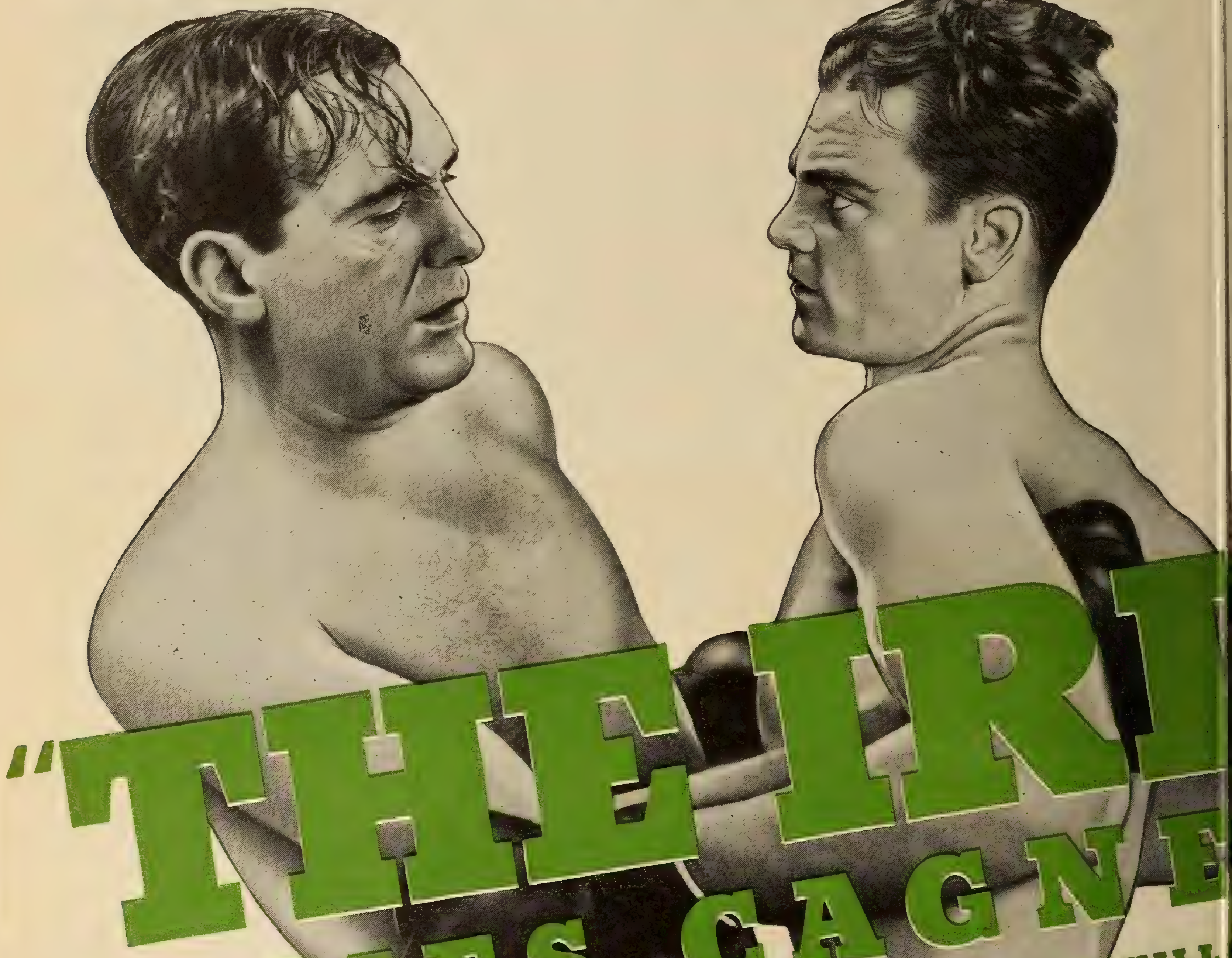
"SHANGHAI" (Para.)
"ORCHIDS TO YOU" (Fox)

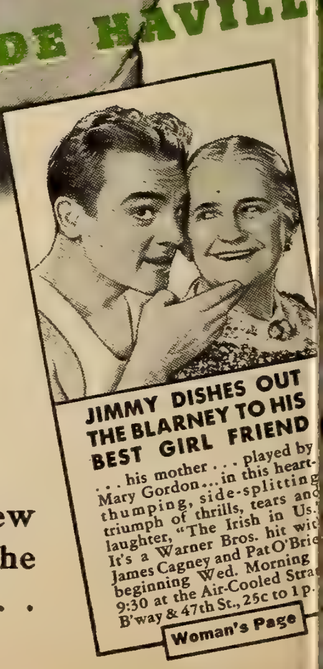
ORPHEUM—(3,000), 25c-40c, 7 days. **Gross:** $7,500. (Average, $7,500)

Burns Warden Promoted

Chicago, July 30.—Paramount has appointed Burns Warden, for the past two years in charge of advertising accessories in the local exchange, as salesman in western Indiana and central Illinois. His old place is being filled by Louis Aurelio, who was brought down from Milwaukee.

'G-MAN' JIMMY PUT
FOR 'A SURE SOCK


"THE IRI
JAMES CAGNE
FRANK McHUGH • ALLEN JENKINS • OLIVIA DE HAVILL


JIMMY DISHES OUT THE BLARNEY TO HIS BEST GIRL FRIEND

. . . his mother . . . played by Mary Gordon . . . in this heart-thumping, side-splitting triumph of thrills, tears an laughter, "The Irish in Us." It's a Warner Bros. hit wi James Cagney and Pat O'Brie beginning Wed. Morning 9:30 at the Air-Cooled Stra B'way & 47th St., 25c to 1 p.

Woman's Page

OH, IRISH EYES ARE SMILING—and so is the rest of New York—at this novel teaser series spotted thru the paper for the Broadway Strand's first flash on today's big opening . . .

S ON THE GLOVES
AT THE BOX-OFFICE'

—(*Variety Daily*)

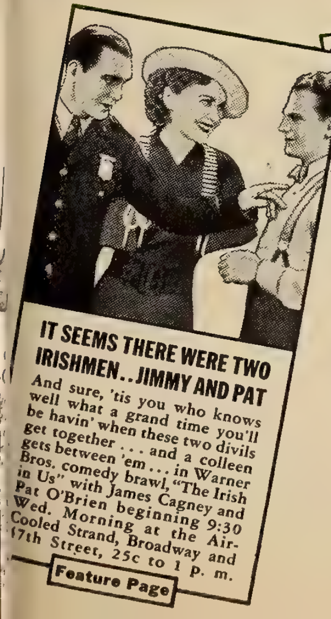
and wipes the floor with his 'Navy' pal, Pat

Sure an' they'll be the makin' of yez yet—the divils! What with their 'Here Comes the Navy' business and the way the trade critics have been tellin' yez to 'go the limit on this one'—it was a great day for us all when Warners made

SH IN US"

Y. PAT O'BRIEN

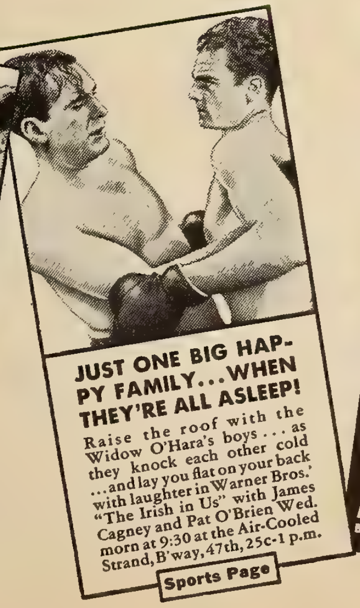
ID • A First National Picture directed by Lloyd Bacon



IT SEEMS THERE WERE TWO IRISHMEN..JIMMY AND PAT

And sure, 'tis you who knows well what a grand time you'll be havin' when these two divils get together . . . and a colleen gets between 'em . . . in Warner Bros. comedy brawl, "The Irish in Us" with James Cagney and Pat O'Brien beginning 9:30 Wed. Morning at the Air-Cooled Strand, Broadway and 47th Street, 25c to 1 p. m.

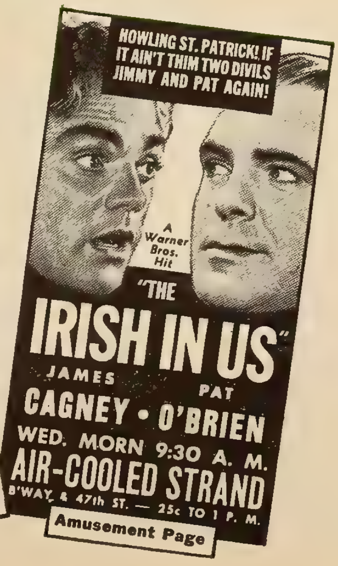
Feature Page



JUST ONE BIG HAPPY FAMILY...WHEN THEY'RE ALL ASLEEP!

Raise the roof with the Widow O'Hara's boys . . . as they knock each other cold . . . and lay you flat on your back with laughter in Warner Bros.' "The Irish in Us" with James Cagney and Pat O'Brien Wed. morn at 9:30 at the Air-Cooled Strand, B'way, 47th, 25c-1 p.m.

Sports Page



HOWLING ST. PATRICK! IF IT AIN'T THIM TWO DIVILS JIMMY AND PAT AGAIN!

A Warner Bros. Hit

"THE IRISH IN US"

JAMES CAGNEY • PAT O'BRIEN

WED. MORN 9:30 A. M.

AIR-COOLED STRAND

B'WAY & 47th ST. — 25c TO 1 P. M.

Amusement Page

All Set Up by
WARNER BROS.
to Start Gunning
for 'G Men' Records
Week of Aug. 3rd

Kent Declares Fox Is 'Proud' Of Its Merger

(*Continued from page* 1)

of action open to the stockholders. A spokesman for the committee said that there was a possibility that an application might be made by the group for an injunction to restrain officers and directors of Fox from carrying out the merger, or of petitioning the Attorney General of New York State to apply for the injunction. Other courses of litigation were also discussed, it was said. The committee, in addition, is considering the employment of accountants to study the terms of the proposed merger and its effects on stockholders. The latter step suggests the possibility of an action to recover for alleged damages.

Little could be learned of Pidwell other than that he is a former officer of one of the large trust companies located here. Denial was made, however, that he was acting on behalf of his former employers. His interests were said to be "merely those of a Fox stockholder and others similarly situated."

Para. Fees Again Cited in Congress

(*Continued from page* 1)

in real estate reorganizations, Congressman Sabath of Illinois today introduced a bill providing for the designation by the President of a Federal conservator.

Under the bill, any plan of reorganization of a real estate corporation could not be confirmed by the court until it had been approved by the conservator.

Reporting to the House on his investigation, Sabath called attention to the Paramount reorganization resulting in claims for some $3,200,000 for expenses of attorneys, committees, etc., and read a list of the claims.

"This is a sample of what these committees, depositaries, attorneys and banks are doing to these unfortunate bondholders and property holders," he said. "These charges usually run from five to eight and ten per cent of the par amount of bonds, notwithstanding that many of these bonds have only brought five to six cents on the dollar."

ITOA to Get Plans For Booking Today

(*Continued from page* 1)

time and assured the committee that he would detail the various phases of the booking and buying proposal to the I.T.O.A. members today.

According to the plan a corporation is to be formed, shares of which will be distributed to members of the circuit for an interest in their theatres.

Krueger Goes to Coast

St. Louis, July 30.—Carl Krueger, for the past nine months connected with the F. & M. publicity department, has left for the coast. Before joining F. & M. he was special representative on Max Reinhardt's "A Midsummer Night's Dream" and also handled Olsen & Johnson.

Academy's Council Favors Use of 2,000-Foot Reels

(*Continued from page* 1)

Raw stock will be delivered to cameras in 1,000-foot rolls. Sound recording will not be disturbed and editing will be facilitated, it is claimed, by eliminating the need of finding suitable changeover points. It is figured this will save producers approximately $138,000 a year.

The Research Council conducted a survey of theatre equipment throughout the world with the aid of the M.P.P.D.A. and found that 2,000-foot reels can be used practically everywhere, except in Spain, Argentina and Puerto Rico. Some projectors in Argentina cannot handle the larger reels and postal laws prevent shipment of the 2,000-foot size in Spain and Puerto Rico.

Present reels are approximately 10 inches in diameter. The new standard reel suggested will be 15½ inches in diameter, and equipment dealers have indicated that the cost of manufacture will not be double the present size.

Some changes will be necessary in exchanges. Film will be shipped to exchanges in rolls of 1,000 feet and will be spliced there for shipment on reels to theatres. Vault spaces will have to be enlarged and gear ratios on winding machines will have to be changed from 4 to 1 to 2¾ to 1, in order to prevent fatigue among employes. Shipping cases will have to be larger.

Shorts and newsreels will continue on the present 1,000-foot reels.

Skouras Will Stay In 2 Jersey Houses

(*Continued from page* 1)

landlords. The new leases are for 10 years, retroactive to July 15.

Several weeks ago the court disaffirmed leases on both houses which had until 1954 to run. Substantial reductions were made under the new agreements.

Seeks to Arbitrate "Cellini" Objection

(*Continued from page* 1)

appear before the New York arbitration board for a hearing of the case.

United Artists refuses to cancel the picture and is demanding $60 as the rental fee. Geller states that because of the Polish and Italian element it would be impossible for him to show the picture.

Geller claims that under an announcement made some months ago by the Hays office, an exhibitor does not have to play a picture if a particular community takes offense.

FitzPatrick to Add Film Made in Peru

Increasing his program to three features, James A. FitzPatrick plans to produce a special film in Peru this winter. He has completed the exteriors for "David Livingstone," his first, and is trying to sign Clive Brook for the name part. He is also cutting, editing and recording the tentatively titled "Oriental Paradise," an all Technicolor picture, which was made in Japan under supervision of Mrs. FitzPatrick.

The story for the Peru picture has already been completed. Nat Shilkret, who has prepared several compositions, including a jungle symphony for "David Livingstone," arrives from the coast around Aug. 10. Cameron Rogers is writing the dialogue. Release is expected some time in December.

Tivoli Deal Ready Soon

Randforce is practically set to take over the Tivoli, Brooklyn, from the Harry Traub estate on Aug. 15. The contracts are ready and signatures will be affixed any day.

British Exhibitors Will Vote on Quota

By BRUCE ALLAN

London, July 20.—Richard Dooner, president of the Cinematograph Exhibitors' Ass'n., disclosed at a meeting of the Manchester branch that the general council planned to take a referendum of exhibitor opinion in regard to amendment of the quota provisions of the Films Act.

Individual opinions thus obtained, plus the official resolutions of branch meetings, would be used, he said, in shaping a policy for suggestion to the Board of Trade.

The last exhibitors' referendum in this country, in 1926, resulted in a large majority against the introduction of the quota principle, which nevertheless shortly afterwards became the law of the land.

Hub Gets New Premium

Boston, July 30.—Another premium scheme has made its debut in the film district. It is Movie Sweepstakes, Inc. The New England franchise is being handled by George Jeffery, formerly associated with First Division on the March of Time.

Heins Issues Denial

The following wire was received yesterday from Elmore D. Heins of the National Theatre Corp., Roanoke, Va.:

"Your article of July 26 relative to bank nights is incorrect. We have had bank night eight consecutive Wednesdays, giving $100 away in four theatres, and it is without doubt the biggest box-office we have ever experienced. Nothing like it. At least 15 other exhibitors have signed for bank night in this territory and many others are ready to follow suit. It's a real business-getter and besides we give a Ford away every two weeks. Mr. Brient (Elmer H. Brient, secretary of the Virginia M. P. T. O.) may be correct about many showmen regarding bank night and Ford Nights as demoralizing, but those who have tried it find that it is like a sinner who has gotten religion, a box-office revival."

Under a Richmond date line, Motion Picture Daily said last Friday giveaways were practically non-existent in Virginia.

Russians Say They May Buy From the U.S.

(*Continued from page* 1)

frequently sacrificed to production speed in Hollywood. However, Shumiatsky, through an interpreter, said that American technical equipment and technicians would probably be introduced to the Russian film industry in an effort to cut down the present average working schedule of eight months, required for the production of a feature there. Walt Disney's cartoons also came in for unstinted praise from the party.

Shumiatsky said that he had opened negotiations for exhibition in the Soviet Union of a number of American features and also hoped to close arrangements whereby American production companies would go to the Soviet for locales and that production units from that country would come here for the same purpose. He said that in addition to the technical equipment and raw stock which had interested the party while here, color processes now in use in Hollywood had also held its attention. Soviet inventors are endeavoring to develop a color process of their own, Shumiatsky said, but indicated that a patent interchange would probably be involved before it is placed in use.

The Soviet party departs today on the *Normandie* and will spend two weeks each at British and French studios before returning to Moscow.

Decides Kohn Must Accept Suit Papers

(*Continued from page* 1)

for payment of allegedly excessive salaries and bonuses prior to the company's financial difficulties, Supreme Court Justice Edward Dore ruled yesterday.

Kohn had entered a motion to have himself exempted from substituted service on the grounds that he was no longer a resident of New York. Justice Dore denied the motion. Kohn is now associated with Columbia in Hollywood.

Justice Department Gets Allied Charge

(*Continued from page* 1)

proved form for further examination by the Bureau of Investigation.

Idea of bringing the suit under the Sherman anti-trust act has been dropped.

The case is based on Allied's objection to contract bans on double featuring, with special emphasis on M-G-M's Clause K.

Reich Again Attacks Films' "Non-Aryans"

(*Continued from page* 1)

"non-Aryans"—had been declined film engagements in Germany because they were not "Aryans" according to Nazi standards.

Lillian Harvey, who has been in this country for some time working for Fox, is also scheduled to make a picture in Berlin for UFA, but work has been held up and officials refuse to state a reason for the delay. In the meantime Miss Harvey is in London.

◂ Purely Personal ▸

BILL ROWLAND and Monte Brice were hosts in the large manner aboard the *Normandie* last night when a masquerade ball sequence was shot for "Sweet Surrender." There was also a fashion show of fall and winter models, a radio hookup with Frank Parker, Tamara, Abe Lyman and his band, Helen Lynd, Russ Brown, the Tune Twisters and others participating and a contest for the selection of five girls with James Montgomery Flagg, Arthur William Brown, Dean Cornwall, Hal Phyfe and Alfred Cheney Johnson doing the sifting.

•

James A. FitzPatrick, Harry H. Thomas, Al Friedlander, Arthur Dent, Hal Horne, Jack Springer, A. H. Schwartz, Sam Rinzler, Arthur Lee, George Weeks, George Batcheller, Maury Cohen, Frank Underwood, Lowell Calvert, Richard Brady, Edward Rugoff, William German, Edward Golden and Bruce Gallup were among the film contingent decorating the tables at the Tavern yesterday during lunch hour.

Quip of the Day

Editor, Motion Picture Daily:

"Mox Shabbus' Brays Are Balmy" (paraphrasing that Scottish air which all Irish tenors sing but never breathe).

Mox's recent ranting sound like the gibberish of a pushover exhibtor who has just bought the product of five companies and has given each of them 18 *Sunday dates.*

A significant commentary on Mr. Shabbus' mental processes is the report of his former roommate in a California asylum that Mox pickets his own theatre with a sign which reads:

"Nix on Sharing Agreements—Does General Motors Sell Percentage?"
"Metramount's Pictures Are Unfair to My Theatre"
"Hollywood Declared Unconstitutional by the Supreme Court"
"Supreme Court Declared Unconstitutional by Hollywood"
"Is This a System?"
"O, Tempora! O, Mores! O, Mox! O, Nuts!!"

Yours for more of what Mox calls my "cryptic cracks" and for less of his "craptic cricks."

ALI GAGA

(who agrees that Mox and his other carpers may not be pikers but believes that Mr. Mox (Izaak Walton) Shabbus, the Angler-Saxon, flounders in piscatorial waters like a bass toward the inevitable hook.)

Gus Kessler, secretary to George Skouras, is mourning the death of her mother. Services were held at home yesterday and attended by Skouras, Edward Peskay, Louis Weber and a number of circuit home office employes.

•

Rouben Mamoulian is the subject matter of an article by Ruth Woodbury Sedgwick which will appear in *This Week,* the magazine section of the Sunday *New York Herald-Tribune.*

•

Luis Trenker, who arrived last week on the *Deutschland,* is due on the coast today for tests as General Sutter in Universal's "Sutter's Gold." Trenker played the leading role in "The Doomed Battalion."

•

William S. and Mrs. Paley, Dr. A. H. Giannini, Boris Shumiatsky, Friederich Ermler, Vladimir Nielsen, Gregory Ratoff and Erich Pommer all leave here today for the other side on the *Normandie.*

•

Billy Brandt is at the Jewish Hospital, Brooklyn, recovering from a gallstone operation. His condition is good. So good, in fact, he expects to be discharged in about 10 days.

•

Bill Pine, Alec Moss, Frank Vreeland, C. R. Seelye, Peggy Wood, Bennett Blau and John V. A. Weaver among a goodly crowd for lunch at the Algonquin yesterday.

•

Charles Ulrich, formerly identified with Code Authority, is taking up most of his time writing "The Forgotten Frontier," which deals with Texas pioneer days.

•

Phil Reisman, vice-president in charge of RKO Radio's foreign department, sails on the *Ile de France* Aug. 10 for an indefinite tour of Europe.

•

Sam Berger, M-G-M's foreign roving representative, has been seized with the urge to travel again and in two weeks he'll be off again for ports unknown.

•

Walt Disney returns from Europe tomorrow on the *Rex.* Mrs. Disney is with him. While abroad they visited England, France and Italy.

•

Samuel Warshawsky's new play, "The Woman of Destiny," opens at the Jackson Heights Club Theatre, Aug. 5.

•

Jack Goetz, Lou Brecher and Bob Goldstein, minus chapeaux but chit-chatting on the northeast corner of 55th St. and 7th. Ave.

•

Jane Wyatt left by plane yesterday for Universal studios after a week's vacation here.

•

Arthur Dent, managing director of B.I.P., sails today on the *Normandie.* He plans to return next spring.

•

A. W. Smith is in Boston on Warner business.

•

Reg Wilson of G. B.'s sales staff is in New Orleans on business.

•

Saul Krugman is back from a trip to several G. B. branches.

Lightman Takes Film Test

(Continued from page 1)

for suggestions for the role of Sutter in "Sutter's Gold." W. E. Sipe, Universal manager in Memphis, wired Laemmle that Lightman was in Hollywood to address the Academy Technicians' Branch and to escort the cotton carnival beauty winners.

The test was directed by Walter Lang, former Memphis resident, and Fred Meyer, Universal studio manager, who was an M. P. T. O. A. vice-president when Lightman was president.

The decision is up to Laemmle.

Expect K. C. Group Insurance to Start

Kansas City, July 26.—The group insurance plan under which K.M.T.A. members will be able to save from 25 to 35 per cent, is expected to be put in operation in the next three or four weeks.

Being worked out by Finton Jones of Travelers, the plan was discussed at the recent K.M.T.A. convention and approved, providing enough distributors indicated their interest.

To date approximately 30 exhibitors have indicated this interest.

If as many as 50 indicate they would like to participate, exhibitors will be able at the outset to save from 25 per cent up on their insurance.

In some cases exhibitors at present are unable to get certain lines of insurance coverage—in some burglary; in others liability, etc. They will be able to secure the coverage under the plan proposed here. Exhibitors need not place all lines through the pool. Policies will be individual, but inspection service will be uniform.

Third Studio Soon To Start in Mexico

By JAMES LOCKHART

Mexico City, July 26.—The number of studios here is to be increased to three with the start of work in August on a large plant near Tlalpan, a suburb, about 10 miles out of town. It is a new Mexican producing outfit, the Compañia Cinematografica Latino Americano, S. A.

The other two studios, one large and the other small, are operated respectively by the National M. P. Production Co., pioneer producers, and George M. Stahl.

Latino Americano will use the studio for its own productions and rent it to other producers. Much equipment is to be obtained in the United States.

Overrule Demurrer In St. Louis Case

(Continued from page 1)

the government on or before Sept. 9 must furnish information to RKO and Depinet, setting forth the time, place and circumstances of the alleged criminal acts and also the names of the agents through whom the sub-defendants acted and also the parties adversely affected by the conspiracy in restraint of trade.

The defendants in the indictments returned last January were charged with engaging in a conspiracy to withhold films from the Ambassador, Grand Central and Missouri in furtherance of Warners' efforts to regain control of those houses.

Rockefeller Center Claim Case Delayed

(Continued from page 1)

to preside at the hearing following a vacation. Exceptions to the Hoblitzelle Corp's, claim will be heard on the same date.

The scheduled hearings of exceptions to the Broadway & 47th St. Corp., the Fort Worth Properties Corp., and the Hippodrome Corp. claims will be held Friday.

Goldstein to U. A.

Jack Goldstein, who handles advertising and publicity for the RKO theatres in Boston, is understood to be slated for the post of exploitation manager of United Artists. This is the post vacated by Monroe W. Greenthal who has succeeded Hal Horne as U. A.'s director of advertising and publicity.

Giannini in Today

Dr. A. H. Giannini, chairman of the executive committee of the Bank of America, N. A., arrives from Los Angeles this morning and sails at noon on the *Normandie.* It will be his usual, as well as his annual, trip abroad.

Film Grand Coulee Dam

Spokane, July 30.—Films showing construction of the Grand Coulee dam are being made by the Hooper-Connell Prod Co.

Edward F. James, owner of the Roosevelt, Grand Coulee, is responsible for the picture.

AIR CONDITIONING CHARTS

that represent standard practice in air conditioning for motion picture theatres. Practical advice on how to attain the best atmospheric conditions for your house winter and summer. Devised to be put on the wall for constant reference. Available until the supply is exhausted at 25 cents each, payment with order. Write direct to

QUIGLEY BOOKSHOP
1790 BROADWAY NEW YORK CITY

END
THIS SEASON
WITH A
triumph!

AMERICA'S OUTSTANDING PERSONALITY AT HER VERY, VERY BEST!

Read the reviews...see the picture...and you'll know it will topple all her records! She's a dancing sensation, a singing angel There's glorious music, romance, gaiety. Far and away the happiest picture you've ever shown!

Fox Film presents
with pride the
incomparable
child actress—

Shirley TEMPLE

in

"Curly Top"

with

JOHN BOLES
ROCHELLE HUDSON
JANE DARWELL

Produced by Winfield Sheehan
Directed by Irving Cummings
Music by Ray Henderson
Screen play by Patterson McNutt and Arthur Beckhard. Lyrics by Ted Koehler, Edward Heyman and Irving Caesar

YOU HAVEN'T A

BEGIN
THE NEW SEASON
WITH A
smash!

THE MILLIONS WHO LOVED "STATE FAIR" HAVE A GREATER TREAT COMING!

A new, stirring tale of simple folk . . . of epochal sweep . . . deeply moving romance . . . and far more! The old Erie Canal, a world's wonder . . . brawling, boasting boatmen . . . love-making and rivalry . . . throbbing to the pulse beat of the nation's strong young heart. The word is out . . . "TREMENDOUS!"

JANET GAYNOR *and*
HENRY FONDA
in

"The FARMER TAKES a WIFE"

with

CHARLES BICKFORD · JANE WITHERS
SLIM SUMMERVILLE · ANDY DEVINE
MARGARET HAMILTON · ROGER IMHOF

Produced by Winfield Sheehan
Directed by Victor Fleming

Screen play by Edwin Burke. From Max Gordon's stage play. Authors: Frank B. Elser and Marc Connelly. Based on the novel "Rome Haul" by Walter D. Edmonds.

SHOW WITHOUT FOX

"Call of Wild" Is Big Seattle Draw

SEATTLE, July 30. — "Call of the Wild" demonstrated surprising strength at the Orpheum, going to $9,300, above the line by $3,300. It was held a second week.

Total first run business was $34,700. Average is $30,000.

Estimated takings for the week ending July 26:

"HOORAY FOR LOVE" (Radio)
BLUE MOUSE—(950), 25c-40c-55c, 7 days. **Gross:** $3,550. (Average, $4,000)

"SHANGHAI" (Para.)
FIFTH AVENUE—(2,500), 25c-40c-55c, 7 days. **Gross:** $5,400. (Average, $7,000)

"LOVE ME FOREVER" (Col.)
LIBERTY—(1,800), 15c-25c-35c-50c, 7 days. **Gross:** $7,150. (Average, $4,000)

"SANDERS OF THE RIVER" (U. A.)
MUSIC BOX—(950), 25c-40c-55c, 5 days, 2nd week. **Gross:** $2,200. (Average, $4,000)

"CALL OF THE WILD" (U. A.)
ORPHEUM—(2,450), 25c-35c-50c, 7 days. **Gross:** $9,800. (Average, $6,000)

"ORCHIDS TO YOU" (Fox)
"MEN WITHOUT NAMES" (Para.)
PARAMOUNT—(3,050), 25c-35c-40c, 7 days. **Gross:** $3,850. (Average, $5,000)

"Without Names" Is Indianapolis High

INDIANAPOLIS, July 30.—In a week of dull business here "Men Without Names" was outstanding. It grossed $7,500, over the line by $500, at the Lyric. All other spots were below par.

Total first run business was $18,000. Average is $19,500.

Estimated takings for the week ending July 27:

"STRANDED" (Warners)
APOLLO—(1,100), 25c-40c, 7 days. **Gross:** $3,000. (Average, $4,000)

"SHANGHAI" (Para.)
CIRCLE—(2,800), 25c-40c, 7 days. **Gross:** $3,000. (Average, $4,000)

"MEN WITHOUT NAMES" (Para.)
LYRIC—(2,000), 25c-40c, 7 days. Vaudeville. **Gross:** $7,500. (Average, $7,000)

"LOVE ME FOREVER" (Col.)
PALACE—(3,000), 25c-40c, 2nd week, 7 days. **Gross:** $4,000. (Average, $4,500)

Lincoln Appeals in Augusta Paper Suit

LINCOLN, July 30.—In the case of Augusta Paper against Lincoln Theatre Corp., in which Mrs. Paper was given a judgment of $11,754, the defendants have filed a motion in District Court here for a new trial. Mrs. Paper sued on an assignment of a claim from Nick Paper. The suit grew out of a contract made between Paper and the theatre corporation. The court held that the Lincoln Theatre Corp. had not fulfilled the contract.

In the motion for a new trial attorneys for the defendant say that the contract sued upon is contrary to public policy and is unenforceable. The defendants also claim that the plaintiff was not the assignee of the claim sought and not the owner of any equitable interest in it.

Le Roy Suit Settled

CINCINNATI, July 30.—The suit of Hal Le Roy against his father, in progress in Common Pleas Court here last week, was settled out of court, immediately following which the dancer and his wife, the former Ruth Dodd, returned to New York.

Looking 'Em Over

"Dante's Inferno"

(*Wurtzel-Fox*)

Sol Wurtzel set out to produce an eye-filling spectacle and he succeeded. He also set out to pack an extraordinary number of thrills into one picture. In this, he also succeeded. Whether, in doing this, he crowded out some of the human elements of his drama, or interrupted his story, is an academic point that only critics argue about. The box-office will decide between pictorial and story values.

Using the menace of earthly destruction or future damnation for the building of dramatic effects is a favorite device of moralists. How many people are willing to pay to see it presented in striking pictorial form is a question time will answer.

The title refers to an amusement park concession run by Henry B. Walthall. It's a modern story, except for a sequence devoted to the inferno described by Dante. These are like a series of magnificent paintings done in tints. The camera work and the settings are extraordinary, but they add nothing to the story.

Basically, the story is of Spencer Tracy's ruthless struggle for power, once he has been befriended by Walthall, a kindly soul to whom a good deed gives more pleasure than the pursuit of wealth. Tracy takes Walthall's concession in hand, marries his niece (Claire Trevor), and, as the years pass, concentrates his ambition on making a place for his son.

He builds a new "Inferno." A man whom he has pushed aside commits suicide in its fantastic depths. Eventually the structure collapses, engulfing Walthall. It's a magnificent camera job. Walthall is reading a copy of "Dante's Inferno" to Tracy when the hell sequence is introduced. Miss Trevor saves Tracy from conviction for bribing a building inspector, but leaves him.

His pride is jolted, but he goes to sea in a gambling and night club ship with a drunken crew. Alan Dinehart smuggles the son aboard, thinking it will please Tracy. The ship catches fire.

Alone, in the steam-filled, flame-swept boiler room, deserted by its crew, Tracy keeps the engines in reverse until the ship grounds. This is the big punch of the picture. All the symbolism of the preceding sequences becomes manifest. Tracy's soul is transformed, his romance renewed.

Harry Lachman directed. Rudolph Mate did a splendid camera job. The story was by Philip Klein and Robert Yost.

Production Code Seal No. 683. Running time, 90 minutes. "G."

"Dante's Inferno" reopens the Rivoli this morning.

"Smoky Smith"

(*Supreme Pictures*)

Western fans and action lovers will revel in the herculean tasks performed by Bob Steele in this western. His accuracy with a six gun—he fired 26 shots in the picture by actual count and hit his target every time—his horsemanship and, above all, his ability with his fists will amaze.

Steele is traveling with his mother and father in search of a new home when attacked by marauding outlaws. His parents are killed and robbed and he is left to wander and die in the desert. Among the things stolen was a ring of his father's, and when he is rescued he sets out to find the killers. After being deputized by the sheriff he stumbles on the hide-out of the killers and meets Mary Kornman. Romance blossoms, but Steele sticks to his task and after clever sleuthing he uncovers his father's killer and gets his revenge. In the meantime he discovers a large band of outlaws are preparing to wipe out the town he lives in. Organizing the townspeople, Steele meets the bandits in a pitched battle and captures those that aren't killed. The way is then open for the culmination of his romance with Miss Kornman.

Others in the cast who perform well are George Hayes, Earl Richman, Don Dwyre and Horace Carpenter. Robert N. Bradbury directed for speed and action. The photography by Will Nobles is good.

Where westerns are liked this should more than satisfy. Production Code Seal No. 933. Running time, 60 minutes. "G."

"Captured in Chinatown"

(*Stage & Screen*)

This independent effort gets off to a very slow start and picks up little momentum as it works its way to a climax. Several sequences are interesting and full of action but on the whole the film is quite dull. More than half of the characters are Chinese and speak their native tongue, and, as a consequence, the action in the first reel or so is meaningless except to those understanding the jargon.

(*Continued on page* 14)

IATSE Men Vote for Six-Day Work Week

SCRANTON, July 30.—Delegates to the district convention of the I.A.T.S.E. adopted resolutions fixing six days as the work week regardless of whether Sunday shows are adopted. Louis Krause, Washington, D. C., international president, presided.

The resolutions explained that as a means of increasing employment, no member will be allowed to work more than six days. The organization went on record as favoring Sunday openings.

Speakers at the sessions included: Judge M. A. Musmanno, Pittsburgh, author of "Black Fury"; E. J. Tinney, Youngstown, international organizer, and William J. Harrer, Philadelphia, an international president.

Drop Theatre Signs From Bay State Bill

BOSTON, July 30.—The so-called billboard bill, heavily opposed by exhibitors and distributors since its introduction into the legislature, has been reframed so that it will not affect theatres unless a house rents or leases a sign to outside interests for advertising purposes. In this case, a state license fee of $100 would be required. The bill is still being hotly debated in the legislature which called another public hearing Monday.

Scranton Asks for Open Sunday Ballot

SCRANTON, July 30.—The City Council, by unanimous vote, has requested the Lackawanna County Commissioners to place the open Sunday question on the ballot for the coming November election.

The Scranton Council is the first municipal body in Lackawanna County to urge the Sabbath referendum, but others are expected to take similar action within the next few weeks.

Boston Outing Set Soon

BOSTON, July 30.—The annual film district outing, sponsored by the M. P. Post of American Legion, is set for either Aug. 14 or Aug. 23. Exchange managers will, in most cases, combine in giving their employes a half-day holiday. Norumbega Park has been picked as the site. A golf tournament will be held at the nearby Riverside course.

NBC Team Is Defeated

NBC, while still at the top in M. P. League baseball, bowed to Columbia last week, being defeated with a score of 4 to 7. Weinstein's pitching and Bass' catching aided Columbia.

Move Soon in Atlanta

A9. (&9(, July 30.—The local Paramount exchange and Valatenga Theatres, Inc., Paramount theatre partner, move into the new Paramount Building at 150 Walton St., Aug. 1.

Farrell to Providence

PROVIDENCE, July 30.—Richard Farrell, former publicist for RKO, has been appointed manager of the RKO Victory. He replaces William Lovett, resigned.

SENSATION

EASTMAN Super X Film was originally designed for rephotographing projected backgrounds. Yet because of its great speed it also won fame as the negative extraordinary for tough newsreel shots. And now it is being widely used for regular feature production, as well. Offering not only extra speed but generally improved photographic quality, Super X is unquestionably the sensation of the year in 35-millimeter raw film. Eastman Kodak Company. (J. E. Brulatour, Inc., Distributors, New York, Chicago, Hollywood.)

EASTMAN *SUPER X*

PANCHROMATIC NEGATIVE

St. Louis Negroes Row Over Operators

St. Louis, July 30.—A new kind of labor controversy has developed here. Led by the Urban League, a negro organization, negroes are boycotting three theatres patronized by them and also have picketed en masse because white projectionists are employed.

The theatres are the Star, Strand and Criterion. The Central Trades and Labor Union is studying the problem.

In the meantime the theatres have notified their white operators that they are no longer needed.

Copyright Publicity Sought in Wisconsin

Madison, July 30.—The Graass bill to place operation of music copyright agencies under a statewide system, has been introduced in the state legislature. The measure would have the Secretary of State collect from any organization which charges a fee for the use of its copyrighted music an annual license equal to five per cent of its gross receipts in Wisconsin.

The bill would require licensed organizations to file a schedule of charges and the basis for them, salaries and names of officers, a copy of agreements with original composers, a list of copyrighted music pieces and other information.

It was drafted at the request of the American Society for the Advancement of Public Music, a Milwaukee civic, non-profit organization, and is aimed at ASCAP.

Indianans Urged to Seek Theatre Limit

Indianapolis, July 30.—Associated Theatre Owners of Indiana is recommending to its members that they seek passage of ordinances in their towns limiting the number of theatres to certain percentages of population.

The action is the result of an item appearing in Motion Picture Daily which told that Sturgeon Bay, Wis., had adopted an ordinance limiting theatres to one for each 5,000 of population.

Rosenblatt Resigns From Buying Job

Leon Rosenblatt, New Jersey and Staten Island circuit operator, has resigned as chairman of the New Jersey Cooperative Buying Committee which was formed some time ago for the pooling of independent houses across the Hudson. He will continue on the committee, but without title. No successor has been appointed.

Bogus Bills Hit N. H.

New Haven, July 30.—Counterfeit one dollar bills have made four appearances in the past week at the Paramount. All were recognized by Marie Hagener, cashier, and turned over to Secret Service men.

George Reising, assistant manager, has had trouble with women presenting them for admittance. Counterfeit or no, the customers have protested violently against losing their bills, and want either Reising personally or the government to reimburse them.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Without Regret"

(Paramount)

Hollywood, July 30.—A sophisticated drama of tangled romance, this, when properly edited, should result in satisfactory entertainment for specialized audiences. Basically it is serious in character with comedy contrast filling a meager function. Yet certain situations, the intent of which are evidently to heighten dramatic tenseness, were so obvious that they moved a preview audience to levity rather than impressing it with the desired objective.

In content the story concerns the marital experiences of Elissa Landi. To escape the threatened ravages of Chinese banditry she marries Soldier of Fortune Kent Taylor. He is reported dead and years later Miss Landi is the wife of Paul Cavanagh, an eminent British surgeon. As resultant publicity makes Miss Landi a public figure it is discovered that Taylor is still alive. Simultaneously, Frances Drake, Taylor's erstwhile paramour, starts to blackmail Miss Landi. As the situation is complicated, Kent gets wind of what is going on and kills Miss Drake, making it appear that either Cavanagh or Miss Landi is guilty. In the climax, as the pair is about to be arrested, Taylor, knowing that he has but a few months to live, confesses.

The story content, which makes available wide showmanship latitude, seems to be the best selling medium.

Miss Landi, Cavanagh, Taylor and Miss Drake are convincing in their roles. Harold Young's direction from the stage play "Interference," with the screen play by Doris Anderson and Charles Brackett, strives to retain the full, emotion-stirring sock. A drive to interest adult feminine patronage should keynote the publicity campaign. Reviewed without production code seal. Running time, 75 minutes. "A."

"Pursuit"

(M-G-M)

Hollywood, July 30.—This is just one hilarious, breath-taking chase from start to finish through unexpected situations with no letdowns except for plenty of laughs.

Sally Eilers, private girl detective, hires down-and-out Chester Morris to fly child Scotty Beckett across the Mexican border to his mother, Dorothy Peterson, who stands to lose the child through no fault of her own to her dead husband's family. Morris suspects a kidnapping and, while he and Miss Eilers argue, little Beckett pushes the throttle and the plane careens over the field with Morris clinging on the fuselage. The ship is wrecked as the cops arrive and chases follow with some of the wildest driving seen on any screen. There is plenty of distrust between Morris and Miss Eilers with double-crossing on all sides for the huge reward and lots of threatened death and disaster.

Young Beckett ranks among the best child actors with this performance and Henry Travers gets howls of delight as a dim-wit hick who steals the child. Miss Eilers and Morris give good accounts, as do C. Henry Gordon, Granville Bates, Minor Watson, Harold Huber, Dewey Robinson and Erville Alderson. Edwin Marin directed for speed and thrills. Lucien Hubbard and Ned Marin produced from an excellent screen play by Wells Root from the story by Lawrence Blochman.

Bill this one for tense chases and clever comedy. Reviewed without production code seal. Running time, 62 minutes. "G."

RKO Set in West Indies

RKO has closed a deal for distribution of its entire 1935-36 lineup, including shorts, by the British Colonial Film Exchange, Ltd., for distribution in Trinidad, Barbados, Demerara and surrounding islands in the British West Indies.

W. P. Humphreys of British Colonial came to New York to agree on terms at the home office.

Hold Show at Capitol

For the first time in the history of the Capitol a stage show will be held over Friday without continuing the film attraction. Lou Holtz and Sophie Tucker head the stage bill, while "The Man on the Flying Trapeze" will replace "The Murder Man."

Delay March of Time

March of Time is to be delayed to the middle of the month by RKO. The first issue under RKO distribution will be Aug. 16, instead of on the 2nd of the month, as in the past, according to Jules Levy. This will maintain a balance in the short subject schedule, Levy says.

Walter Green Gaining

Walter Green, Ross Federal Service executive, is recuperating from an emergency appendicitis operation at the Park West Hospital. His condition yesterday was reported as fine and he is expected to be discharged in about 10 days.

Short Subjects

"Basketball Technique"

(M-G-M)

This one-reeler shows the basketball stars of Fordham, Iowa State and U. C. L. A. in their trick plays and uses these stars to illustrate the fine points of the game. This short should have particular appeal in the mid-west where the game is so popular, but it will please anywhere. Pete Smith does the off-screen dialogue in his usual competent—and at times humorous—manner. Recommended. Production Code Seal. No. 1011. Running time, 8 mins. "G."

"Historic Mexico City"

(FitzPatrick-M-G-M)

This Traveltalk covers ground that has been gone over many times before, but this time it makes use of Technicolor and the results in many cases are breathtaking. The native music, played by the Mexico City Police Orchestra, accompanies the pictorial scenes and is a great asset to the film. Where this type picture is liked this one should do very well. Production Code Seal, No. 0420. Running time, 9 mins. "G."

'Wings Over Mt. Everest'

(Educational)

This two-reel short is a pictorial record of flight over Mt. Everest by a group of British aviators and explorers. It is packed with scenes of panoramic beauty, shots of the Himalayan mountains taken from a height of 30,000 feet. The forbidden range is seen probably as never before and its austerity is caught by the camera in all its snowy emptiness.

The reel opens with brief views of the preparations, then switches to the flight itself and closes with the return. Lowell Thomas does the narration.

Where reels of this type are liked this one should more than click. It should please anywhere, however, because of the scientific nature of the contents. Highly recommended. Reviewed without production code seal. Running time, 20 mins. "G."

"The Foxy Fox"

(Educational)

This Terry-Toon is a burlesque of fox hunting and the general hub-bub that accompanies this sport. In the cartoon manner the preparations and hunting are done with comic relief and, as cartoons go, should be well received. The plot concerns a race between a fox that prepares for the hunt like a boxer and the hunt which ends up with the fox beating the hounds across the finish line, after which he retires to prepare for another race. Production Code Seal No. 0530. Running time, 6 mins. "G."

"Dog Days"

(Educational)

This short should appeal to the great and varied audience who are dog lovers. Wire-haired and fox terriers are shown going through their paces and the accompanying dialogue speaks of their history and breeding. their uses and accomplishments. Many fine specimens including international champions are shown. Production Code Seal No. 0557. Running time, 6½ min. "G."

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

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New Hammond Sound Device Nearly Ready

Automatic Variation of Tone Is Objective

By M. B. ANGIER

GLOUCESTER, Mass., July 31.—Automatic variation of sound to make it nearer perfection than anything yet achieved is the aim of a device upon which John Hays Hammond, Jr., is working at his estate here. He calls it a "Dynamic Multiplier System."

When it has reached its ultimate development, he hopes, it will be a small device that can be attached to a reproducer. For exhibitors using small sized units the price may not be more than $15.

First units to be put out, however, will be for the more expensive machines.

Hammond has been working on the device for about seven years. He has 18 patents and expects the total to reach 30. He aims to apply the improvement to both recording and re-

(*Continued on page* 7)

Detroit First Runs To Increase Scales

DETROIT, July 31.—Local first runs are expected to boost their admission prices approximately 50 per cent on or about Sept. 15. Definite announcement of the raise has not been made, but MOTION PICTURE DAILY learned today that plans are under way to put the increase into effect as soon as the warm weather is over.

This would mean that the Michigan, Fox, United Artists, now charging 55 cents, would go to 75 cents, while the State, Adams and Fisher would raise from 40 cents top to 55 cents.

A move is on foot among subsequent runs to hike their prices when the big houses boost theirs.

Say Bank Is Asking $80,000 House Rent

City Bank Farmers Trust Co. is understood asking an annual rental of $80,000 for the new theatre which will replace the Criterion and Loew's New York. Both Loew's and RKO have turned down offers for the new house. A syndicate headed by Sherman Krellberg, Joseph Plunkett and Myron Robinson is negotiating for the house. This group recently leased the Astor from the receivers and will reopen the house with "The Crusades" on a two-a-day policy on Aug. 21.

Independents Join Here To Fight Major Circuits

Form 72-Theatre Circuit; 60 Other Operators Study Project

By BILL ORNSTEIN

Initial moves by independents to buck Loew's, RKO and Warners in Greater New York took place yesterday at a meeting of the I.T.O.A. at the Astor when Milton C. Weisman, attorney for the unit, announced the formation of Independent Theatre Circuit, Inc.

Approximately 72 theatres signed up at the session and operators of more than 60 houses asked for additional time to consider the plan. Weisman estimated that exhibitors signing have pledged $100,000, in return for which stock in the new company will be given.

Under the pooling plan each theatre will receive an income for the next three years equal to the average year's earnings for the past two years. With the turning over of the properties are options by the newly formed company to take over the houses for an additional four years with a guaranteed income of four times the average earnings.

Where theatres have been losing money, the circuit will operate on a

(*Continued on page* 2)

Laemmle Again Denies Any Move To Sell His Control of Universal

Hollywood, July 31.—Revived reports that Carl Laemmle was about to sell control of Universal to "another major film company" today were again scotched when Laemmle declared he had turned down the most recent of five offers. Local reports credit the latter day bid to Warners acting through Charles R. Rogers, who vehemently denies his alleged role as "go-between" and insists he knows nothing about any such transaction.

On the other hand, Laemmle admits he had been approached again with "an offer of tempting millions," but that he rejected it emphatically. "I have been active in this business longer than any of my competitors and I admit being sentimental about it," he declared. It is understood Rogers was slated for an important production post if the deal was closed. Currently, he is a producer for Paramount.

Fox Quarterly Net Is Up to $1,355,781

Fox Film Corp. reports a consolidated net profit for the 26 weeks ending June 29, after all charges including Federal income tax, of $1,355,781. This compares with a net for the same period last year of $1,199,241.

For the quarter ending June 29, the net after all charges including Federal income taxes, was $738,974, compared with a first quarter profit of $616,806, and a profit of $393,865 for the second quarter of 1934.

This amounts to 55 cents per share

(*Continued on page* 18)

Pathe Trades Big Block of Du Pont Stock

Pathe yesterday sold to E. I. Du Pont de Nemours Corp. 1,400 shares of the capital stock of Du Pont Film Mfg. Corp. at a price of approximately $1,140 per share. The sale reduces Pathe's Du Pont stock holdings to 3,500 shares, representing a 35 per cent interest in Du Pont as compared with the 49 per cent interest previously held.

The sum of $1,500,000 of the $1,596,000 proceeds from the sale will be used by Pathe for reduction of a $2,000,000 loan from Bankers Trust Co.,

(*Continued on page* 18)

Senators to Probe Into Bankruptcy of Paramount

By CLARENCE LINZ

WASHINGTON, July 31.—Paramount reorganization, yesterday discussed by Representative Sabath of Illinois in a speech in the House, today was spotlighted in the Senate with announcement by Senator McAdoo of California that the special committee investigating bankruptcies, of which he is chairman, will make a study of the matter in New York in December. While it has been generally expected that both House and Senate special committees would dig into the Paramount reorganization, definite plans had not heretofore been divulged.

Senator McAdoo will take his committee to Los Angeles in November for a continuance of studies of oil

(*Continued on page* 18)

Forty Seek Trade Practice Rulings

WASHINGTON, July 31.—Revealing that approximately 40 applications for trade practice agreements are now pending, the Federal Trade Commission today made public an explanation of the manner in which it will classify the rules to be incorporated in voluntary codes. As in the past, the commission will classify such rules in two groups.

"The unfair trade practices which are embraced in Group 1 rules are

(*Continued on page* 2)

Accountants Study Fox for Committee

Accountants employed by the Fox stockholders' committee of which L. T. Pidwell is chairman are scheduled to make a preliminary report to the committee late today on the financial aspects of the proposed Twentieth Century-Fox merger. It was stated by Henry L. Sperling, attorney for

(*Continued on page* 18)

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Forty Seek Trade Practice Rulings

(*Continued from page* 1)

considered to be unfair methods of competition within the decisions of the Federal Trade Commission and the courts, and appropriate proceedings in the public interest will be taken by the commission to prevent the use of such unlawful practices in or directly affecting interstate commerce," it was stated.

The Second Group

"The trade practices embraced in Group 2 rules do not, per se, constitute violations of law. They are considered by the industry either to be unethical, uneconomical or otherwise objectionable; or to be conducive to sound business methods which the industry desires to encourage and promote. Such rules, when they conform to the above specifications and are not violative of law, will be received by the commission, but the observance of said rules must depend upon and be accomplished through the cooperation of the members of the industry concerned, exercised in accordance with existing law. Where, however, such practices are used in such manner as to become unfair methods of competition in commerce or a violation of any law over which the commission has jurisdiction, appropriate proceedings will be instituted by the commission as in the case of violation of Group 1 rules."

Independents Join Here to Fight Majors

(*Continued from page* 1)

three months' trial, during which time a special arbitration committee, which is to be set up, will decide whether to retain or drop the houses. Transfer of the properties is scheduled to take place within the next three weeks.

Officers and directors of Independent Theatre Circuit will be elected today, Weisman stated. Officers will be located in the same building where Weisman is situated.

Payments to exhibitors joining will be made on a monthly basis. The present management of individual theatres will remain intact, subject to removal by the board of directors, which will have the right to change operators.

Year End Goal 200 Houses

Weisman yesterday was offered the presidency of the new circuit at $1,000 a week, but turned it down. He stated he was a lawyer and could not devote the time required.

Sponsors of the plan hope to have 200 theatres signed up by the end of the year with an annual buying power of $3,500,000. Exhibitors lining up with the circuit must continue as members of the I.T.O.A., it was stated. The unit will act as guardian because of its manpower, Weisman said.

Among those who have already signed are Maurice Fleischman, John Benas, Maurice Brown, Bernard Barr, David Davis, Bernard Pear, Rudolph Sanders, Edmund Mantell and Louis Schiffman. Exhibitors studying the plan and who are expected to sign within the next few days include Harry Brandt, the Leff & Meyers circuit, Nelson & Renner, Jack Hattem and M. Strassberg.

Independent Theatre Circuit will not limit its operations to New York. Activities also will be extended to New Jersey.

Schiffman, Fleischman, Davis, Al Cooper and M. Travers were appointed as a special committee to begin work on details for taking over theatres.

Brandt Expansion Continues

Meanwhile Brandt is continuing expansion moves. He is building three 600-seat theatres in the Bronx and expects to open them for the 1936-37 season. The trio are being constructed at 170th St. and the Concourse, 167th St. and Sheridan Ave., and Burnside Ave., west of the Concourse. He has just taken over the Inwood, Inwood, L. I., from Morris Kutinsky, but will not assume operation until Sept. 1. Fox Metropolitan has turned back to him the Stratford, Brooklyn, which was closed a few days ago by Randforce. Brandt will reopen the Brooklyn house on Aug. 15. He will reopen the Clifton, Brooklyn, formerly the Pastime, today; the Park, formerly the Cosmopolitan, in Columbus Circle, next Tuesday, and the Colony, Jackson Heights, on Aug. 8.

Brandt is dickering for a number of other units to add to his circuit of 42 and expects to close several deals within the next week or so.

Wall Street

Warner Issues Gain on Big Board

	High	Low	Close	Net Change
Columbia	72	70	71¾	+ ½
Consolidated	4	4	4	.....
Cons., pfd	16⅛	15¾	16	+ ¼
Eastman	147⅞	147	147¾	— ¼
Fox	15¾	15⅛	15¼	— ¼
Loew's	40	38⅝	40	+1
Loew's, pfd	105	105	105	.....
Paramount	4¼	4⅛	4¼	.....
Pathe	¾	¾	¾	.....
Pathe "A"	11¾	10¼	11⅝	+ ⅞
RKO	2½	2⅜	2⅜	.....
Warner	5⅛	5	5⅛	+ ⅛
Warner, pfd	39	37½	39	+1½

Technicolor Up 1 on Curb

	High	Low	Close	Net Change
Technicolor	21⅞	20¼	21	+1

RKO Bonds Best Advance

	High	Low	Close	Net Change
General Theatre 6s '40 ctf........	14¼	13	14¼	+1¾
Paramount F. L. 6s '47	98⅜	98⅜	98⅜	+ ¼
Paramount Publix 5½s '50	100	100	100	+ ¼
RKO 6s '41 pp..	50	46	50	+5
Warner Bros. 6s '39 wd	80	76⅛	80	+4

(Quotatios at close of July 31)

Independents Form N. O. Booking Group

NEW ORLEANS, July 31.—Twenty independents have formed Allied Exhibitors, Inc., as a buying combine to oppose United Theatres.

Henry Lazarus is president, with Lyal Shields as secretary, Morris Wengrain as treasurer and Al Dudenhefer, formerly with Fox, as acting buyer. The organization will cover Louisiana, Mississippi and Alabama houses.

K. C. Men to Build 1,500-Seat Theatre

KANSAS CITY, July 31.—A new theatre at 63rd and Wyandotte Sts., rumored as long as six months ago, has been announced as a definite project.

Harry Jacobs and associates, under the name Jacobs Realty Co., have purchased the site. Plans call for a 1,500-seat house to cost $100,000.

Rumors several months ago were that Fox Midwest would operate. Harold S. Bradley, who arranged the sale to Jacobs, said that the owners had been approached by two or three operators regarding a lease, but no definite arrangements have been made.

The first suburban run Fox Plaza, the Fox Waldo and Washington, and W. D. Fulton's Southtown are the three houses closest to the new project.

John G. Robinson Dead

CINCINNATI, July 31.—John G. Robinson, 3rd, age 62, died here as a result of a chronic throat ailment. He was a onetime circus operator, but retired in 1916 to train animals for motion pictures. He was the second associate member of local Variety Club to die in the last week, the other having been George F. Schotte, who passed away last Friday.

Robinson is survived by his widow, a son and two daughters.

I.T.O.A. to Dance Aug. 27

The I.T.O.A. will hold a dinner and dance at Villepigue's Inn, Sheepshead Bay, on Aug. 27.

"Scoundrel" Only Hit in Los Angeles

LOS ANGELES, July 31.—Cooler weather failed to help grosses. Only one attraction, "The Scoundrel" at the 4-Star, demonstrated any strength. It reached $6,796, over normal by $3,546.

"Nell Gwyn" was a disappointment at the Filmarte, getting only $1,100, and "She" failed to demonstrate strength at the Hillstreet and Warners' Hollywood.

Total first run business was $63,869. Average is $75,700.

Estimated takings for the week ending tonight.

"CALL OF THE WILD" (U. A.)
"SILK HAT KID" (Fox)
CHINESE—(2,500), 30c-55c, 6 days. **Gross:** $9,897. (Average, $12,500)

"NELL GWYN" (U. A.)
FILMARTE—(800), 40c-50c, 7 days. **Gross::** $1,100. (Average, $2,750)

"SCOUNDREL" (Para.)
4 STAR—(900), 30c-55c, 6 days, 2nd week. **Gross:** $6,796. (Average, $3,250)

"SHE" (Radio)
HILLSTREET—(2,700), 25c-40c, 6 days. **Gross:** $8,400. (Average, $8,000)

"CALL OF THE WILD" (U. A.)
"SILK HAT KID" (Fox)
LOEW'S STATE—(2,500), 30c-55c, 6 days. **Gross:** $9,676. (Average, $14,000)

"SHANGHAI" (Para.)
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: F. & M. revue, Rube Wolf and his orchestra. **Gross:** $16,500. (Average, $18,000)

"SHE" (Radio)
WARNER BROS. (Hollywood)—(3,000), 25c-40c, 6 days. **Gross:** $8,600. (Average, $14,000.

"MAD LOVE" (M-G-M)
"MANHATTAN MOON" (Univ.)
PANTAGES—(3,000), 25c-40c, 7 days. **Gross:** $2,900. (Average, $3,200)

New German Concern To Aid Film Exports

WASHINGTON, July 31. — The Deutsche Filmexport G. m. b. H. has been established in Berlin in cooperation with the German Film Credit Bank, according to a report from Assistant Trade Commissioner Rolland Welch, in Berlin, to the U. S. Department of Commerce. The object of the new company is to increase exports of German films.

The company intends to expand business relations between German film producers and foreign distributors and to help by granting of credits the German producers, especially the smaller ones. The company's capital amounts to 100,000 marks.

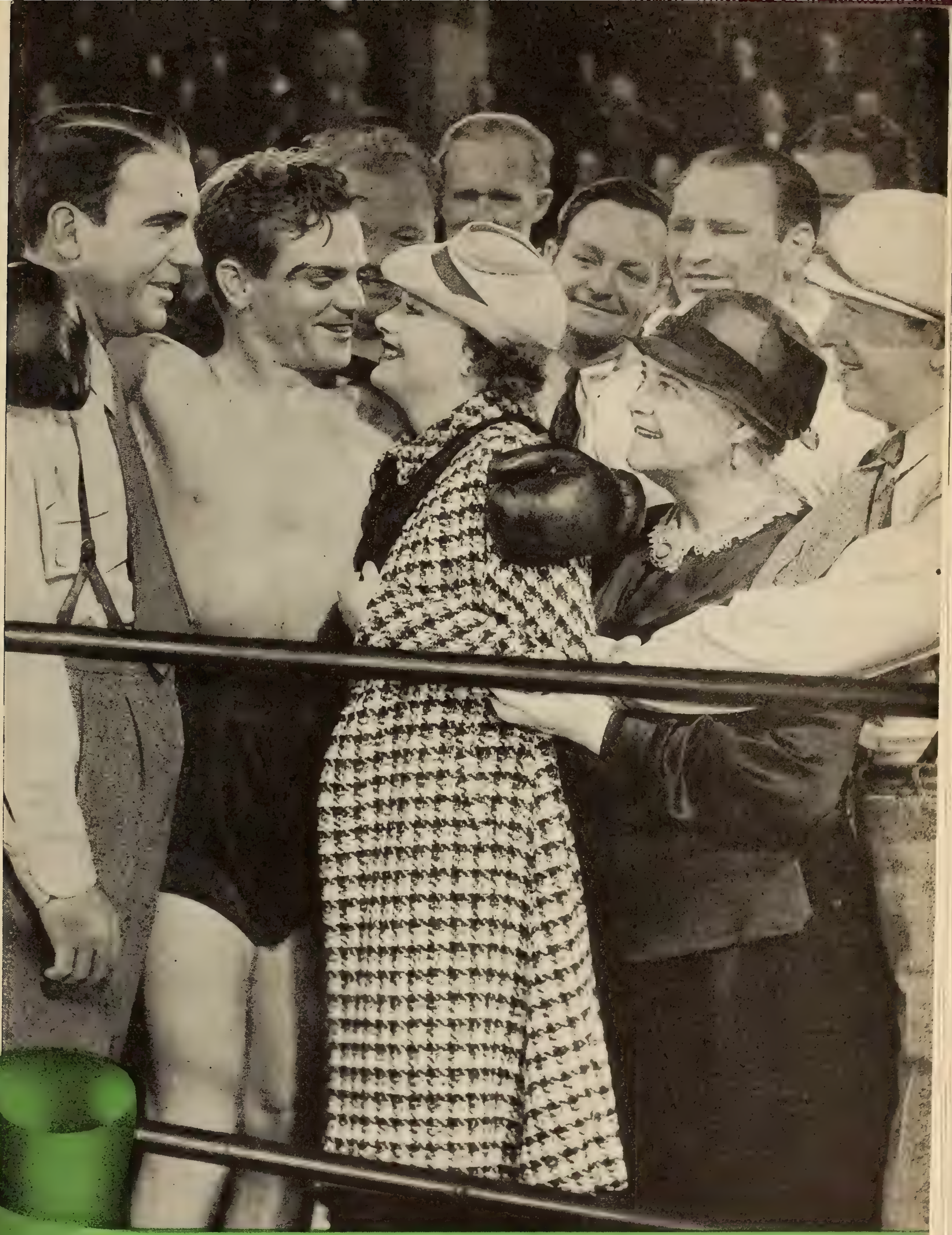
Founders and partners of the new company are the General Ass'n of Film Producers and Distributors and the National A'ssn of Film Institutions and Producers of Cultural Films.

The Federal Film Chamber, the Ministry of Propaganda and leading private banks are members of the board of Deutsche Filmexport.

According to recent reports, between 20 and 30 German films have been made available.

Cukor-Thalberg Deal

HOLLYWOOD, July 31.—Irving Thalberg today signed a contract whereby George Cukor will direct one picture a year for M-G-M, the arrangement having been made by agreement with David O. Selznick who recently signed the director on a long-term contract. Cukor's first will be "Romeo and Juliet."



THE PICTURE OF THE WEEK

Because it gives Jimmy "G Man" Cagney another chance to swap punches with his "Navy" pal Pat O'Brien . . . because it boasts those two hilarious fun-makers, Allen Jenkins and Frank McHugh . . . because it carries that lovely new-comer, Olivia de Havilland, further toward stardom's heights . . . and because it introduces the "grandest of all screen mothers," Mary Gordon . . . Warner Bros.' **"THE IRISH IN US,"** directed by Lloyd Bacon, wins this week's screen honors by a knockout. A First National Picture. Released August 3rd.

French Start Move for New Films' Setup

By PIERRE AUTRE

PARIS, July 15.—First steps toward the reorganization of the French industry have been taken with the formation of the Union des Distributors and the subsequent creation of the Comite du Film, the latter made up of producers, distributors and exhibitors. The only ones not in the new group are Pathe-Natan and Gaumont (GFFA).

Producers group themselves into an association with an organization committee which includes: Felix Gandera, Marcel Pagnol, Frogerais, P. J. de Venloo and Jean Corret. They will lay out a plan for the Union Syndicale des Producteurs de Films, and the committee will confer with the committees of the Union des Distributeurs and the Union des Chambres Syndicales Francaise des Theatres Cinematographiques (exhibitors' association), so that, if it is necessary, they may, together with other organizations, be a part of an official body to deal with the government.

It was agreed at a meeting of these groups that the Comite du Film board should include: Alexis Fougeret, Felix Gandera, Henri Klarsfeld, manager of the Paramount French branch; Georges Louran, manager of Films Sonores Tobis; Raymond Lussiez, president of the French Exhibitors' Ass'n.; Edmond Ratisbonne, P. J. de Venloo, producers and distributors.

All of the French branches of American companies are a part of the distributors' association. The old Chambre Syndicale Francaise de la Cinematographie has been left out of the new movement.

The first action of the Comite was to publish a standard contract, elaborated by the distributors' and exhibitors' associations, although the work had been started by the Chambre Syndicale.

A move was also made to limit low admission prices. Except in the summer, seats will no longer be less than three frances (20 cents) in first runs in the districts and provincial theatres, and two francs (about 16 cents) in subsequent runs. Film rentals also are to be studied.

The group has also started a fight against the Omnium des Spectacles, subsidiary of Pathe-Natan, which books full programs for 152 houses, among them 60 owned by Pathe-Natan and 91 owned by independents.

* * *

Looking toward the formation of an International Film Chamber, representatives of film organizations in 20 European countries have held a meeting in Munich and another is scheduled for Venice Aug. 21. The organization will be confined to Europe and will concern itself principally with quota problems.

* * *

Tax problems are still a live topic throughout France. In three months two or three French governments have promised reductions, but nothing has come of it. The latest agreement which, it is hoped, will be put into effect by edict during the Parliamentary recess, calls for a 20 or 25 per cent reduction in the state tax, and may take 25 per cent of the net receipts. Taxes on music halls, variety halls and other forms of entertainment may be cut 50 per cent.

Legitimate theatres pay only two per cent in state taxes.

Town councils will be permitted to reduce pauper taxes to five per cent. At present 10 per cent is paid. It is expected that the Municipal Council in Paris will grant this reduction.

Publication of the decree has been delayed by an amendment from Deputy Lafont, now Minister of Public Health, which provides that theatres showing certain quotas of French pictures should receive special reductions in taxes. This amendment is being opposed.

Looking 'Em Over

"After the Dance"

(Columbia)

Someone probably reminded Columbia that George Murphy was discovered in a Broadway smash musical and that he could really sing and dance. The result of that reminder appears to be this picture, but someone got sidetracked and the result is a mediocre, unpretentious effort whose only redeeming feature seems to be Murphy.

There are several scenes where he demonstrates the dance steps that elevated him to Broadway stardom and these are almost compensation enough for sitting through the entire film. Audiences will undoubtedly comment on his performance and particularly his dancing exhibition and so it would be well to play up this angle of the picture.

The story has Murphy arrested for manslaughter at the height of his career as a Broadway performer. Thelma Todd is implicated in the crime, but refuses to help Murphy so he is sent to the penitentiary. After a short time he escapes, however, and finally teams up with Nancy Carroll in another night club. Love blossoms between the two, but Miss Todd again enters to spoil everything. The end has Murphy going back to jail with Miss Carroll promising to wait for his release.

This should fill the bill on dual programs, but it might have trouble standing alone. Production Code Seal No. 1043. Running time, 70 minutes. "G."

"The Student's Romance"

(Associated British Pictures)

LONDON, July 19.—From the operetta, "I Lost My Heart in Heidelberg," a costume musical in which the background is the German student life of legend. Musical numbers are bright and the story values are very fair. Production is not too highly finished in costume and other details. It is a program effort of medium quality.

Max Brandt, musician-student at Heidelberg in 1725, falls in love with a pretty girl without knowing that she is a princess. Veronika, landlord of Max's inn, pays his debts without his knowledge. Helene, the princess, believes that Max is living on the inn-keeper, and in a revulsion of feeling consents to a marriage of convenience. When she learns the truth she breaks away from the court and joins Max in a procession of singing students.

Grete Natzler and Patric Knowles are the leads and Carol Goodner puts up an excellent performance as Veronika. Running time, 78 minutes. "G." ALLAN

"The Irish in Us," which opened at the Strand yesterday morning, was previewed by wire from Hollywood on July 11.

"Curly Top," this morning's opener at the Radio City Music Hall, was reviewed from Hollywood by wire on July 16.

"The Man on the Flying Trapeze," opening tomorrow morning at the Capitol, was reviewed by wire from Hollywood on June 29.

"Every Night at Eight," tonight's preview at the Paramount, was reviewed by wire from Hollywood on July 27.

"Mad Love," also being previewed tonight at the Roxy, was reviewed by wire from Hollywood on June 29.

Boot to Hollywood

LONDON, July 31.—Charles Boot, chairman of Pinewood Studios, will sail for New York and Hollywood on the *Bremen*, accompanied by his wife. He is after technical information.

Buckley Has Plans To Enter Producing

Chris Buckley, Albany exhibitor who last week sold his interest in the Harmanus Bleecker Hall and the Leland in that city, plans to enter production, drawing on his 16 years of experience in exhibition as his qualification for such a post. He was in New York yesterday, but declined to comment on the organization he anticipated joining.

Mass. Senate Kills Tax

BOSTON, July 31.—A proposal for a 10 per cent surtax on corporate and individual taxes in Massachusetts has been killed in the Senate by 20 to 12 after a brief debate. The measure had previously passed the House. Governor Curley stated that unless the bill is reconsidered, he will send a demand message and keep the Legislature in session.

Short Subjects

"Armies of the World"

(Fox)

This latest member of the Adventures of the News Cameraman series is far below the average set by preceding members in the series. It lacks the thrills and entertainment packed in the other reels of this group. The basic idea is good, particularly at this time, but the reel unfolds and discloses merely a series of shots of soldiers of practically every country of the world parading. It appears that most of these scenes were clipped from old newsreels and are old stuff to audiences. Reviewed without production code seal. Running time, 9 mins. "G."

"Radio Rascals"

(Educational)

Evidently aimed at cashing in on the present popularity of amateur hours in theatres and on the air, this short suffers from comparison with others of the type. Austin Fairman, Elmira Sessions, the Mountain Melodeers and Ruth Denning contribute bits toward the film's entertainment but those five colored youngsters, the Cabin Kids, carry the film. Production Code Seal, No. 0475. Running time, 10 mins. "G."

"Dame Shy"

(Educational)

Sailors on shore leave make up the humdrum plot. Tom Patricola and Buster West starting from the brig of a battleship go through an assortment of slapstick situations and entanglements with superior officers, taking their girls and windup after much of the Patricola type of dancing by being ejected from a cafe and so back to the brig. Fairly entertaining. No code seal. Running time, 15 mins. "G."

Dr. Ernst Schwarz Is Made Agfa Head

Dr. Ernst Schwarz, chairman of the executive committee of Agfa Ansco Corp., has been elected president of the company to fill a vacancy existing for about a year past, it was stated by representatives of the company yesterday.

Dr. Schwarz, who maintains offices both here and in Binghamton, will continue as chairman of the executive committee. Herman A. Metz was the last president of Agfa Ansco.

Texas Pari-Mutuel Ruling Off to Fall

DALLAS, July 31.—Pari-mutuel betting, new exhibitor worry, is in a state of draw in the courts.

The Supreme Court, considering applications for review of two exactly opposite lower court rulings, has left each decision in statu quo until the reconvening of the court after the summer vacation.

Lawton Takes Wallack

Frank Lawton, who operates the George M. Cohan, has taken over the Wallack and will reopen it next month. Restrictions by the fire department have been removed

12
11
10
9
8
"EVERY NIGHT AT EIGHT"

NOW IS THE TIME

for motion picture theatres all over the country to cash in on the popularity of amateur radio programs.

TO BOOK PARAMOUNT'S "EVERY NIGHT AT EIGHT"

The screen's first dramatization of the current craze for amateur radio programs.

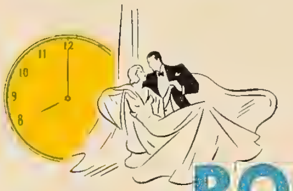
SEE NEXT PAGE

"EVERY NIGHT AT EIGHT"

A PARAMOUNT PICTURE

starring **GEORGE RAFT** and **ALICE FAYE**

with Frances Langford · Patsy Kelly · The Three Radio Rogues
Walter Catlett · Directed by Raoul Walsh · A Walter Wanger Production



ROMANCE

by GEORGE RAFT, FRANCES LANGFORD and ALICE FAYE, Raft at his best

SONGS

by FRANCES LANGFORD, C.B.S. headline singer and screen's newest sensation

LAUGHS

by Patsy Kelly, Walter Catlett, The Three Radio Rogues and Florence Gill

DIRECTION

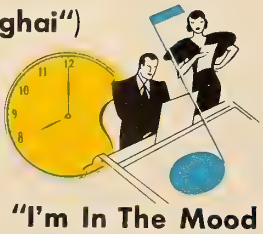
by Raoul Walsh (who directed "Cock-Eyed World" and "The Bowery")

PRODUCTION

by Walter Wanger (who produced "Private Worlds," "Shanghai")

STORY

by Gene Towne and Graham Baker



MUSIC

6 BIG HIT SONGS: "I'm In The Mood For Love", "I Feel A Song Comin' On", "Take It Easy", "Speaking Confidentially", "Then You've Never Been Blue", "Every Night At Eight" by Dorothy Fields and Jimmy McHugh, who wrote "I Can't Give You Anything But Love, Baby", "Thank You For A Lovely Evening."

New Hammond Sound Device Nearly Ready

(*Continued from page* 1)

producing. In his experiments Hammond has been aided by RCA and RKO engineers. Ellison Purington has been the engineer in charge. Because of his close affiliation with RCA and RKO Hammond indicated that he does not intend to form a new company to market the system. It has already proved itself, he says, in the Bell Laboratories, in Madison Square Garden, in film theatres, and has been demonstrated to musical celebrities.

Two elements are contained in his invention, Hammond revealed. The first automatically changes the amplifier so that it varies according to the intensity of the recording. The second changes the filtration, so that when high frequencies occur in the recording, the system automatically allows these to pass through. When there are no high frequencies, the system stops of its own accord all parasitical noises from being heard.

"The first element gives life," Hammond pointed out. "The second gives variety to tone color."

Chapel Is Testing Ground

He demonstrated the system in the stone chapel of his place on the North Shore, using records. Instead of performing like the usual amplifier system that amplifies at the same maximum, no matter what the subject matter, this system dropped to pianissimo when the music softened and blasted forth, crystal clear, when the music arose to fortissimo. Then Hammond switched out his device. The usual scratching and static background was evident. The device had not only automatically adjusted the amplification to the sound itself, but it had eliminated most of the surface noise.

"As you know, I have always hated canned music and canned voice," wrote Ethel Barrymore to Hammond after a similar demonstration. "Since hearing your 'Dynamic Amplifier,' I am forced to entirely readjust myself. And do let me tell what a marvelous thing you have—what it will mean to the speaking film seems to me incalculable."

"All that I can say now is this," wrote Ramon Novarro. "You not only have reproduced nature — you have improved it."

Claims It Is Different

The main point of his invention, Hammond explains, is that it gets away from present systems in which amplification is linear—at a constant degree, that is. Instead of being held within certain limits, the "Dynamic Multiplier" contracts and expands to automatically give actual ranges of sound that occur in life.

The new sound system will be of particular value in recording, also, its originator states. For one thing, it may be used so that the sound apparatus will pick up only noises on the immediate set. If an aeroplane should happen to pass by at a distance, this would not affect the film. Furthermore, the device would discriminate among sounds of certain low intensities. The value of these possibilities is self evident.

It could also be used in editing film and in renovating old film. As the film is being screened a new sound track may be made. The original track may be modified or increased at any point. Any mistakes in the original may be corrected in the second print. By this method, re-editing is simple. Films will be insured of longer life, in addition.

Musical films will be especially benefited by the "Dynamic Multiplier," Hammond believes. It will also aid the phonograph industry, he is convinced. Because it would emphasize such phenomena as fading, he is skeptical of its value to radio, however.

"The system incorporates a listening circuit that listens to the record as the men in an orchestra watch the leader," Hammond summed up. "When the signal comes, it automatically energizes or softens, as the case may be, whereas present systems remain at a constant degree. The 'Dynamic Multiplier' gives discriminating amplification."

Hearing for Katz's Claim Set Sept. 18

A hearing on exceptions to Special Master John E. Joyce's report recommending disallowance of Sam Katz's $281,000 claim against Paramount was tentatively set for Sept. 18 after being referred to Federal Judge Alfred C. Coxe by the U. S. District Court here yesterday.

In his report Joyce held that Paramount could not be held liable for the unexpired portion of its contract with Katz. The outcome of this ruling is believed to have a bearing on similar claims filed against Paramount bv Jesse L. Lasky and Sidney R. Kent.

Commonwealth Expands

Kansas City, July 31. — C. A. Schultz of Commonwealth Theatres, Inc., says Commonwealth has taken over the Dreamland, 675-seat house at Herrington, Kan. C. L. McVey, who operated the house previously on an individual basis, will stay as manager. This gives the chain 20 houses.

John Hays Hammond

Noted inventor who is active on a new sound system which is being developed on his estate at Gloucester, Mass.

To Remodel in Cincy

Cincinnati, July 31.—M. Chester Martin, owner and operator of the Orpheum, 2,100-seat suburban, which went dark early in the summer, is contemplating a remodeling program, to include improving the lobby. The house is expected to reopen in the fall.

The Strand, downtown independent first and second run, has inaugurated a series of weekly amateur nights and screeno nights.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"She Gets Her Man"

(*Universal*)

Hollywood, July 31.—Burlesquing crime crushing, this broad comedy takes Zasu Pitts, a dumb waitress, whose foiling of a bank robbery accidentally elevates her as a front page celebrity via Hugh O'Connell's high pressured press agenting and follows Miss Pitts, barnstorming the nation, making speeches to women's clubs to stamp out crime.

A mob of roughnecks led by Edward Brophy, realizing that Miss Pitts is their greatest menace, kidnap her, but her evangelistic crime orations convert Brophy's heathens to a better life and off they go to jail, singing merrily.

Produced at a reasonable cost from Fred Meyer's idea as the first production of his regime, the film blends satire, slapstick and hokum for laughing purposes only and as such it achieves its objective. Its original title was "Gee, Woman."

Besides the new comedy team, Miss Pitts and O'Connell, with Brophy, Helen Twelvetrees, Lucien Littlefield, Warren Hymer, Ward Bond and Bert Gordon add competent support. Particularly amusing is Brophy's love scene with Miss Pitts, a highlight howl.

William Nigh directed from an original by Aben Kandel and David Diamond, with Diamond producing. As a topical, pleasing, laugh show it should team well with a serious offering.

Production Code Seal 1071. Running time, 67 minutes. "G."

Senate Votes Early Action On Copyrights

By **BERTRAM F. LINZ**

Washington, July 31.—Overriding protests of Senators Copeland and Wagner of New York, the Senate today made the Copyright Bill its unfinished business and listened to an explanation of the measure by members of the Senate Patents Committee. It is expected the bill will be passed early next week.

Declaring the measure to deal with a "trivial" subject on which there is no national demand for legislation, Senator Copeland protested that for five years there has been pending a bill for treating with safety of life at sea, on which it has been impossible to get any action, "and now suddenly we find that the most important matter that can engage the attention of the Senate is a copyright bill.'

"I feel we are losing our sense of proportion when we spend our time considering trivial things," he said. "Here is a bill that is so controversial that I hold in my hand a brief covering 50 pages pointing out weaknesses and defects in this bill. This is not a time to bring up controversial matters of so little general consequence as this."

Admitting it was controversial, proponents of the legislation declared it had been on the calendar for some time. The committee, it was said by Senator McAdoo of California, chairman, had found it almost impossible to reconcile the divergent interests, but had attempted to secure as good a measure as was possible.

Screen Television Is Shown in Phila.

Philadelphia, July 31.—Reproduction of films on a television screen produced what observers believed to be by far the most satisfactory results attained in a demonstration here today of the latest television equipment of P. T. Farnsworth, young inventor who heads the technical staff of Television Laboratories, Inc.

The demonstration was made with the use of the cathode ray tube and reproduced on a nine-inch screen of a combination vision and sound broadcast console receiver condensed in size for home use. A Mickey Mouse cartoon and a song and dance film were used in the demonstration and produced uniformly clearer and more constant images than other subjects of transmission employed in the demonstration.

Farnsworth said he had licensed the Philco Radio Co. to manufacture receiving equipment under his patent, and predicted that commercial television would be established "within a year." David Sarnoff, RCA head, recently estimated that it would take about 10 years to develop television for practical commercial use. The greatest obstacle to this development is said to be the erection of transmitting stations. Farnsworth declared that this problem was nearing solution with the erection of transmitting stations planned for New York, Philadelphia and San Francisco for experimental broadcasts.

FELIX FEIST, Grad Sears and Neil Agnew did a combination host arrangement last night when they entertained, in the Hawaiian manner, Esmond Parker, president and general manager of the Consolidated Amusement Co., Ltd., of Honolulu, and Allan Davis, vice-president of the Hawaii Trust Co., which is interested in the Island circuit.

•

Earlier Sears and Andy Smith were guests of the Off-the-Record Club which meets at "21" every Wednesday. Out of that select circle, but at the same establishment, nevertheless, were Herb Yates, Willard McKay, Merlin Hall Aylesworth, Don Mersereau and Dorothy Mackaill. Not all together, you understand.

•

Truman Talley, James A. FitzPatrick, Walter Eberhardt, Arthur Mayer, Gus Eyssell, Leon Netter, Harry Thomas, Abe Montague, Bruce Gallup, Arnold Van Leer, Jack Schlaifer and Terry Ramsaye gathered at the Tavern yesterday for lunch.

•

Walt Disney, who arrived from a European vacation yesterday on the *Rex* will be tendered a reception and cocktail party this afternoon at the Waldorf by United Artists.

•

Sylvia Sidney, who has been vacationing here for some time, leaves for the coast today by plane to confer with Walter Wanger on her next picture, "Mary Burns, Fugitive."

•

John C. Flinn, former national secretary of Code Authority, today joins *Variety* in an executive editorial post. He will maintain headquarters in New York.

•

Eddie Silverman and Emil Stern of the Essaness circuit, which is important in Chicago, were luncheon guests of Jack Cohn and Nate Spingold yesterday.

•

Luis Trenker, who is Tyrolean and not a German, as many think and who was reported set for a leading role in "Sutter's Gold," will not be in the picture.

•

Harry and Max Hecht of the Rialto and Palace, Passaic, and Plaza, Paterson, are mourning the loss of their mother.

•

Eddie Bonns, short subject sales manager for Universal, is back from a three-day sales trip to Boston and adjacent points.

•

William "Pop" Landau visited the exchanges yesterday, the first time since he underwent a serious operation.

•

Pat Reis, secretary to Howard Dietz, has just returned from a vacation at Ogunquit, Me., and New Hampshire.

•

Leatrice Joyce is back in the Music Hall stage show after being out for several months recuperating from a fall.

•

Myron Nast of FitzPatrick Pictures is vacationing in the Adirondacks.

•

Leo Spitz is in town again from Chicago. Sam Dembow is taking care of his entertainment quota.

Purely Personal

Louis Nizer and Jack Alicoate are planning another joint trip to Europe sometime this month.

•

Ed Hatrick, who has been trying to leave the coast for the last two weeks, is due in town shortly.

•

Ethel Merman, recently signed by Samuel Goldwyn, leaves today for Hollywood.

Quip of the Day

"A salesman has the 'Kootzba' to tell me his company breaks even on the first film they book me, and each succeeding picture I play they lose more and more money.

"I never heard of such mathematics," boiled Mox Shabbus, soaring aloft mentally, in the California sunshine.

Not wanting to see the company go bankrupt, Mox asked the salesman how he figured he was losing money on pictures his theatre played.

"First, the excess cost of shipping," said the salesman, "because you're on the outskirts of Hollywood, then my salesmen's expenses, then the distribution overhead, and the production overhead, which all added together leaves us losing money when you book our pictures."

"If that's the case," said Mox to the salesman, "I'll cancel your films and you'll make a profit."

Wallace Beery is at the Waldorf for a week's eastern vacation.

•

William Boyd gets in from Europe today on the *Europa.*

•

Clarence Brown, M-G-M director, is in town to look over a few plays.

•

. . . Atlanta

W. M. Richardson, district manager for First Division, has been in New Orleans conferring on the new film tax.

•

Arthur C. Bromberg, Republic Pictures, flew to New Orleans and back for conference with his branch in that city.

•

Charles Lester, branch manager for National Screen Service, Inc., spent a few days in New York conferring with Morton Van Praag, general sales manager.

•

Herbert Ochs, Warner branch manager, expects to get into the new building on Spring St., about Sept. 15.

•

. . . Boston

Angeline A. Maney, assistant to Gene Fox in the Metropolitan publicity department, is traveling throughout Nova Scotia.

•

Florence Turner of the Department of Public Safety, in secondary charge of Sunday censorship, is at Lake Winnepesaukee.

•

Jack Rice, booker for National Screen, has been away for a rest.

•

Art Moger, theatrical artist, is back from a honeymoon in Atlantic City.

Joe Cohen, booker for the Morris Pouzzner circuit, joined the Hole-In-One-Club as the result of a smack to a 150-yard hole at Pinebrook.

•

Arthur K. Howard, business manager for Independent Exhibitors of Massachusetts, Inc., is on an automobile trip through Northern New England, contacting Allied members.

•

. . . Dallas

Karl Hoblitzelle, Interstate president, has left for two months of vacation.

•

Jake Elder, Interstate warehouse and equipment manager is in San Antonio this week on a tour of house inspections.

•

A. W. Lilly, Greenville, Tex., exhibitor, is on a motor tour through South Texas and down to Matamoros, Mexico, over the new highway into Mexico City.

•

Barry Burke, former Dallas and Fort Worth Publix associate, now district manager with Minnesota Amusement Co. at Minneapolis, has been visiting friends here.

•

Herschel Stuart and his brother, Floyd, are in Dallas for a summer visit back home.

•

. . . Denver

F. D. Morton is spending a few weeks in Kansas and Nebraska. He is local representative of Erpi.

•

T. B. Noble, general manager of Westland Theatres, Inc., spent a day recently conferring with L. L. Dent, prexy of same, who stopped off on his way to Salt Lake City.

•

J. G. Tustison, Erpi inspector, spent two weeks at the R. O. T. C. camp at Fort Riley, Kan., in training with the Field Artillery.

•

B. P. Hanson has joined the engineering staff of Erpi. He is from Colorado Springs.

•

B. P. McCormick will open a new house in Canon City about Sept. 15. The house is being remodeled from an old building there. McCormick also owns the Jones, the only other theatre in Canon City.

•

Seen in Denver recently were these exhibitors: Mrs. Fred Lind, Rifle, Col.; Dave Ashman, Idaho Springs, Col.; John Grieve, Oak Creek, Col.; B. D. Grove, Gering, Neb.; A. F. Allen, Glenwood Springs, Col.; T. E. Richards, Windsor, Col.; S. Biella, Louisville, Col.; H. D. Bischoff, Lovell, Wyo.; Marie Goodhand, Kimball, Neb., and J. F. Carper, Lafayette, Col.

•

. . . London

Alex King, Glasgow exhibitor, who controls a number of Scottish theatres, guest of honor at a luncheon at the Trocadero to celebrate the reduction in the entertainments tax, largely achieved by the efforts of the tax committee of which King was chairman. Presentations of an album containing the signatures of his co-workers, and a check for £565 subscribed by the trade were features. Mrs. King received a silver tea service. Joe Pollard, C. E. A. president during the year of the campaign on the tax, also received a check. King gave silver cigarette boxes to members of the committee and a silver cigarette case to W. R. Fuller, general secretary of the C. E. A.

•

Harry M. Cohen, vice-president of Hollywood's Chamber of Commerce, telling British producers how the Bank of America's film financing scheme works. Says more mergers are due.

•

G. F. McDonald, an ex-president of the C. E. A., seriously ill at his Birmingham home.

•

G. H. Selwey, manager of the Trocadero Liverpool staged a resolution of thanks to the Chancellor of the Exchequer from patrons of his first tax-free matinee and received an acknowledgment from Neville Chamberlain.

•

A. Herbert Diggle, veteran Lancashire showman, is sponsoring a new daylight screen.

•

Sammy Cohen saying goodbye to Wardour St. by postcard from Rome, where he concluded a Continental holiday with Mrs. Cohen before returning to New York.

•

Phil Reisman addressing Radio salesmen in conference in London by transatlantic telephone and loudspeaker.

•

Herbert Wilcox not answering the telephone to numerous press enquiries about the absence of B. & D. titles from the U. A. announcement.

•

D. Barrington-Hudson appointed studio publicity chief at British Lion studio, Beaconsfield; previously news editor and commentator for *Pathe Gazette.*

•

Clive Brook on the *Aquitania.*

•

Bela Lugosi made a personal appearance at "The Raven" trade show at the Prince Edward.

•

Francis Mangan staged a presentation for the opening of Major Chas. H. Bell's Astoria at Southend.

•

. . . Omaha

George Bickford, former manager of the Paramount, has left the A. H. Blank organization and film business to sell cars at Davenport, Ia.

•

Sam Stern, Capitol Pictures, is in Chicago on his annual holiday.

•

E. R. Cummings and Mrs. Cummings can be reached somewhere in the Black Hills. The district office is being managed by Secretary Ethel B. Good.

•

. . . Pittsburgh

Harry Feinstein won't take that cruise to the West Indies, but is going instead to Atlantic City.

•

George Jaffe, owner and operator of the Variety, is a candidate for City Council on the Republican ticket.

•

Harry Hoehle is spending the summer with rod and reel at Lake Canadohta.

•

F. Ralph Gervers, once press agent at the Penn, will run for mayor of Tampa, Fla., according to friends.

20

The years since 1915 have seen the motion picture industry develop from swaddling clothes to full maturity. They have given character and stability to the most modern of the art forms and have seen it universally adopted as one of the indispensable features of modern living. This swift progress has been made in the short span of two decades—an extraordinary achievement even in this age of miracles.

Beginning then, alongside of men of aggressiveness and responsibility, Mr. Martin Quigley, with a vision of business journalism new to the motion picture, has carried on in continuous service as editor and publisher contributing uninterruptedly to the screen's welfare, the Quigley publications accurately and interestingly reflecting the progress of individuals and institutions, a definite constructive force that keeps pace with and links the best efforts in film trade activity all over the world.

Beginning then and on through twenty years, beside ambitious men driving their individual projects to world success, Mr. Martin Quigley has been privileged to see and share in the crystalization of the art and industry into a state of eminence; has been privileged to weave his own ideals and ideas into the fabric of the industry; has been privileged to interpret the best efforts of the industry to the external forces that were attracted to and impinged upon it.

Through these years that are now historic the industry had great need for a balanced judgment of activities, for a constructive voice to the outside and for a continuously operating yardstick of achievement. Under Mr. Quigley's guidance Motion Picture Herald and its antecedent publications have fulfilled these functions to a degree that has ever been contributary to the industry's growth and well being.

Martin Quigley 20th Anniversary Edition

MOTION PICTURE HERALD
IN SEPTEMBER

'Documentary' Film Release Set in Britain

By BRUCE ALLAN

London, July 19.—Associated British Film Distributors will release a series of the "documentary" films made by John Grierson for the Post Office Film Unit. Grierson, who made a reputation with "Drifters," a film of the fishing fleet, for the Empire Marketing Board, is regarded as one of the leading technicians in the British field, but has resisted all temptations to join the entertainment field. His subjects are made for propaganda purposes but frequently have great audience value, as in the case of "Weather Report," in which sound was used in a very original way.

* * *

For the preference shareholders who are opposing the General Theatres reconstruction scheme, it was urged in the Chancery Court that the profit earning capacity of the theatres could be doubled by efficient management. The falling off of receipts was due, it was asserted, to exhibition of inferior pictures supplied by G. B. These pictures were profitable to G. B. as renters, but not to the theatres, said counsel.

For the company, it was claimed that the loss followed the introduction of sound and the necessity of remodeling theatres bought in the first instance at excessive prices. Under the proposed reduction of capital by £1,500,000 G. B. is undertaking to put up £300,000 of new money as part of the management contract, and is actually surrendering control to the preference shareholders, it was asserted.

* * *

The wages and hours schedule applicable to film theatre employes in the London area has been signed by representatives of the Cinematograph Exhibitors' Ass'n., the London Trades Council, the National Ass'n. of Theatrical Employes, and the musicians' union. It is the first agreement between film interests and trades unions, and follows on three years of negotiation, interrupted by several breakdowns. Going into operation on Sept. 2, the agreement will run for a trial period of one year and it is hoped that it will provide a model for other parts of the country. Sir Henry Davenport is chairman of the joint conciliation board set up.

Ontario Now Taxing Kids' Free Tickets

Toronto, July 31.—The new amusements tax in Ontario has reached the 100 per cent class. An owner in Windsor had been admitting underprivileged children free of charge, but was warned by a provincial inspector that a five-cent tax ticket must be sold to every such child on a complimentary basis. It was decided to sell a one-cent admission ticket to the poor children, whereupon the government ordered the addition of one cent for the tax. Then it was found that the needy juveniles could not raise the necessary two cents for admission and once more they are just roaming the streets.

Award Crowd Blocks Streets in Chicago

Chicago, July 31.—Twelve thousand persons jammed the streets outside the Tivoli, B. & K. de luxe neighborhood house, the other night. They sought the bank night award of $900 which was won by one of the standees. The crowd started to come at 5 o'clock and by 6 o'clock the 3,200-seat house was sold out.

Three special squads of police were called to handle the mob, which halted traffic at times. Regular award is $150, but the amount had been unclaimed for six weeks.

Para. Takes L. A. Lease

Hollywood, July 31.—The Paramount exchange has taken a 10-year lease on a two-story building being erected on 20th St., just off Vermont. It will be ready about Nov. 1. The building has an 80-foot front, and will give the exchange about 25 per cent more space than it has at the present location.

Atlanta, July 31.—Paramount's exchange has moved into new quarters in the Samuels Building. Wilby Theatres, Inc., formerly in the Paramount Theatre Building, will occupy the third floor of the building.

Republic Expands Space

Republic Pictures will increase its space in the RKO Building shortly.

Dismissal Expected For Schreiber Case

Detroit, July 31.—After hearing testimony in Wayne County Court in the case of the State vs. Jacob Schreiber on charges of violating the Michigan lottery laws by using cash giveaways at the Colonial, Judge Christopher E. Stein decided to hold his decision in abeyance until Sept. 3.

The court said: "I can't see where you have violated any law. Go ahead and sell as many tickets as you can," intimating that he would dismiss the charge when the matter comes up.

Bert Tighe Joins RKO

Detroit, July 31.—Bert Tighe, for more than three years state salesman here for Universal, has resigned to join the RKO staff in the same capacity, succeeding Jim Sharkey, recently transferred to New York. Ralph Peckham, former exchange and theatre operator in Michigan, who recently has been running an independent exchange in Atlanta, succeeds Tighe at Universal.

Fox to Have 4 in Loop

Chicago, July 31.—Fox will have four pictures in Loop first runs the week of Aug. 19. Those opening at that time are: "Dante's Inferno" at the Roosevelt, "Curly Top" at the Chicago, "The Farmer Takes a Wife" at the United Artists and "Charlie Chan in Egypt" at the Oriental.

Out Hollywood Way

Hollywood, July 31.—Casey Robinson, Warner writer, doing nicely at Cedars of Lebanon Hospital after an appendicitis operation. . . . James Melton reports at Warners for "Radio Jamboree" . . . Nelson Eddy vacationing on a ranch in northern California. . . . Joseph Calleia on a trip to Yosemite. . . . John Masefield, British poet laureate, will not collaborate on M-G-M's "Romeo and Juliet."

Ruth Etting starts soon on shorts at Radio. . . . Lou Silvers called back from Santa Barbara to complete scoring of "The Girl Friend" . . . Otto Kruger pulls out for New York soon . . . Buck Jones distributing watermelons to guests at his ranch. . . . Marvin Hartley writing a theme song for "Our Gang."

◆

Talent—William Boyd signed to a new contract by Harry Sherman . . . James Gleason signed to a new three-way ticket by Radio to direct, act and write. . . . Paramount picks up option on Willie Howard for another picture, "Amateur Hour." . . . Also holds Ray Milland and Virginia Weidler. . . . Toby Wing loaned by Paramount to Booth Dominion Prod., Toronto, for two films. . . . Helen Broderick signed to a new contract by Radio. . . . First assignment "If You Were Mine."

◆

Casting—Betty Grable in Lily Pons' "Love Song," Radio. . . . Dorothy Peterson cast in "Freckles," Radio. . . . Paul Cavanagh and Helen Westley cast in Samuel Goldwyn's "Splendor" . . . Purnell Pratt, Al Shean and Johnny Arthur added to "In the Bag," M-G-M. . . . Frank Richter goes into "Black Chamber," same studio. . . . Genevieve Tobin and Lyle Talbot get tops roles in "Broadway Hostess," Warners. . . . Henry Stephenson and Alan Mowbray added to "In Person," Radio . . . Ricardo Cortez in "The Frisco Kid" cast.

Warren William and Josephine Hutchinson get leads in "A Present from Margate," Warners . . . Barton MacLane added to Warners' "The Case of the Lucky Legs" . . . Claude King in Radio's "The Three Musketeers" . . . Heather Angel, Henry Stephenson and Herbert Mundin get roles in "The Perfect Gentleman," M-G-M . . . Louise Henry and Gustav von Seyffertitz assigned to "The Hangover Murders," Universal . . . Frank Lawton withdraws from cast and is replaced by Monroe Owsley.

◆

Writers—Walter Wanger signs James Remington McCarthy to do script on untitled original by Gene Towne and Graham Baker . . . Louis Stevens also working on this script . . . Henry Johnson working on script of "The Virginia Judge," Paramount.

◆

Directors—Carl Pierson to direct John Wayne in "The New Frontier" for Republic, and R. N. Bradbury to handle "The Lonely Trail," which follows . . . Lloyd Bacon to direct "Lucky Me" for Warners.

◆

Title Change—Samuel Goldwyn changes title of "Navy Born" to "Merrily We Marry."

Kansas Circuits to Merge Offices Soon

Kansas City, July 31.—O. K. Mason, head of Central States Theatres, Hoisington, Kan., will move his offices to Kansas City before Sept. 1, where they will be combined with offices of Commonwealth Theatre Enterprises, Inc.

In the future the seven Central States houses in Kansas will be handled from Kansas City rather than Hoisington, and Mason will assist C. A. Schultz in the management of all 21 Commonwealth theatres.

KMTA Gets Complaint

Kansas City, July 31.—R. H. Montgomery, operator of the Mainstreet, Independence, Kan., has mailed to the grievance board of the K.M.T.A. his complaint involving availability of first run product in Independence.

This is the first complaint the board, which is headed by Frank Cassil, St. Joseph, has received. Other members of the board are Tom Edwards, Eldon, and A. J. Simmons, Laar. It is understood Simmons has left for California on vacation.

Casino for Louisville

Louisville, July 31.—The Drury Lane, after several unsuccessful attempts with films, road shows, etc., will be converted into a combined restaurant, night club and theatre by Edward Hutchison, president of the Continental Casino Corp., New York.

Under the name of the Havana Casino, the new enterprise will be opened Oct. 3, featuring a Cuban orchestra. Dancing will be on an enlarged stage.

Four Companies Formed

Albany, July 31.—Among four new firms chartered here are: Lawrence of Arabia, Inc., by Norman Lazarus, Hilda Geier and Nathaniel Karlan; Reappearl Amusement Corp., by Paul Apfelbaum, Beatrice Apfelbaum and Dina Moskowitz; Smile at Me, Inc., Milton Jasie, George Ditkoff and Joseph Richter; Eaganco, Inc., by Creta L. Stratman, Gertrude M. Conroy and Nathan Steinberg.

Buys Old Postoffice

Louisville, July 31.—The Winchester Amusement Co. of Winchester, Ky., was high bidder on purchase of the old postoffice building at Lexington, Ky., the Treasury at Washington has announced. The bid was $110,000.

Two Firms Chartered

Albany, July 31.—Paul Strand, Inc., Rochester, has been incorporated here to exhibit pictures by Florence F. Belinson, Abraham Schulman and Sarah Merinsky.

Federated Artists Pictures, Inc., has been chartered to distribute. Incorporators are Miriam Simons, Herman J. Lusher and Ralph M. Neustadt.

E. A. Briles Returns

Kansas City, July 31.—E. A. Briles, operator of the Nu-Era and newspaper publisher at Stafford, Kan., has just returned from a two-months' vacation at Hot Springs, Ark. Briles is a member of the board of directors of K.M.T.A.

"DANTE'S SMASHES OPENING—AT RIVOLI

INFERNO"

FIVE-YEAR

DAY RECORD

NEW YORK

YOU HAVEN'T A SHOW WITHOUT FOX

RKO-RADIO'S FIRST ATTRACTION OF

"T

Play the Pic- co- li- no

See Them Dance and Sing Irving Berlin's Greatest Hits: "Top Hat, White Tie and Tails"—"No Strings"—"Isn't This a Lovely Day?"—"Cheek to Cheek" and the Stunning

"PICCOLINO"

which soon will be the world's new ballroom adventure!

THE NEW SEASON . . . . .

OP HAT"

starring

FRED ASTAIRE
GINGER ROGERS

with music and lyrics by

IRVING BERLIN

with

EDWARD EVERETT HORTON
HELEN BRODERICK
ERIK RHODES
ERIC BLORE

Directed by MARK SANDRICH
A Pandro S. Berman Production

the catch-y Pic- co

THE LAST WORD IN MUSICAL SHOWS!..

Fox Quarterly Net Is Up to $1,355,781

(*Continued from page* 1)

on 2,436,409 shares of Class A and B stock outstanding. For the same period in 1934 the net was 49 cents per share.

The consolidated earned surplus at Dec. 29, 1934, was $3,006,812. After adding the net profit and profits on foreign exchange amounting to $20,940, the consolidated earned surplus on June 29, 1935, was $4,383,533, all of which has accumulated since the reorganization April 1, 1933, the company states.

Fox owns 52 per cent of the stock of National Theatres Corp., but no dividends were declared during the period, so no statement of earnings was included in the Fox report.

Gross income from sales and rentals of film and literature was $20,369,421.03. Dividends, profits from subsidiaries and other income brought the total gross income to $21,043,004.50. Expenses—operating, amortization, participation in films rentals and losses on controlled subsidiaries—reduced this by $19,161,276.27, leaving the net before interest and depreciation at $1,881,728.23.

Accountants Study Fox for Committee

(*Continued from page* 1)

the committee, that the report is expected to determine the course of action in regard to the merger which the committee will take.

The accountants' report has been delayed, it was said, due to the fact that a statement of Twentieth Century's gross receipts was "missing."

The committee reiterated that it was not soliciting and did not want either Fox stock deposits or proxies for voting at the scheduled meeting of stockholders on Aug. 15.

IATSE in Topeka Deal

Topeka, July 31.—Three independent houses, which have been non-union for several years—J. E. Penington's Cozy and Crystal, and McKinney's Best—have realigned with the I.A.T.S.E., according to Felix Snow, international representative in this district.

Local management of Fox's four active houses—Grand, Jayhawk, Orpheum and Gem—has accepted an agreement with I.A.T.S.E. which includes a slight increase in wages. This agreement is now awaiting ratification by the divisional office at Kansas City.

This gives I.A.T.S.E. a majority of Topeka houses. McKinney's Apex (colored) and Simon Galitzki's Princess in North Topeka are still operating non-union.

Form New Texas Co.

Dallas, July 31.—Tab Amusement Co. has been incorporated by James G. Tomlin, Aaron Kann and Dave Bernbaum. The first house is the Tab at Granger. The plan is to acquire a circuit of small town houses, but maintaining headquarters in this city.

Philadelphian Finds a Shorts Program Beats Shirley Temple

Philadelphia, July 31.—Faced with shortage of product, Joseph Conway, manager of the Egyptian, a suburban independent, last week arranged a two-day program of short subjects, after first polling his customers for the titles of good shorts.

Launched as a gamble, Conway reports that the two days did more than 30 per cent better business than the Shirley Temple film, "Our Little Girl," which played the preceding two days. The Temple film played Monday and Tuesday, not so good a spot as the Wednesday and Thursday which the shorts had, but even at that the business of the shorts programs showed up much better than expected.

Only drawback, according to Conway, is that the stunt cannot be repeated very often, not more than once or twice a year, according to his reckoning.

N. E. Improvements Take Marked Stride

Boston, July 31. — A survey of supply houses here indicates that New England theatres are spending more money for new equipment and replacements than has been the case for the past few years. Comi's Theatre Service & Supply Co. has recently remodeled its quarters, while the Capitol Supply, also in the film district, has greatly enlarged its offices. The National Theatre Supply is doing its heaviest business in a number of years, according to an executive there.

Especial interest is being shown in cooling apparatus, although sales remain light in this department. Business everywhere reveals that replacements and improvements put off during depression years are being made on an increasing scale.

Take Trenton, Mo., House

Kansas City, July 31.—The Royal, Trenton, Mo., dark for five years, has been taken over by Commonwealth Theatre Enterprises, Inc., and is being remodeled with new sound, seats, etc., for September opening.

Commonwealth now operates the Plaza at Trenton.

New Theatres Getting Under Way on Coast

Los Angeles, July 31.—Two new houses, an opening and a pool are the latest moves on the California theatre map.

F. W. C. is building a new house at Compton to replace the one owned by Al Hansen which was destroyed by an earthquake. It will open in September. Frank Valesquez, who formerly operated the Downey at Downey, has opened the Buena Park in Buena Park. F. W. C. has opened the Lyric at Santa Paula.

Bob Witson, operator of the Vista and Huntley, and Herman Lewis, operator of the Los Feliz, all in Hollywood, have formed an operating pool.

Transfer Monson House

Boston, July 31.—Latest New England transfer is the Capitol, Monson, from Peter Schwack to H. Stanton and R. Dorack. This house has changed hands a number of times during the last few months. George Sawyer has darkened the Town Hall in Wilton, N. H. The Strand, a Vuono house in Stamford, Conn., is operating only four days weekly.

Senators to Probe Into Bankruptcy of Paramount

(*Continued from page* 1)

cases started some time ago and will then proceed to New York, where Paramount will be made a subject of special investigation. At about the same time, or possibly earlier, the House committee also expects to be in New York for the same purpose.

Meanwhile, the Securities and Exchange Commission will continue its study of the Paramount reorganization, made the subject of extensive hearings last month, and reports of the two committees and the exchange, to be submitted early next session, will probably go deeply into the receivership. A subject of special interest will be the fees of more than $3,000,000 which are being sought by counsel and others who worked on the reorganization.

Already the subject of much criticism in Congressional circles, it is anticipated that the Paramount case will be made the basis for legislation next winter, designed to put an end to a number of abuses which are said to have been disclosed, among them the service of protective committees of men who hold no securities of the company, trading in company securities by members of such committees, formation of committees by bankers who sold the securities, duplication of committees and fees.

Two More Ready

Pittsburgh, July 31.—John H. Harris, chief barker of Variety Club, goes to Des Moines and Omaha in about a week to induct local officers of Variety Club tents in those cities and to formally add both chapters to the national organization.

Pathe Trades Big Block of Du Pont Stock

(*Continued from page* 1)

it was stated by Pathe in briefs filed recently with the state supreme court here in opposition to applications by Pat Casey and E. B. Derr, Pathe stockholders, for injunctions to prevent the sale of the Du Pont stock. The Casey and Derr applications were denied by the court on the grounds that there was nothing to show that the proposed sale price was not a "fair and adequate" one, or that any other reason for interference with the sale had been given. It was stated in that action, however, that the sale price of the stock would be $1,200 per share or a difference of approximately $84,000 in the total.

Casey and Derr have an application for reargument of their move to block the sale before Supreme Court Justice Lauer now, and if this is denied an appeal will be taken to the appellate division, according to Martin King, attorney for Casey.

In a statement issued yesterday, Pathe declared that the sale of the stock and the application of the proceeds to reduction of the Bankers Trust Co. loan places Pathe in a good financial position and permits the company, on the completion of its reorganization, to apply earnings to the payment of dividends, rather than to the "extinguishment of debt."

Find Half of India Films Are American

Washington, July 31.—For the year ending March 31, the Bengal (India) Board of Censors certified 981 films, representing 2,861,625 feet, states a report from Trade Commissioner George C. Howard in Calcutta to the U. S. Department of Commerce.

Of the total, approximately eight per cent were of Indian, 42.3 per cent of British, 49.1 per cent of American, and 0.6 per cent of other origin.

Form Four Corporations

Albany, July 31.—Four new amusement corporations have been chartered here. They are: Kernan Theatres, Inc., Syracuse, by Mamie Orenstein, Samuel Siegler and Sol Macklowitz; Bayview Amusement Corp., Brooklyn, by Richard Saunders, Leo Karp and Marvine A. Greene; Shore Amusement Corp., Brooklyn, Richard Saunders, Leo Karp and Marvine A. Greene; Channel Amusement Corp., by the same incorporators.

Would Check Quality

London, July 19. — The Bristol C.E.A. suggests the appointment of an expert committee to pass on the entertainment quality of all British films before they are registered for quota. Such committee would report to the Board of Trade, is the plan. Elimination of the "quickie" is aimed at.

Form Theatre Unit

Portland, July 31.—The Empress Amusement Co. has been formed here with a capitalization of $50,000 to operate the Ritz and Empress.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

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Film Profits Foreseen in Wall Street

Security Gains Pointed Out by a Writer

In an article discussing the general realignment of major companies during the past year of reorganizations the *Wall Street Journal* takes a hopeful attitude on the prospect for security holders' profits.

"Reflecting the betterment in financial and profits positions," the article states, "the bonds of various representative companies have scored sweeping advances recently. Warner Brothers convertible 6s advanced four points yesterday (Wednesday), closing at 80, compared with the 1935 low of 48½. Radio-Keith-Orpheum 6s of 1941, which are in default, jumped five points to 50, against the year's low of 26½.

Yesterday RKO bonds registered a net gain of 11 points, Paramount-Famous-Lasky 6s rose 2⅜ and Warner 6s gained one point.

"Paramount Publix 5½s sold at

(*Continued on page* 16)

"Arizonian" Pulls $26,000 into Roxy

"The Arizonian" finished at the Roxy with a profitable $26,000 last night. The Strand, on the second week of "Broadway Gondolier," garnered in the neighborhood of $14,000. "She" at the Music Hall ended with a fair $60,000.

At 8 o'clock last night, the Paramount replaced "Shanghai" with "Tonight at Eight." The Capitol with "Murder Man" and a big name stage show anticipated $55,000 for the week ending last night.

Kalmus British Deal Gets Board Approval

Technicolor directors have approved arrangements made by Herbert T. Kalmus, president, in England where Technicolor, Ltd., was formed at a

(*Continued on page* 16)

"The Crusades"

Paramount's first roadshow in some years, "The Crusades," was previewed in Hollywood yesterday and is covered today on Page 16.

The picture opens here at the Astor Aug. 21 at advanced prices.

Disney Plans Color Feature Every 18 Mos.

Shorts Reduced to Make Room for New Idea

Production of an all-Technicolor animated feature every 18 months is planned by Walt Disney in addition to 18 shorts annually, the producer stated yesterday upon his arrival on the *Rex* from a nine weeks' vacation abroad. Disney added the reason he has reduced the number of shorts was to make way for the feature. It will be titled "Snow White and the Seven Dwarfs." The seven-reel picture is now in work and will be completed in 15 months, he said.

Accompanied by Mrs. Disney, and Roy Disney and his wife, Disney visited England, Scotland, France, Switzerland, Germany and Italy. He left for the coast yesterday following a lucheon tendered by United Artists at the Waldorf. He said he wanted

(*Continued on page* 11)

FitzPatrick Names Rogers Story Head

Cameron Rogers, author and adaptator of "Cardinal Richelieu" for United Artists, has joined FitzPatrick Pictures as head of the scenario department.

FitzPatrick plans a series of features in addition to his Traveltalks, the first of which will be "David Livingstone" for which Rogers will do the dialogue. Rogers is the author of "Cyrano de Bergerac" and has six other books to his credit.

RKO-Warner Film Deal to Be Set Soon

Negotiations for the entire Warner lineup in the RKO Greater New York houses are expected to be completed shortly. Under the deal, the circuit will take 60 features and all the shorts.

RKO is expected to close within the next week or so for 18 Universal releases. Consummation of both deals will complete product requirements for the circuit.

Last year Loew's split the Warner

(*Continued on page* 16)

North Carolina Hit By a Wide Epidemic

CHARLOTTE, N. C., Aug. 1.—Theatre business is being hit hard in many localities by a spread of infantile paralysis in this state. Since May 1

(*Continued on page* 2)

"Curly Top" a Hit

Shirley Temple in "Curly Top" opened to terrific business at the Music Hall yesterday. The management had to stop selling tickets several times during the day, during which long lines were kept waiting to get in. Preliminary estimates have the Fox film garnering more than $90,000 for the week with a possibility of a holdover.

"Dante's Inferno," another Fox film, took in more than $4,000 Wednesday, the opening day, at the Rivoli.

Musicals Get Big Boost in Japan Houses

All Have Extended Runs; Native Producing Up

By H. TOMINAGA

TOKYO, June 28.—Musicals have developed remarkable popularity here in the past 10 months with the result that a succession of them, both from America and Europe, have been shown. This is true also in Osaka and other leading cities.

Until a few years ago little interest was shown in musicals in Japan, but, beginning with "Kongress Tantz," a taste for this type of film began to develop in towns.

As a result, "Bolero," "Flying

(*Continued on page* 11)

Pathe Studies Move Over to RKO Bldg.

Pathe executives are looking over space in the RKO Building with a possibility of taking the offices on the 23rd floor recently vacated by Campi. In the event a lease is signed, the new offices will adjoin First Division's headquarters, indicating a closer link between the two companies.

So far First Division has signed up

(*Continued on page* 2)

Verdict Awarded on Sale of 'Cavalcade'

LONDON, July 25.—Judgment has been handed down by Justice Eve awarding £5,000 damages to Parnell & Zeitlin, Ltd., against Theatre Royal, Drury Lane, Ltd., who had brought in as third party to the case C. B. Cochran.

Plaintiffs alleged the touring rights

(*Continued on page* 2)

Asks That Fox B Shares Get Same as the A

Committee Seeks Change In Merger Terms

A request that the provisions of the Twentieth Century-Fox merger plan giving an exchange value to the Class B shares that is double that given the Class A shares be eliminated from the plan was forwarded to Fox last night by the stockholders' committee of which L. T. Pidwell is chairman.

The committee stated that it "was not satisfied" that the release of voting rights by the Class B shares under the merger plan was sufficient justification for the difference in exchange value accorded that class of stock. The Class A shares, the committee contends, are given a value equal to that of the Class B shares in the charter of the Fox corporation.

Following a meeting of the stockholders' committee yesterday, Henry L. Sperling, attorney for the group, was instructed to request the elimination of the preferential treatment for

(*Continued on page* 16)

Senate Pays Little Heed to Copyrights

WASHINGTON, Aug. 1.—Copyright legislation today received but passing attention in the Senate during a brief two-hour session which was followed by adjournment until Monday.

Senator Duffy of Wisconsin, author of the bill, and Senator Connally of Texas paid their respects to A.S.C.A.P. briefly, but no effort was made to secure any general discussion of the measure.

Delay Jersey Cases For Aug. 8 Hearing

United Artists' complaint against Louis Geller of the Palace, Jersey City, N. J., has been postponed by the New York arbitration board until Aug. 8. The distributor is seek-

(*Continued on page* 11)

$8 and $22 Bid

Brokerage houses report over-the-counter activity in Twentieth Century-Fox stock. Yesterday $8 was bid on the common and $22 on the preferred. Sales made are chalked up, the stock to be delivered when issued.

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Wall Street

Small Gains on Big Board

	High	Low	Close	Net Change
Columbia	74	72½	72¾	+1
Consolidated	5⅛	4	4⅜	+ ⅜
Cons., pfd	18¼	16¼	17	+1
Eastman	146½	145	145½	—2¼
Fox	16	15¼	16	+ ¾
Loew's	40⅛	39⅝	39⅞	— ⅛
Paramount	4¾	4¼	4¾	+ ½
Pathe	⅞	¾	⅜	+ ⅛
Pathe "A"	12	11½	11½	— ⅛
RKO	2⅞	2⅜	2¾	+ ⅜
Warner	5¼	5⅛	5⅛	.....
Warner, pfd	39¾	38½	38½	— ½

Little Change on Curb

	High	Low	Close	Net Change
Technicolor	21⅞	21½	21½	+ ½
Trans-Lux	2¼	2¼	2¼	.....

RKO Bonds Up 11 Points

	High	Low	Close	Net Change
General Theatre 6s '40 ctf........	14	14	14	— ¼
Keith B. F. 6s '46	87	87	87	+2
Loew's 6s '41 ww deb rights..	103⅝	103⅝	103⅝	— ⅜
Paramount F. L. 6s '47	100¾	100	100¾	+2⅜
RKO 6s '41 pp ..	63¾	51	61	+11
Warner Bros. 6s '39 wd	81	79¾	81	+1

(Quotations at close of Aug. 1)

Wide Range at Capitol

Erpi is installing Wide Range equipment at the Capitol, flagship of the Loew circuit, with expectations the apparatus will begin to function on Tuesday.

Insiders' Outlook

By RED KANN

ALL is not easy sailing in the projected plan to revive the Film Boards of Trade this fall, whether under the old label or a new one. Distributors, who would have to carry the load, fail to view the proposal in completely harmonious light. Warners, the story goes, are not enthused about the idea; they feel they can carry on without the boards. Universal, the story continues, is opposed on the grounds of additional overhead.

Aside to the distributor who wondered where Motion Picture Daily nabbed the story of the plan, published Monday last: You're wrong. It did not develop from the source you suspect. Where, then, do we hear you inquire? Naughty question. Besides, after all these years, you really ought to know better than to ask. . . .

▼

The first concrete results of the fruits of much laboring at the Waldorf a few weeks ago are on display at the Rivoli, where Wednesday's box-office returns indicate the decision reached was the proper one. With modern story and spectacle substantially mixed and six substantial figures at stake by way of negative cost, Sid Kent hit on the idea of bringing a bunch of well known theatre operators and their advertising men into New York to figure what to do and how with "Dante's Inferno." The two-day confabs which ensued terminated with a decision to exploit the modern aspects of the picture in like proportion with its spectacular content. The Rivoli is the opening testing ground. Facts in the incident: Attendance up to one o'clock on Wednesday, the opening day, established a five-year record and ran considerably ahead of "Les Miserables." Gross on the day: $4,000. . . .

▼

Curious runs the course of show business. Here's the Capitol, for instance, which drops its stage shows next Thursday night and swings to all-sound with "China Seas." Trying for weeks to combine on the one bill a trio, such as the one composed of Lou Holtz, Belle Baker, and Block and Sully, the booking finally jelled. And with what a result! For the first stanza, which terminated a couple of hours before this comment went to press as you did your sleeping early this A. M., the gross was forecast at $55,000. It would seem silly to drop a policy which can do this kind of business. Reasons why it is not are (1) a high-calibred aggregation like the one above is not available weekly and (2) even if it were, the novelty element would soon wear itself thin and then out. It's a dangerously fickle public. . . .

▼

Shot in the dark: Will National Theatres Corp., recently formed holding company for various Fox theatre subsidiaries, ultimately assume control of the United Artists circuit? Threads in the skein: Joe Schenck is a substantial stockholder in the latter company. He is chairman of the board of Fox. Under the Twentieth Century-Fox merger—proposed now, but inevitably headed for consummation by August 15—he will have a huge finger in the combined companies' stock holdings. Under the Fox Met rearrangement, he is dominant there. In other words, Schenck is so irrevocably linked with Fox, the assumption becomes natural that all of his activities will end up under the same corporate banner. . . .

▼

Dave Loew, Charlie Moskowitz and Joe Vogel combined the other day in a newspaper statement wherein they declared product buys for the Loew circuit have been completed. Programs listed were Paramount, M-G-M, United Artists, Universal and Columbia. If they mean to the letter what they have said, a logical guess becomes the guess that the Warner lineup of sixty will go to the RKO circuit next season. Loew's had half for 1934-35. . . .

▼

This is the time of the year when new film buys in the greater city area always slow down. Yearly, the story is about the same. It is considered strategy in some theatre circles to play hard to get on the theory, well worn and deceiving nobody by this time, that the distributor will weaken and, therefore, his terms. The trouble about this old-fashioned school of diplomacy is that the seller knows the trick as well as the buyer. . . .

Omar Kiam Re-Signed

Hollywood, Aug. 1.—Samuel Goldwyn has signed a new three-year contract with Omar Kiam, head costume designer at the studios. He is now working on costumes for "The Dark Angel" and "Barbary Coast."

Walsh in Yonkers House

George Walsh will take over the RKO house in Yonkers early in September.

North Carolina Hit By Wide Epidemic

(Continued from page 1)

nearly 400 cases have been reported and the epidemic shows no signs of a let-up.

Repeated warnings by state health officials against children gathering in crowds, attending theatres and other amusement places is having a serious effect on grosses. In many towns theatres are refusing to admit children less than 15 years of age.

In the east central portion of the state, including Raleigh, Wilson, New Bern, Kinston and others where the outbreak has centered, theatres are hardest hit.

Although the warnings to keep out of crowds issued by state officers is principally to children, parents who have small children are staying away. No signs of improvement in the situation are in prospect, health officials claim, until the latter part of September. Schools, in many counties, which normally open in July for six weeks, remained closed this summer, and indications are that the regular school opening date of Sept. 1 will be set back a few weeks.

Pathe Studies Move Over to RKO Bldg.

(Continued from page 1)

for 18 B.I.P. films, eight Hoot Gibson westerns and eight Big Boy Williams features, the latter westerns to be produced by Alexander Bros. Deals are under way for additional British films and a number of other pictures to be made by independents on the Coast.

The B.I.P. lineup includes: "Mimi," "Dance Band," "Red Wagon," "The Secret Agent," "It's A Bet," "McClusky, the Sea Rover," "Crime on the Hill," "Southern Maid," "Love at Second Sight," "Elizabeth, the Virgin Queen," "Radio Parade of 1935," "Give Her A Ring," "Girls Will Be Boys," "My Song Goes Round the World," "Freedom of the Seas," "Scotland Yard Mystery," "The Great Defender" and "Old Curiosity Shop."

Enlargement of the field sales staff has been started with three men put on the Boston payroll yesterday. They are Mike Thomas who will handle Maine, New Hampshire and Vermont; E. J. Gross who will cover Connecticut and Rhode Island; Gerald Swaebe, assigned to Massachusetts.

Verdict Awarded on Sale of "Cavalcade"

(Continued from page 1)

in the stage version of "Cavalcade," which they had bought, were reduced in value by the fact that the film rights in the production had been sold to Fox without their knowledge.

The judge held there had been a clear breach of agreement by both defendants.

Dickstein Back

Martin Dickstein, who resigned as film critic of the *Brooklyn Daily Eagle* a few weeks ago, returns to that paper Monday. He will be in full charge of all motion picture activities on that publication, which will devote a page to films under the arrangement.

Nice Work,

PARAMOUNT • BRITISH-GAUMONT

COLUMBIA • UNITED ARTISTS

METRO-GOLDWYN-MAYER • FOX

UNIVERSAL • REPUBLIC

RKO RADIO • EDUCATIONAL

We want to tell you how much we've enjoyed reading your interesting and instructive announcements of new product in the trade papers. They were swell . . . every one of them! We're glad to see that you have so many fine shows lined up for the coming year. It confirms our belief that this is going to be one of the greatest picture seasons the industry has ever had—maybe *the* greatest.

With all the earnestness and sincerity at our command, we congratulate each and every one of you on your shrewdness and foresight in recognizing the necessity of assembling programs as strong as these in order to cope with the unparalleled product which will come from

WARNER BROS.
IN 1935 · 1936

We Apol-o-gize

for not having a great big beautiful announcement of our next year's goods, too.

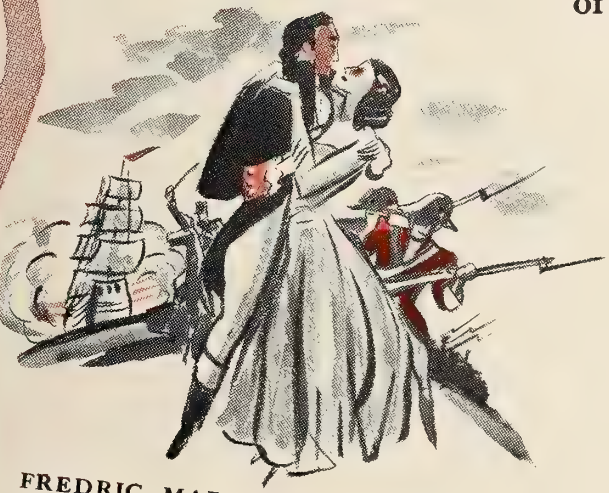
But we've been pretty busy preparing material to help you sell a lot of swell shows that are coming through right now.

Besides, we've read somewhere that good wine needs no bush—so it should follow that good pictures need no bull.

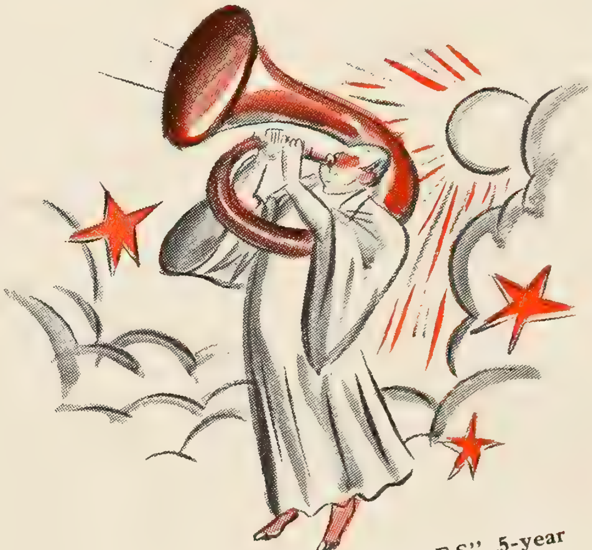
However, for the benefit of any hermits in the audience who haven't heard what everybody else is talking about, we present the following data to bring them up to date on next season's headline news . . .

PICTURES OUR ARTIST WAS GOING TO PAINT

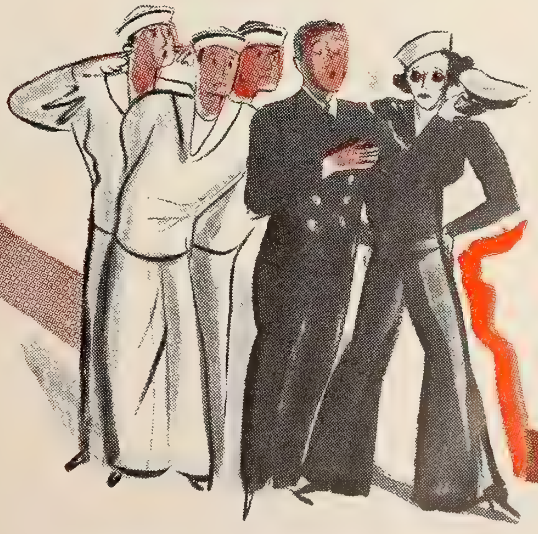
to show you in black and white — and 7 or 8 other colors — a few of the highlights of Warner Bros.' program for next season — plus the maestro's memoranda of the salient points of each production.



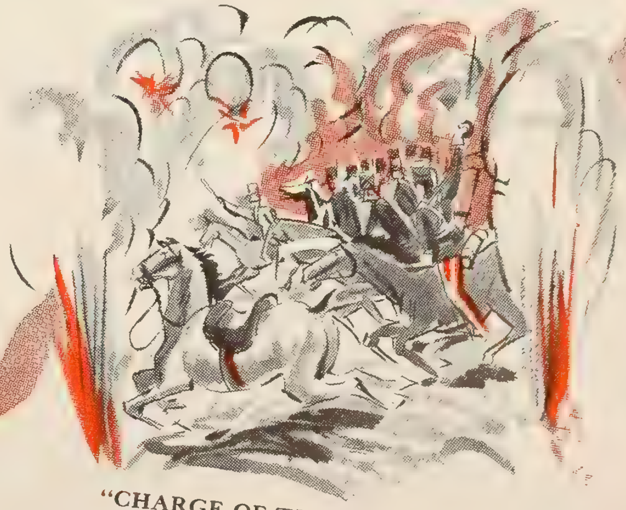
FREDRIC MARCH in "ANTHONY ADVERSE"—Took 4 years to write . . . No. 1 best-seller for past 2 years . . . all the world's its stage . . . 22 featured roles . . . And a star in every one!



"THE GREEN PASTURES"—5-year stage run...18 months on Broadway...1750 performances . . . Pulitzer prize-winner.



POWELL and KEELER in "NAVY SWEETHEARTS" (*Tent. Title*)—Dick and Ruby at Annapolis . . . Middies marching . . . martial music . . . the Navy's 'Flirtation Walk'.



"CHARGE OF THE LIGHT BRIGADE"—'Into the valley of death rode the 600'... Tennyson's famous epic...Florence Nightingale...vast battles...tremendous action.

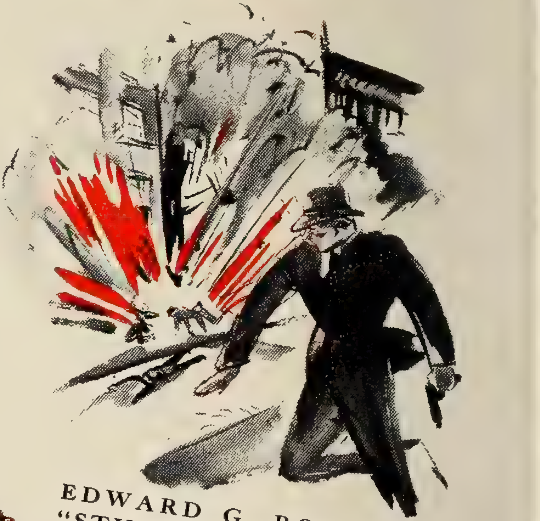
"THREE MEN ON A HORSE"—Broadway's greatest comedy hit in years...still going strong...7 road companies in every corner of the world.

MARION DAVIES in "PAGE MISS GLORY"—Her first Cosmopolitan production for Warner Bros. . . . 12-star cast including O'Brien and Powell...from popular stage success.

LESLIE HOWARD in "GREEN LIGHT"—Famous novel . . . great human story . . . by Lloyd C. Douglas, sensational best-selling author find of past season.

LESLIE HOWARD in "THE PETRIFIED FOREST"—His own long-run stage hit of the past season...Howard's first big melodrama . . . Variety names him No. 1 matinee idol.

RUDY VALLEE in a swell romance with music...real love story...lavish cast ...for the bigger-than-ever Vallee public.

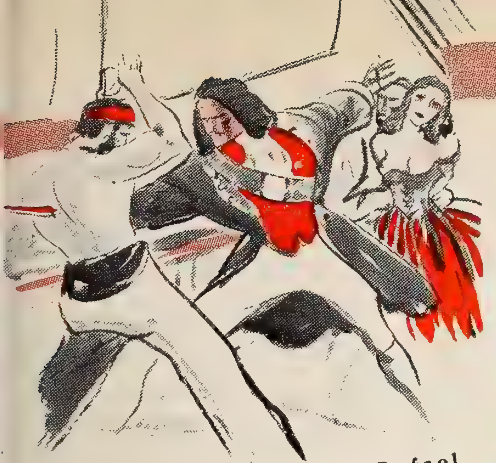


EDWARD G. ROBINSON in "STILETTO"—A detective in little Italy...flashing knives...murder...vengeance . . . 'Little Caesar' walks again!

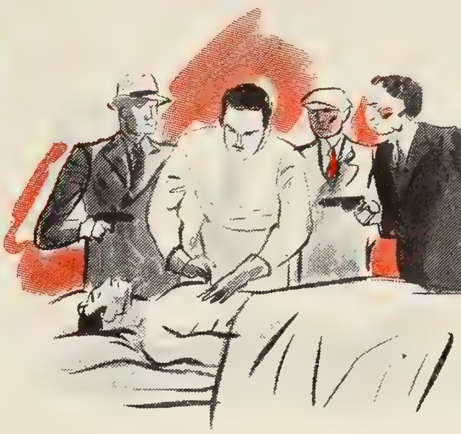
"I LIVE FOR LOVE"—Story of two popular stars with the private lives of goldfish...introducing famous baritone Everett Marshall opposite DOLORES DEL RIO.

"G-WOMEN"—Successor to 'G-Men' . . . same dynamite action . . . guns . . . gangs . . . gals . . . the title tells the story!

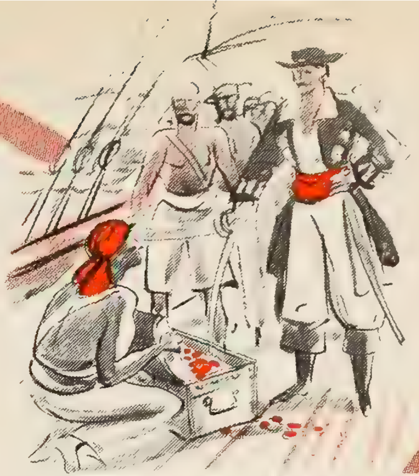
"SAN QUENTIN"—Sirens . . . searchlights . . . escaping convicts . . . martyred prison guards...another great news-value theme.



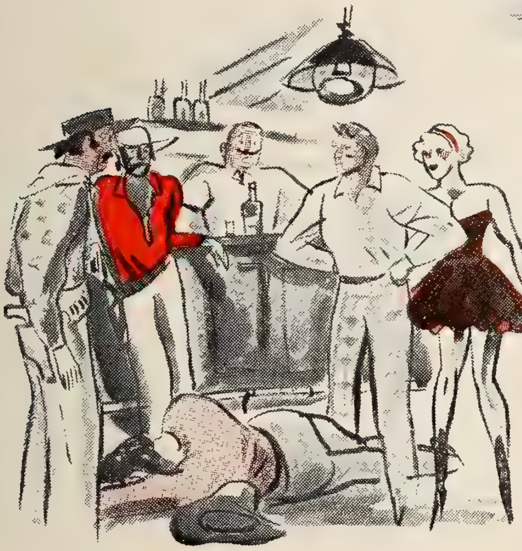
"CAPTAIN BLOOD"—by Rafael Sabatini . . . Pirates . . . sea battles . . . the Jolly Roger...big-scale production.



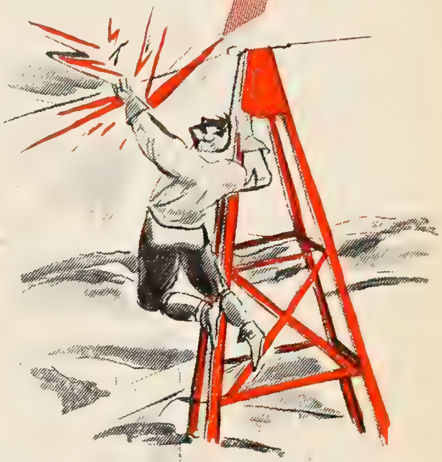
PAUL MUNI in "DR. SOCRATES"—Muni as gangsters' doctor... from sensational Collier's serial . . . by 'Little Caesar's' author . . . with Ann Dvorak.



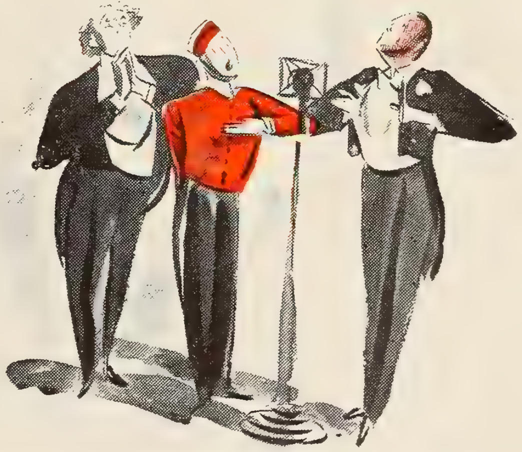
LAFITTE THE PIRATE—Buried treasure... romantic Louisiana... skull and bones ride the waves . . . blood and thunder . . . another big action special!



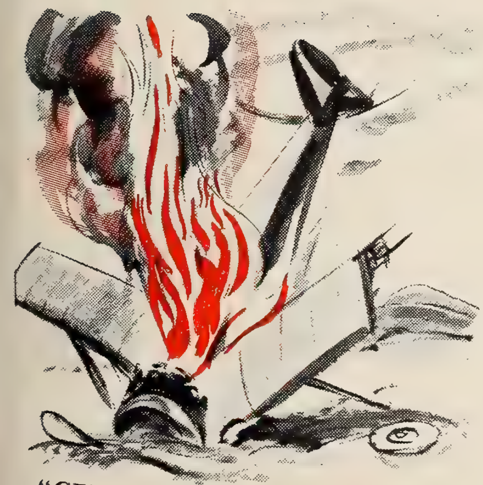
JAMES CAGNEY in "THE FRISCO KID"—The Barbary Coast ,.. bad men ... painted ladies... Jimmy as Vigilante G-Man of the Roaring Forties.



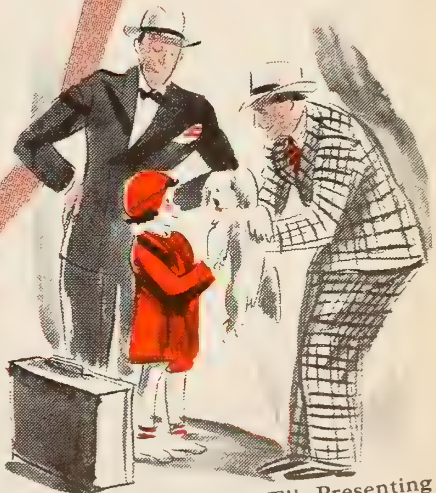
"SLIM"—Million-volt story of high tension wiremen . . . world's most dangerous job . . . adapted from best-selling novel.



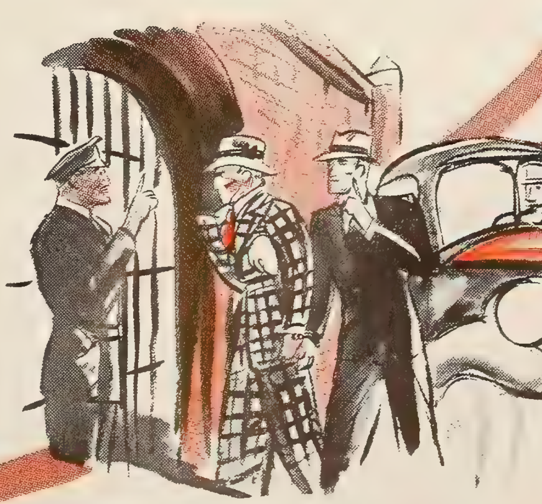
"RADIO JAMBOREE OF 1935"—Bringing 'Mike' stars James Melton and Jane Froman to feature pictures...also starring Franchot Tone...from Cosmopolitan magazine story.



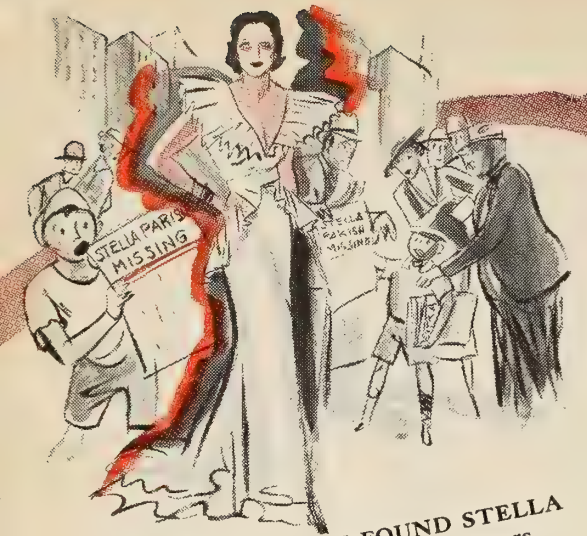
"CEILING ZERO"—Another top Broadway stage hit...first great drama of commercial aviation...will star Cagney and O'Brien.



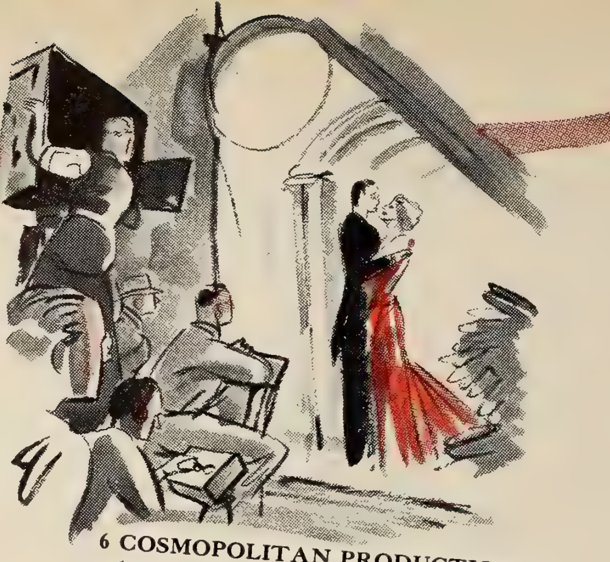
"LITTLE BIG SHOT"—Presenting Sybil Jason . . . brilliant new actress . . . age 5! . . . and strong comedy cast.



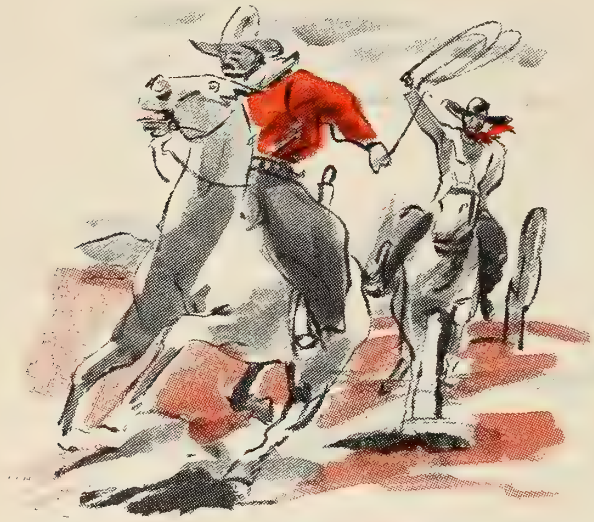
"SPECIAL AGENT"—Celebrating the female of the Federal Agents . . . the Treasury Department's 'T-Men . A Cosmopolitan Production starring Bette Davis, George Brent.



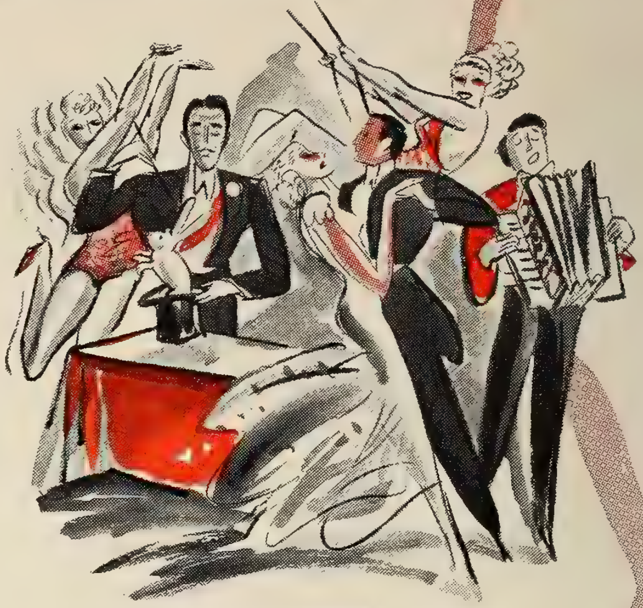
KAY FRANCIS in "I FOUND STELLA PARRISH"—Great actress disappears . . . tracked down by reporter...a great love... then heart-break...perfect Francis vehicle.



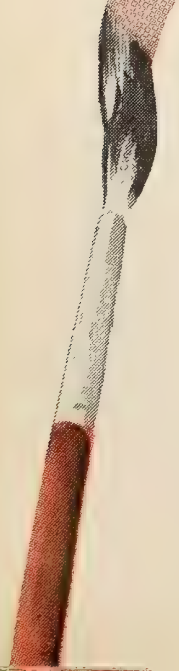
6 COSMOPOLITAN PRODUCTIONS of which the first will be "Page Miss Glory", "Navy Sweethearts" and "Special Agent" ...all backed by nation-wide publicity and advertising.



6 WESTERN PRODUCTIONS of a new and improved type . . . rich in production values...starring Dick Foran.

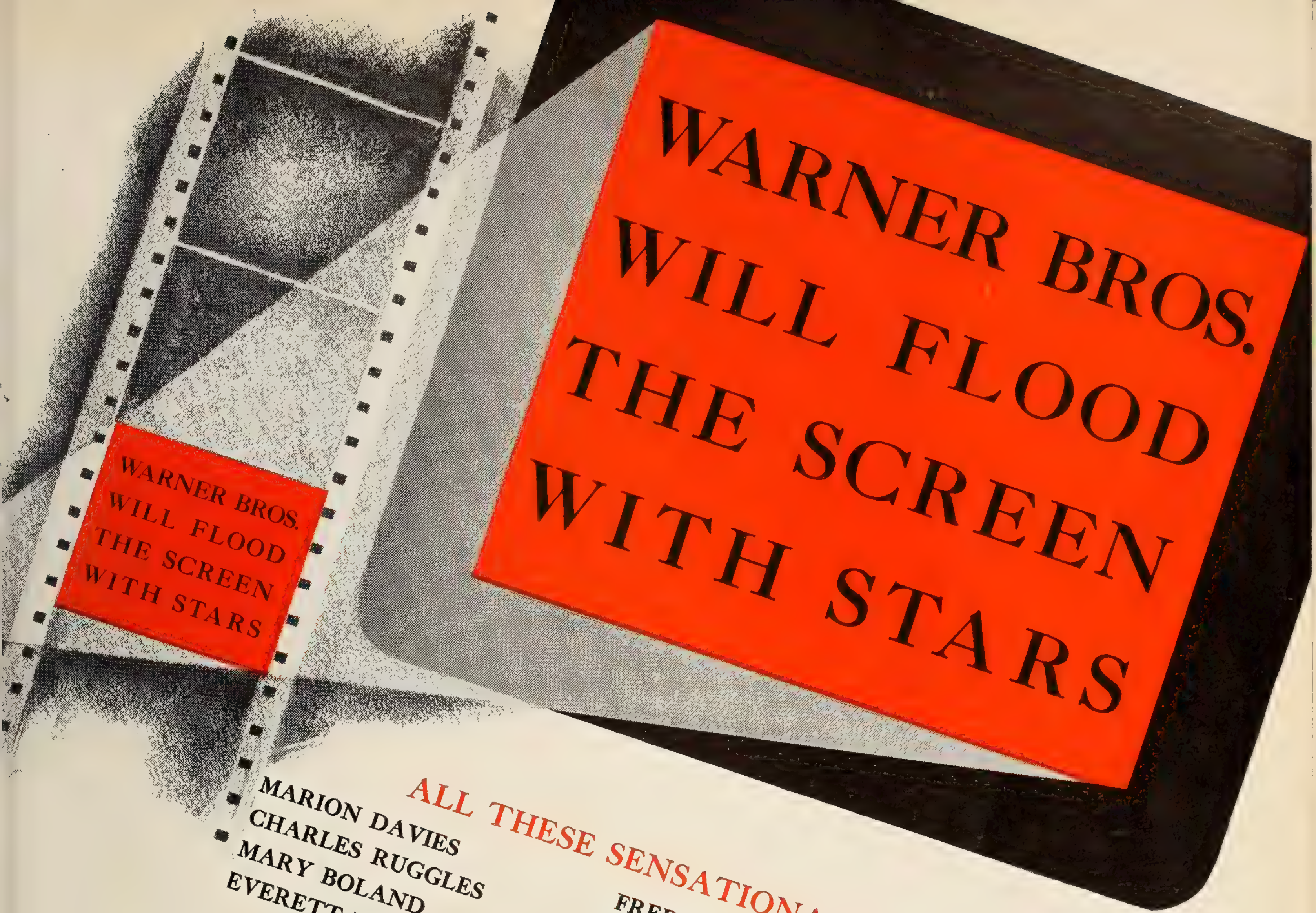


130 VITAPHONE SHORTS featuring important new developments . . . sensational new series . . . greatly augmented star strength . . . including twice as many top comedy names.



P.S. HE DIDN'T GET THE JOB

Rembrandt doesn't live here any more — and we decided nobody else could do justice to the kind of pictures that are on that list! Anyway, we figured that those titles not only speak for themselves—*they yell.* Besides, you wouldn't *have* to know much about the pictures when you know that • • • • •



WARNER BROS. WILL FLOOD THE SCREEN WITH STARS

ALL THESE SENSATIONAL NEW NAMES....

MARION DAVIES
CHARLES RUGGLES
MARY BOLAND
EVERETT MARSHALL

FREDERIC MARCH
JACK OAKIE
JAMES MELTON
ERROL FLYNN

CLAUDETTE COLBERT
BORIS KARLOFF
ROBERT DONAT
WARREN HULL

....ADDED TO THIS LIST OF FAMOUS WARNER FAVORITES

LESLIE HOWARD
KAY FRANCIS
DICK POWELL
RUBY KEELER
WARREN WILLIAM
GUY KIBBEE
George Brent
Ann Dvorak
Frank McHugh
Verree Teasdale
Colin Clive
Patricia Ellis
Allen Jenkins
Ross Alexander
Ian Hunter
Olivia de Havilland
Anita Kerry
Mary Treen
William Gargan
Henry O'Neill
Gordon Elliot
Winifred Shaw

JAMES CAGNEY
JOE E. BROWN
RUDY VALLEE
EDWARD G. ROBINSON
JOAN BLONDELL
BETTE DAVIS
Gene Raymond
Genevieve Tobin
Josephine Hutchinson
Margaret Lindsay
Sybil Jason
Claire Dodd
Anita Louise
Hugh Herbert
Phillip Reed
Robert Barrat
Johnny Arledge
John Eldredge
Maxine Doyle
Joseph Sawyer
Eddie Shubert
Virginia Grey

PAUL MUNI
AL JOLSON
PAT O'BRIEN
DOLORES DEL RIO
JEAN MUIR
RICARDO CORTEZ
Mary Astor
Glenda Farrell
Lyle Talbot
Donald Woods
Barton MacLane
Hobart Cavanaugh
Phil Regan
Helen Lowell
Florence Fair
Joseph King
Martha Tibbetts
Mary Russell
Martha Merrill
June Travis
Helen Ericson
Louise Seidel

NOW AVAILABLE FOR REPEAT BOOKINGS IN 1945-'46

—because they will be made so universal in their interest, so all-embracing in their grasp of every possible appeal to mankind's entertainment impulse, that they will be re-booked again and again like all the other great screen classics of the past.

WARNER BROS. PICTURES 1935-'36

Musicals Get Big Boost in Japan Houses

(*Continued from page* 1)

Down to Rio," "Wonder Bar," "One Night of Love," "Leise Flehen Meine Lieder," "Das Lied Einer Nacht," "The Gay Divorcee," "Dames," "Flirtation Walk," "Rumba" and others have been presented. Some of them have been striking box-office successes and all have had extended runs.

After studying this tendency Japanese producers, such as Shochiku, Shinko, Nikkatsu and P. C. L. (Photo Chemical Laboratory) are producing musicals with the hope they will have general appeal. "Chorus of a Million People" and "Symphony in an Alley" have been two of these, and both have been hits.

* * *

Foreign talent and capital is being sought for the development of Japanese production. First importation is Julien Duvivier, French director, here under contract to the Shinko Cinema Corp. The aim is to produce Japanese films with universal appeal, so that they can be exported.

Most observers here agree that if pictures are to be produced for the export market foreign directors, players and technicians will be needed.

* * *

Imported films have fallen off to 136 during the past six months compared with 140 for the same period last year. This is due to extended runs on some of the successes. Releases by companies were: Paramount, 21; M-G-M, 18; Towa Shoji (distributor of European films, but not a producer), 17; Columbia, 15; Fox, 14; Universal, 12; Warner-First National, 11; RKO-Radio, eight; Sanyei-Sha (distributor), four; Daido-Shoji, three; Naigai-Shoji, two; Chidori-Kogyo, two.

Some of the films which had extended runs were: "Cleopatra," "Now and Forever," "Little Miss Marker," "Lives of a Bengal Lancer," "Treasure Island," "Manhattan Melodrama," "The Merry Widow," "The Cat's Paw," "Baby, Take a Bow," "Caravan," "Son of Kong," "Ich und die Kaiserin, "Leise Flehen Meine Lieder," "Der Schwarze Wilfisch," "Le Grand Jeu."

* * *

General prosperity had brought about a boom in theatre building in Tokyo. Six large houses are under construction. Some will be finished during the summer and others will be ready in the spring.

One of the new figures in the exhibition field is Ichizo Kobayashi, owner of electric light and tramway companies and department stores. He has acquired Nippon-Gekijo, Hibiya-Gekijo, Tokyo Toho-Gekijo, Yokohama Toho-Gekijo, Ginyei-Za, Yuraku-Za and the Daiichi-Gekijo now under construction.

Heffener Quits Fox

Boston, Aug. 1.—Roy Heffener, New England franchise holder of bank night, has resigned as salesman for Fox to devote his full time to bank nights. His wife had been handling it for him in the past. Harry Alexander of Albany succeeds him at Fox.

Purely Personal

Walt Disney's cocktail soiree at the Waldorf yesterday afternoon, given by United Artists, drew a big gathering of film notables. Among them were: Al Lichtman, Harry Buckley, Arthur Kelly, Kay Kamen, Monroe Greenthal, Spyros Skouras, H. J. Fitzgerald, head of Fox Wisconsin theatres; Clarence Eisenan, Harry Gold, Luigi Pirandello, Paul Lazarus, Joseph Bernhard, Clayton Bond, E. J. Sparks, Nathan Burkan, Bide Dudley, Russell Patterson, Alex Gottlieb, Colvin Brown, Red Kann, Jack Alicoate, Don Mersereau, Gus Eysell, Lynn Farnol, Charles Curran, Herb Berg, Ray Disney, William Phillips, Florence Ross, Pete Harrison, Johnny Dowd, Arch Smith, James Mulvey, Jack Goldhar, Lou Smith, Bob Garity and Sam Taylor.

●

Henry Ginsberg, vice-president and general manager of the Roach studios, reached New York from Hollywood yesterday. It was Mrs. Ginsberg's first trip by air, but Henry held her hand all the way. Result: No nervousness on his part.

●

Pat O'Brien may be seen in three pictures on Broadway this week, if any one should happen to be interested. They are "The Irish in Us" at the Strand; "In Caliente" at the Palace and "Oil for the Lamps of China" at Loew's State.

●

Helen Hayes has gone for the summer theatre. Which is to say she will appear in a revival of Shaw's "Caesar and Cleopatra" at the County Theatre, Suffern, on Aug. 21.

Joaquin Garay is in his fourth week at the Roxy. Also on the bill this week are: Lamb and Bollett, Clare and the Sana Sisters, Anolyn and Gay Brothers, Leonard Kellogg and Freddie Mack.

●

Harry Charnas, Louis Shurr, Al Melnick and Helen Lynd chatting in the Strand lobby.

●

William A. Ullman's original, "The Middle Deep," has been purchased by Nat Levine for Republic release.

●

Sheila Barrett will be among those sailing tonight for abroad on the *Europa*.

●

Sam Warshawsky's play, "The Woman of Destiny," will be tried out at the Jackson Heights Country Club Theatre next week.

●

Lawrence Riley, author of "Personal Appearance," is back in town from a Hollywood sojourn, bringing two acts of a new comedy called "Carboard Castle."

●

Harry C. Arthur is in St. Louis preparing to reopen the Ambassador.

●

Eddie Burke, manager of the Roxy, is vacationing.

●

Maxson F. Judell has resigned his advertising and publicity post with the various Herbert J. Yates enterprises and plans to enter production in Hollywood.

John A. Kent Dead

Funeral services for John A. Kent were held Tuesday from his home at Merrick, L. I., it was learned yesterday. Kent had a lengthy experience in the industry and for two years prior to his passing was associated with Producers' Laboratories, Inc. Fifty years of age, he died of a complication of diseases, emphasized by a bad heart. His wife succumbed four weeks ago and the only immediate survivor is a son.

Restaurant Deal On

Jack and Charlie, owners and operators of the 21 Club, are reported negotiating with William R. Wilkerson, publisher and editor of *The Hollywood Reporter,* for the Vendome and Trocadero, coast restaurants operated by Wilkerson in addition to his publishing activities.

Roach Signs Savo

Hal Roach has signed Jimmy Savo to a long-term contract and the comedian will leave for the coast late next month. He will make feature length pictures for release through M-G-M. Henry Ginsburg, general manager of the Roach studios, closed the deal yesterday.

Julius Lamb Vacationing

Chicago, Aug. 1.—Julius Lamb, manager of the Uptown theatre in Cleveland is vacationing along the shores of Lake Michigan.

Comerford Gets Screeno

Chicago, Aug. 1.—J. S. Markstein, manager of the local screeno office says the Comerford circuit is starting the attraction this week. He also reports that the majority of Loew theatres in and around New York are using the plan.

New distributors for screeno are Dave Dubin, who takes over the Los Angeles territory; Gordon F. Wilson, former Chicago press agent, who has charge of the Atlanta office, and Charles F. Mensing, formerly a theatre manager here, who will take charge of the Memphis branch.

Fox Sets "Inferno"

Following its run at the Rivoli here, Fox has set "Dante's Inferno" for August release in 13 key spots. Boston, with the Paramount and Fenway showing the picture, starting Aug. 8, and Chicago, with the film playing the Roosevelt starting a day later, are the first two towns set after the local run.

H. J. Wiltshire in Town

Henry J. Wiltshire, head of Liberty Pictures of Argentina, has arrived here from South America for conferences at the home office with J. H. Hoffberg on next season's releases. Wiltshire will be in town about two weeks.

Lease Huron, O., House

Huron, O., Aug. 1.—Fred Schram, of Cleveland, has taken a long term lease of the Ritz, formerly operated by O. J. Guthrie.

Disney Plans Color Feature Every 18 Mos.

(*Continued from page* 1)

to be in Hollywood Monday for the reopening of the studios which have been dark during July. "Mickey's Grand Opera" will be the first subject to be started. Disney said he had made a deal in Italy with Ricordi for some Italian music to be used in connection with the short.

Discussing cartoon production abroad, Disney asserted that animators in England, France and Germany are gradually getting on to our ideas, but cannot grasp our sense of humor. He added that the cartoons made in these countries are localized to meet native requirements. He said all his subjects are dubbed for the foreign market.

Roy Disney is staying in New York for a while before going west. He arrived on the same boat.

Delay Jersey Cases For Aug. 8 Hearing

(*Continued from page* 1)

ing $60 because Geller refuses to play "The Affairs of Cellini." The exhibitor does not want to play the picture because of church objections.

Big U's breach of contract case against the Ormont, East Orange, N. J., also was put over until next Thursday.

Two other cases on the calendar were settled. They were the U. A. complaint against the Plaza, Freeport, L. I., and Big U's action against the St. Cloud, Washington, N. J. Both involved breach of contracts.

Opens Australian Office

Hollywood, Aug. 1.—Howard C. Brown is opening offices to represent the Central Film Casting Agency of Sidney, Australia, in matters dealing with stories, stars and directors for Australian quota pictures. The Central Film Casting Agency is the biggest single artists agency in Australia.

Brown was associated for seven years with Tiffany in the production of short subjects, and was with Educational for three years in the same capacity.

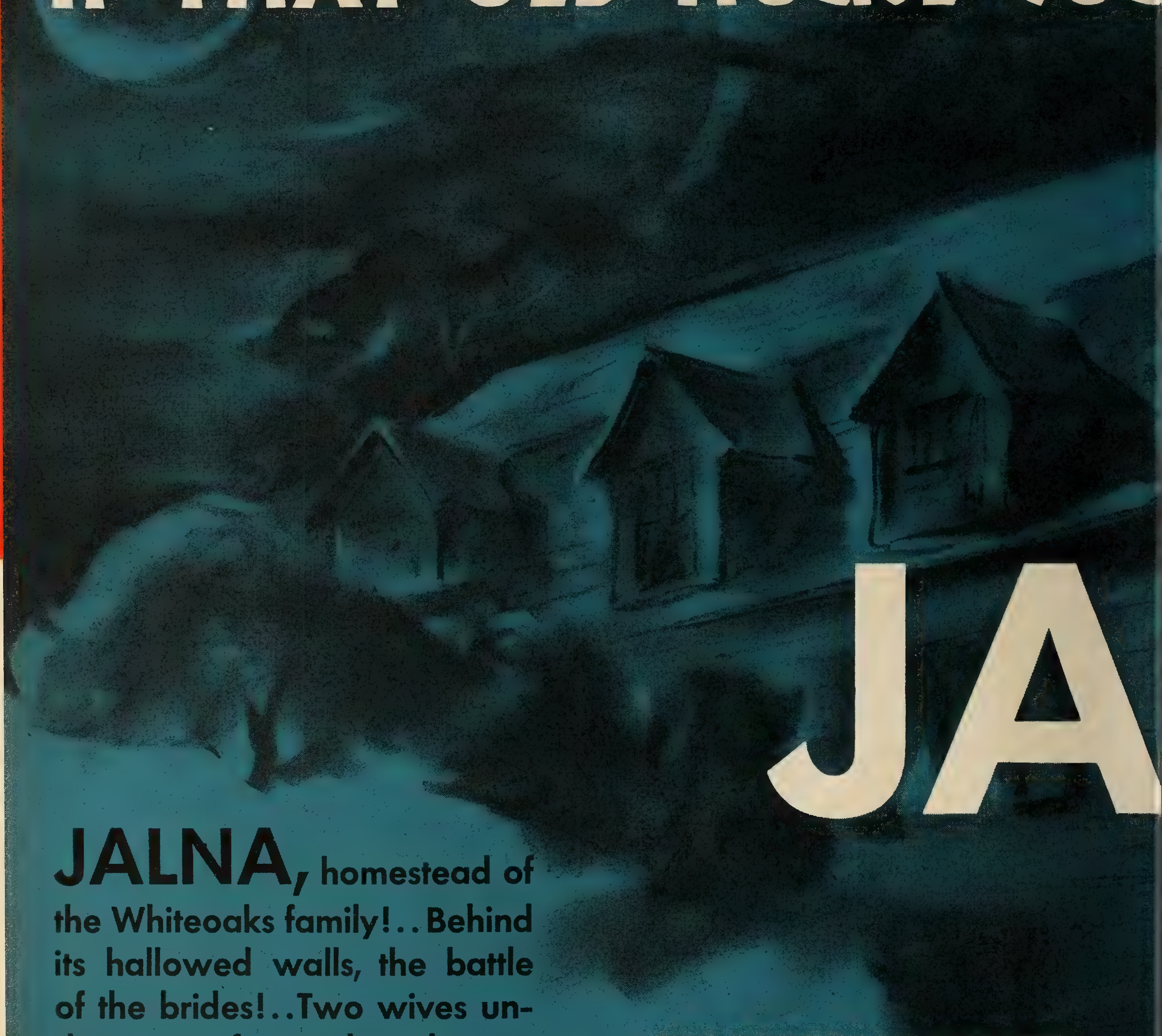
Manwaring Sells Novel

Hollywood, Aug. 1.—Dan Manwaring of the Warner publicity department, has sold a novel, "The Man Who Murdered Himself," to William Morrell, who will publish it this winter. This is the first of a series of five mystery stories which Manwaring has contracted to write. He is also the author of "One Against the Earth," published some time ago.

Goldsmith Signs Marine

Hollywood, Aug. 1.—Ken Goldsmith has signed Lieut. F. Adrian, U. S. Marine Reserves, to act as technical adviser on "The Leather Necks Have Landed." The picture will be Nat Levine's first for the Republic program.

IF THAT OLD HOUSE COL



JA

JALNA, homestead of the Whiteoaks family! . . Behind its hallowed walls, the battle of the brides! . . Two wives under one roof . . caught in the currents of human will that whirl in the walls of a house that has known romance and tragedy . . Jalna! . . the inspiration for this deeply moving novel . . Jalna! . . the locale of four other best sellers by the same author, including the currently sensational "Young Renny"!

THE BOOK THAT STORMED A NATION'S HEART NOW FLAMES UPON THE SCREEN! . . MAZO DE LA ROCHE'S $10,000 PRIZE NOVEL BROUGHT TO LIFE IN ALL ITS BITING DRAMA, GLORIOUS ROMANCE AND HEART-HOLDING POWER!

RKO-RADIO PICTURE

Directed by John Cromwell

LD TALK . . . !

LNA

KAY JOHNSON

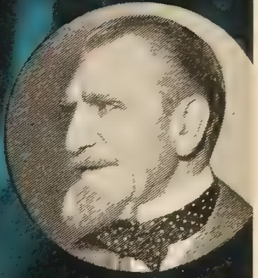
As Alayne, Eden Whiteoaks' sensitive bride from the city . . . A "stranger" at Jalna . . . loved by her husband's brother.

IAN HUNTER

As Renny, younger mas
of the Whiteoaks family
Counsellor and guide .
whose loyalty and ho
battle with his love for
brother's wife.

C. AUBREY SMITH

As Nicholas, bachelor son of Jalna's founder . . . A fussbody deep in the memory of past escapades . . . Meddlesome and sentimental.

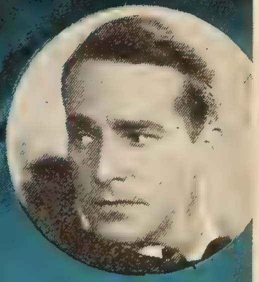


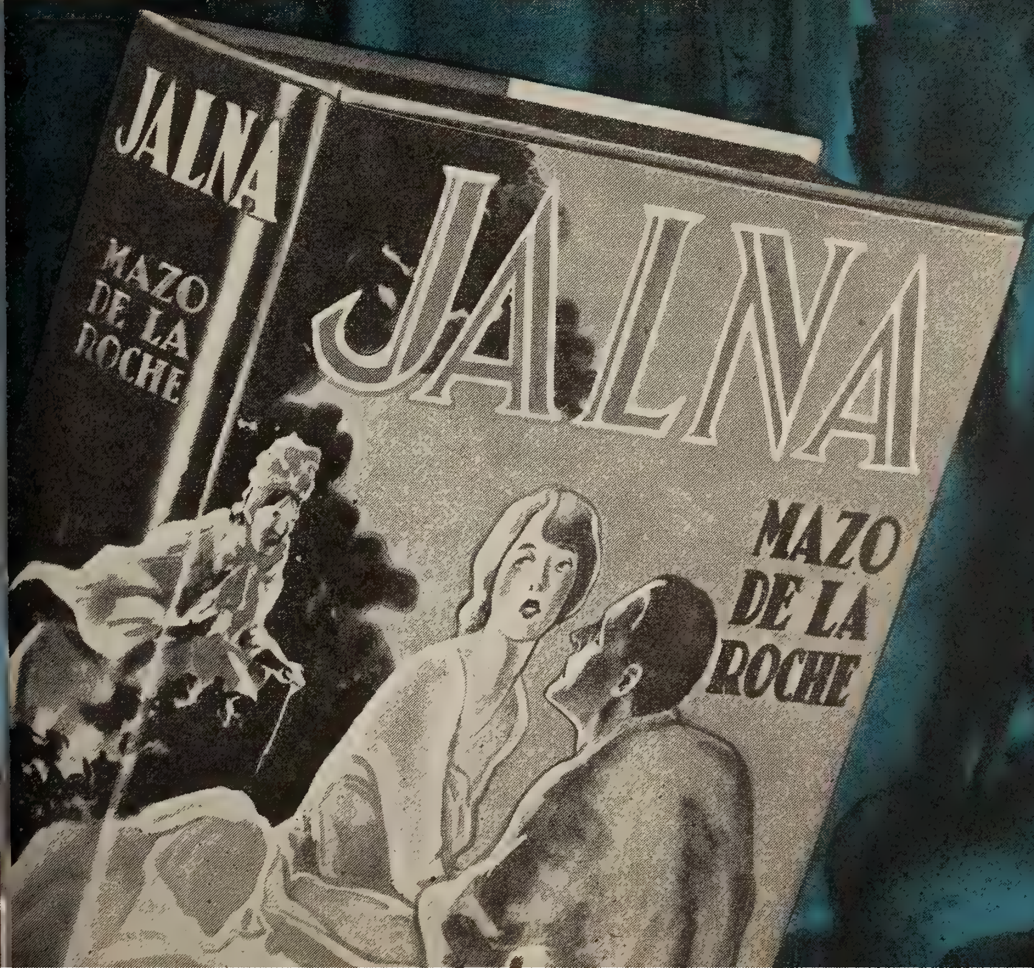
NIGEL BRUCE

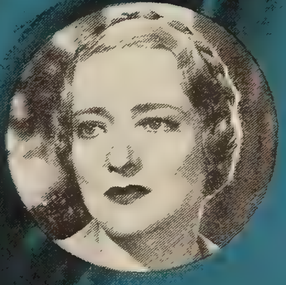
As Maurice; lovable, la
ne'er-do-well. Past suitor
Meg, only girl in Whiteoa
family. Father of the ma
cap Meg, who marri
Piers.

DAVID MANNERS

as Eden, the handsome young family pet, whose poems started him toward success and his hasty marriage with Alayne.





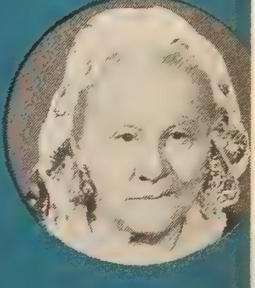


PEGGY WOOD

as Meg, spinster. The lo
Whiteoaks' daughter, w
ate her heart out over
fancied jilting by Mau
years before.

JESSIE RALPH

as Gran, ninety-year-old matriarch of the Whiteoaks clan. Wife of the original owner. A merry martinet with whims of steel.



MOLLY LAMON

as Pheasant, wild daugh
of Maurice, who beca
the bride of Piers Whi
oaks, only to fall in lo
with Eden.

"Columbus 5-6500!"*

RKO? . . . I want to speak to Jules Levy . . . Hello, Jules, this is Eddie . . . Yeah, things are goin' swell! . . . Yeah . . . *Becky* sure has hung up a record all right. I'm sure glad we've got two more of those Technicolor babies comin' along . . . THE MARCH OF TIME? Say, Jules, the way THE MARCH OF TIME is going is *immense!* This week they've signed 197 new contracts already in this one territory and they know where they can get plenty more . . . Do you know that people have been around to the exhibitors and written 'em letters *asking* why they weren't showing it? That's where that MARCH OF TIME radio program went to work, I guess . . . More than that, the customers seem to have heard a lot of chatter about THE MARCH OF TIME from their friends. They heard about the stew the Huey Long sequence stirred up in No. 3. And about those scoop sequences on the munition makers and the transpacific passenger flight. The inside story of the Navy's war games got a lot of talk, too. Now they want to lamp No. 5 when we release it August 16th . . . My boys tell me it's the fastest, easiest-selling subject they've ever had anything to do with . . . Now about this . . .

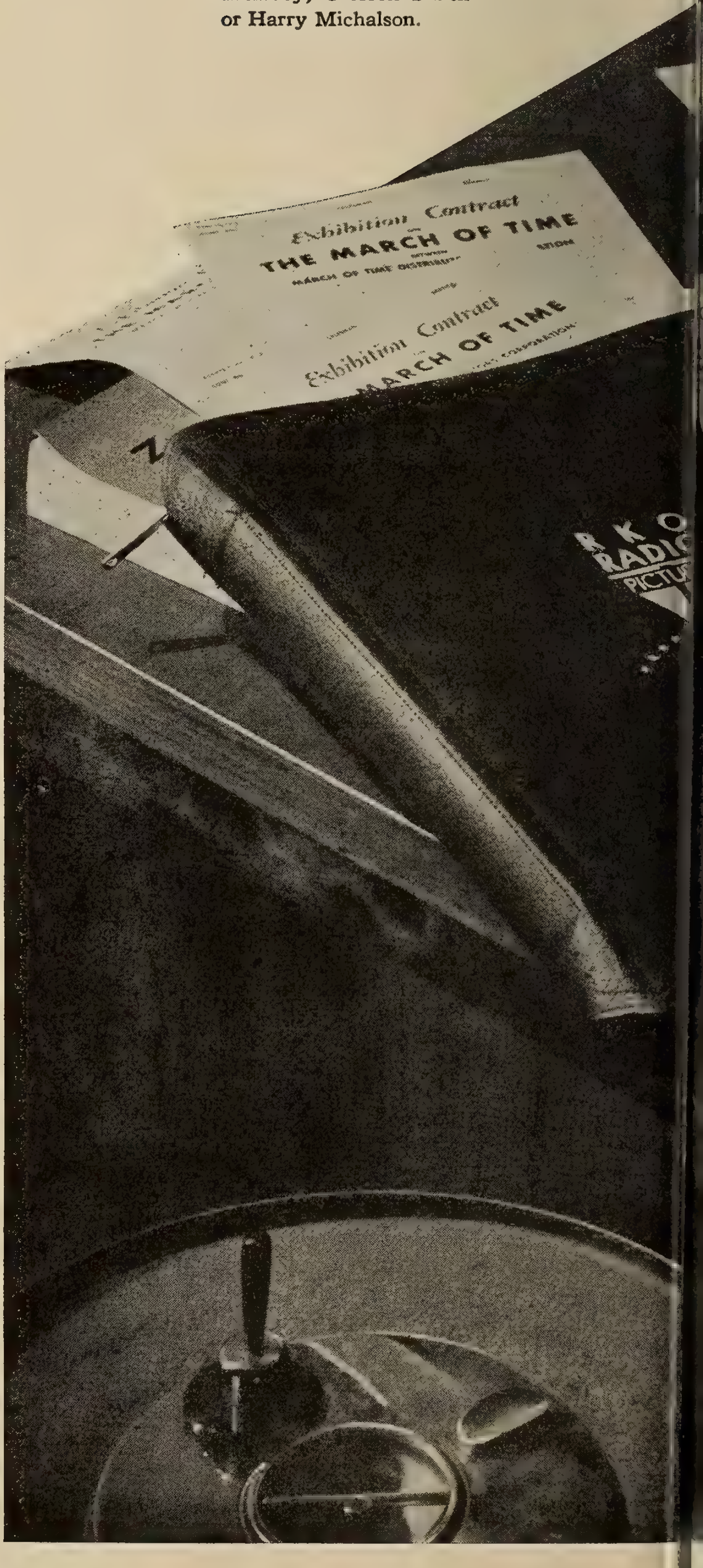
* * *

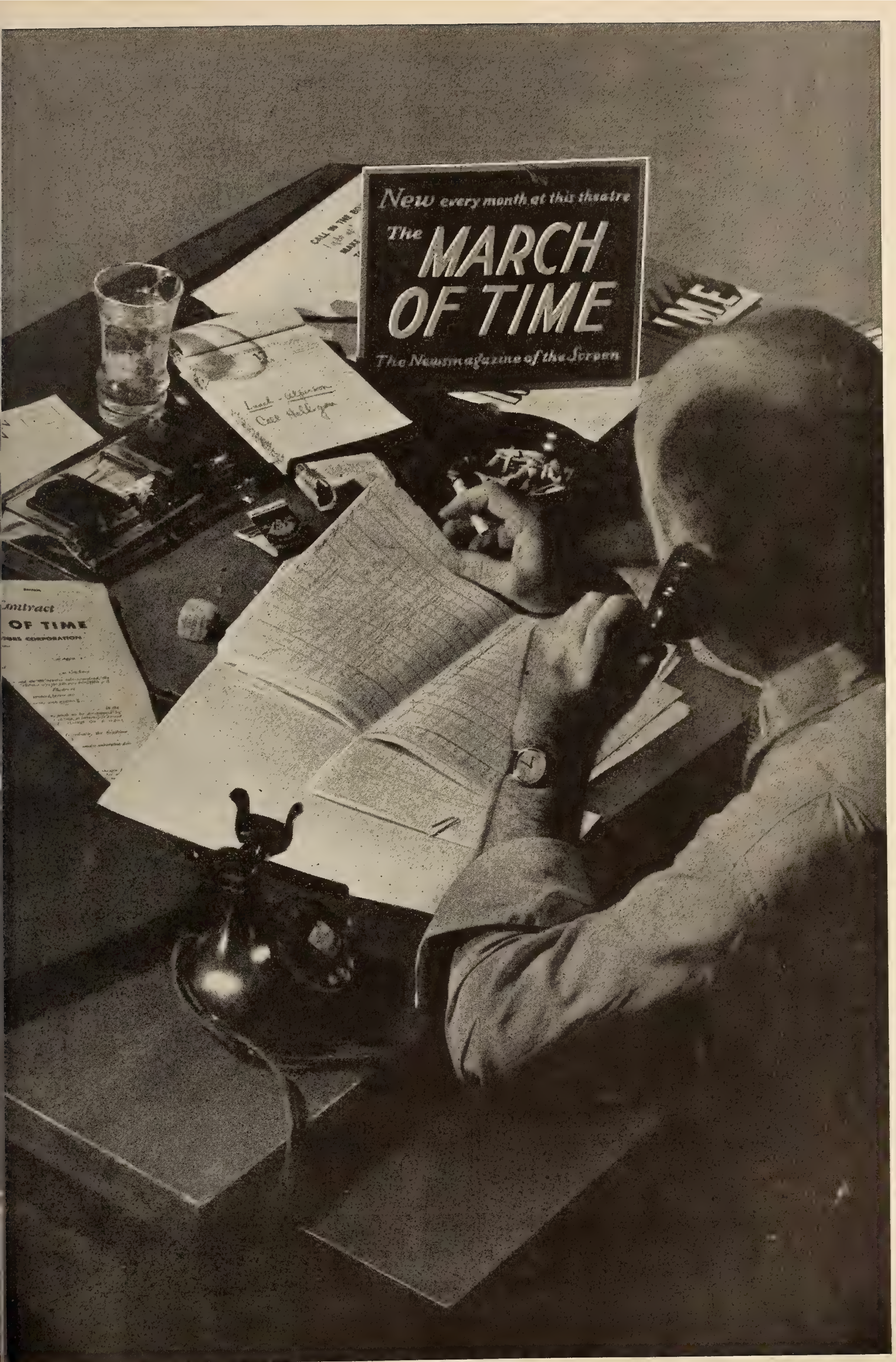
GRATIFIED and pleased, THE MARCH OF TIME views the enthusiasm of RKO'S sales force with mounting satisfaction.

In a short time there will be almost as many theatres showing THE MARCH OF TIME as Time and Fortune friends have asked for in their flood of letters. Results** speak for themselves.

**ALTOGETHER SINCE THE LAST RELEASE OF MARCH OF TIME MORE THAN 500 NEW CONTRACTS HAVE BEEN SIGNED WITH EXHIBITORS

✱ *Exhibitors:* If by any chance an RKO salesman has not yet called on you re MARCH OF TIME, you will receive immediate service by calling this number collect in New York City (RKO's Home Office) COlumbus 5-6500. Ask for either Eddie McEvoy, Cresson Smith or Harry Michalson.




New every month at this theatre
The MARCH OF TIME
The Newsmagazine of the Screen
Contract
OF TIME
CORPORATION
CALL IN THE BO

Asks That Fox B Shares Get Same as the A

(Continued from page 1)

Class B shares from the merger plan and to report to the committee on means of possible legal redress if the request is refused. The committee also reported that it is studying reasons why Twentieth Century is receiving "more than 16 per cent" of the authorized capital stock of the merged companies when, according to the issued statement of Fox, Twentieth is contributing "approximately eight per cent of the combined assets of the two companies."

The committee stated that it regarded "the earning value" of the Twentieth Century assets as a better basis for computation of their worth than their valuation at cost which, the committee says, was the valuation given the assets in Twentieth's statement. Efforts will be made, the committee says, to obtain authorization from Joseph M. Schenck to determine the earning value of Twentieth's assets in order to compute their exchange value in the merger accordingly.

The committee declared that the preferential treatment being accorded the Class B shares was "without merit at this time."

"While it is true," the committee's statement reads, "that the Class B shares have the controlling voting power of the corporation under certain conditions, it would be necessary that $9,745,636 be distributed in the form of dividends in the course of one year before these shares could reacquire that voting control. The course of the corporation since the present invisible government of it assumed control of its management has been such to convince the committee that such dividends are a very remote possibility. Therefore, the justification advanced by the company for the discrimination in favor of the Class B stock is regarded as being without merit at this time."

Kalmus British Deal Gets Board Approval

(Continued from page 1)

capitalization of $1,600,000. British interests, which supplied the necessary capital, own half the company with Technicolor.

Behind the British company are Alexander Korda, Gerrard Industries, Ltd., and Sir Adrian Baillie. A plant will be constructed in England. Korda will make the first Technicolor feature with Natalie Kalmus as color director. A deal is expected to be closed within the next few days with Herbert Wilcox.

RKO-Warner Film Deal to Be Set Soon

(Continued from page 1)

output with RKO, but this season the former circuit bought all of Paramount instead of the 50 per cent it tied up in 1934.

Loew's yesterday closed with United Artists for 15 features. RKO has a deal on for the balance of the 24 the distributor will release this season.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Crusades"

(DeMille-Paramount)

HOLLYWOOD, Aug. 1.—Cecil B. DeMille, master showman in creating this, his greatest picture, gives exhibitors super de luxe entertainment, intriguing the eye with spectacle, thrill; assailing the heart with tender romance and exalting the moral senses with religious passion.

Fired with inspiration, the production humanizes the primitive virtues to stir and elevate, with each moment enriched by taste and beauty.

Aside from pomp and majesty, glitter and gallop, a love clash between Henry Wilcoxon, as Richard, the Lion Hearted, and Loretta Young, as Princess of Navarre, shines with warmth and fervor. Set against this alliance, C. Henry Gordon, as Philip of France, insists Richard marry his sister, Katherine DeMille, per his royal pledge. Ian Keith, Saracen chief, with Loretta his captive, gallantly relinquishes to Richard.

Knowingly, DeMille has propelled this romance with complete priority. History, armor, costumes, primitive battles, while important, seem secondary as entertainment. Heart, laughs, action, tears, prime audience factors, move violently yet tenderly in rhythmic cadence, sweeping to climax after climax.

Shrewdly, DeMille also has kept his moral values in realms of pure faith. It might be abstract faith battling for right, so universal is its impact.

Beauteous and lovely Loretta Young and two-fisted tempestuous Henry Wilcoxon make of love a poet's dream in flesh and blood. Ian Keith, astute Oriental potentate; C. Aubrey Smith, religious hermit, instigator of the Crusades; Joseph Schildkraut, double dealer against Richard; Alan Hale, jester and troubadour; George Barbier, King of Navarre; Montague Love, Richard's blacksmith; Lumsden Hare, Earl of Leicester; William Farnum, Hobart Bosworth, Mischa Auer and others portray roles conceived in the screen play by Harold Lamb, Waldemar Young and Dudley Nichols. Lifelike portraits with finished acting in each. Rare, too, the writing.

The production is technically perfect. Authentic settings, costuming, music, battle implements and breath-taking photography all hold an inspired quality for audiences.

Colossal as was DeMille's concept in script, just as colossal is the screen masterpiece. Its spellbinding warmth, its strength of muscle and steel, its zeal of minds and men hold one enthralled as one of the world's most glorious pageants relives in ageless romance.

Unquestionably DeMille has created one of the biggest box-office grossers, creating, too, a monument to himself in the entertainment world. Production Code Seal 134. Running time, 89 minutes. "G."

Wisconsin Playdate Ban Bill Is Signed

MADISON, WIS., Aug. 1.—Gov. Phil LaFollette has signed a bill prohibiting film distributors from requiring exhibitors to show pictures on specified days of the week.

The I.T.P.A. of Wisconsin and Upper Michigan fought for the legislation on the ground that they were penalized by contractual conditions which required them to exhibit pictures on week-ends and guarantee percentages.

The bill provides a penalty of $25 to $300 fine for the first offense and $300 to $500 for each subsequent offense. The secretary of state is given power to revoke a violator's certificate to do business in Wisconsin.

Transfer Detroit Houses

DETROIT, Aug. 1.—Among new theatre changes are listed transfer of the Hippodrome, Detroit, to Mrs. Anna Fischer, who formerly operated the Plaza, by Gene Becker, and sale of the Bohm, Albion, by George Bohm, to Alex Schreiber and William A. London, owners of several houses here, who recently acquired out-state theatres at Flint and Three Rivers.

Buy Two Denver Houses

DENVER, Aug. 1.—The Gothic and Englewood, neighborhood houses, have been purchased by A. P. Archer and Joe Dekker, to be added to their Civic Theatres. Already in the group are the Egyptian, Granada and Oriental. Archer and Decker took charge today. Both houses were purchased from Thomas Sullivan, Englewood, banker. The Englewood, which has been dark for some time, will be remodeled.

Film Profits Foreseen in Wall Street

(Continued from page 1)

100 yesterday (Wednesday), against a low of 58¾ earlier in the year, while the Paramount Famous Lasky 6s are currently selling at 98⅜, against a 1935 low of 59. The latter two isssues are being exchanged for Paramount Pictures 6% debentures, and 6% preferred."

It was the collapse in security values that enabled new financial interests to enter the business in a big way, the article points out.

"Now the domination of three out of the five big companies has passed out of the hands of their original owners into the control of people who a decade ago had no financial interest in this field," the financial writer continues.

"The new managements are hard at work on the job of rebuilding earning power and are paying most attention to making pictures, which is recognized to be the basic division of the industry."

"A record array of productions for next fall and spring is expected to spur theatre attendance. Already talk is being heard in the industry of a moderate advance in box-office prices when and where it seems feasible. Film profits have been good right along, but theatres, in which the bulk of amusement capital is invested, have been lagging and a recovery here would be of primary importance.

"Part of the case of poor theatre earnings has been perhaps the need for securing a reduction in real estate rentals and reorganizing theatre holding subsidiaries. While this process was going on there was little incentive to push for large box-office returns. Now that it has been completed, profits from this division of the business may turn upward again."

Try Chicago Revivals

CHICAGO, Aug. 1.—The Sonotone which usually plays special foreign product started a revival policy today. Several other downtown houses also considering this policy if it clicks.

Finish "Moscow Nights"

LONDON, Aug. 1. — "Moscow Nights," Alexander Korda's latest for U. A. release, has been completed.

AIR CONDITIONING CHARTS

that represent standard practice in air conditioning for motion picture theatres. Practical advice on how to attain the best atmospheric conditions for your house winter and summer. Devised to be put on the wall for constant reference. Available until the supply is exhausted at 25 cents each, payment with order. Write direct to

QUIGLEY BOOKSHOP
1790 BROADWAY NEW YORK CITY

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 29 NEW YORK, SATURDAY, AUGUST 3, 1935 TEN CENTS

Australians Seek Limits On Building

New South Wales Indies Raise Fighting Fund

By CLIFF HOLT

SYDNEY, Australia, July 9.—(*By Airmail via London.*)—Independents in New South Wales are making a bold bid for the introduction of licensing laws similar to those in force in New Zealand, where the wholesale building of theatres in overseated areas is politically controlled. The executive committee of the association has gone surety for a preliminary contribution to a fighting fund of £1,000 and the trustees of the fund will undertake a tour of the state in an endeavor to swell the association's fighting forces into a formidable figure.

Bona fide independents have been actively campaigning for some time

(*Continued on page* 4)

Expect Quick Move On Para. Listings

Paramount's application for listing of its new securities on the N. Y. Stock Exchange may be acted on at the next meeting of the Exchange, it was stated yesterday.

The new securities involved include $27,500,000 of 20-year, six per cent, sinking fund debentures, due Jan. 1, 1955; 275,000 shares of first preferred stock, $100 par value; 644,181 shares of second preferred stock, $10 par value, and 4,115,214 shares of common stock, $1 par value.

No Early Decision On Paramount Fees

No decision will be made by the Federal court here on the 53 applications for $3,222,000 of fees for services in the Paramount reorganization until after Labor Day, it was learned yesterday.

Federal Judge Alfred C. Coxe, who will rule on the applications, begins a month's vacation today and will make no decision on the fees until after his return.

Schine Considering More Acquisitions

COLUMBUS, Aug. 2.—In addition to taking over the 600-seat Forum at Norwalk, last week, the Schines have under consideration a number of houses in other locations where the population is well in excess of 10,000,

(*Continued on page* 2)

New Local 306 Wage Scale To Be Completed Next Week

Promulgation of a new wage scale for 600 theatres in the metropolitan area by Local 306 is expected to be completed in a week. An executive committee of 13 is now busy classifying theatres and drawing up the new price and hour schedule. Following completion of the scale, a special committee will be named to meet exhibitor groups.

Indicating he is in favor of a fair scale and that no arbitrary provisions will be imposed on exhibitors, Joseph Basson, newly elected president of Local 306, stated: "We do not intend to draw blood from a stone, nor do we intend to put any exhibitor out of business.

"Every operator is entitled to a living wage. We do not want to be unfair. We want exhibitors to make money. If they do, we can make money."

"Czarism in the union is out," Basson asserted. "Members of Local 306 will run the union themselves. We believe in doing this. There will be

(*Continued on page* 4)

His 83rd

Hollywood, Fla., Aug. 2.—E. J. Sparks has taken over the Hollywood here, making 83 for the circuit. The house will be rebuilt and ready for opening in the fall. The Del Rey, Del Rey, will be reopened in October.

Independents Set Election For Next Week

Election of officers and directors of the Independent Theatre Circuit, Inc., will be held some time next week, it was stated yesterday. The committee in charge of the circuit has decided to wait until a minimum of 75 theatres are signed up before going ahead. Already in the pooling combine are 72 houses and it is expected that three additional units will be lined up in a few days.

Louis Schiffman, Maurice Fleischman, Dave Davis and Al Cooper comprise the committee. The group wants to give every exhibitor joining an opportunity to have his say in the election and formation of the circuit. Exhibitors representing 60 theatres are studying the plan.

Milton C. Weisman, who drafted the plan, has turned down the presidency, which will offer $1,000 a week. Harry Brandt may be named head, but as yet his group of 42 houses has not joined.

Jobs in Wisconsin Gain, Report Shows

MILWAUKEE, Aug. 2.—Improved conditions in Wisconsin are reflected in the report by the State Industrial Commission showing that total Wisconsin factory employment from May 15 to June 15 exceeded that of every other month back to July, 1930. Factory workers' per capita weekly earnings were slightly above $20 for the first time during June of any year since 1931.

Employment in manufacturing industries increased 1.8 per cent and corresponding payrolls increased 3.2 per cent from May 15 to June 15, the commission's survey revealed.

Vaudeville, Films Out Under New Act

PHILADELPHIA, Aug. 2.—Under the terms of the open Sunday bill which will be submitted for local referendum in November no vaudeville will be permitted in connection with Sunday films.

If vaudeville is run in connection with films, fines can be imposed under the new act. If vaudeville is run without pictures, fines will be imposed under the Act of 1703, according to the Legislative Reference Bureau.

Pennsylvania Censor Staff Gets Shakeup

PHILADELPHIA, Aug. 2.—In a shakeup of the censor board Hester M. Frye of Waynesburg has been named secretary at a salary of $4,500. Seven new inspectors have been named to replace an equal number dismissed.

The inspectors dismissed are: Elizabeth S. Comstock, Montrose; Julia

(*Continued on page* 4)

Universal 6-Month Loss at $837,424.08

For the six months ending April 27 Universal Pictures Co. and subsidiaries reported a loss of $837,424.08, after all charges, including $241,532.80 for depreciation of fixed assets.

This compares with a profit of $31,001 for the same period in 1934.

Circuit Heads For 2,000 Ft. Reel Adoption

Now Used Generally in Theatre Booths

Headquarters of national circuits here view with favor the recommendation of the research division of the Academy of M. P. Arts & Sciences for the adoption of a standard 2,000-foot reel for the industry.

Many circuit heads reported that their theatres are now and have been for some time using a 2,000-foot reel and doubling their prints by splicing together two 1,000-foot reels. These are cut apart and remounted on 1,000-foot reels before being returned to the exchange. It was stated that practically every theatre is now equipped to use 2,000-foot reels without making any change of projection equipment.

The adoption of the new reel is regarded by circuit heads as holding an improvement in projection methods and making new economies possible. They see no vital obstacles to its use as far as theatres are concerned.

The Academy's recommendation calls for adoption of the 2,000-foot reel on next Jan. 1 for all feature releases.

Exceptions on RKO Claims Are Studied

Federal Judge William Bondy yesterday took under advisement the exceptions filed by the RKO trustee to Special Master Thomas D. Thacher's report recommending the allowance of three creditors' claims against RKO in large amounts.

The largest of the claims allowed, to which exceptions were filed, was that of Walter Reade's Broadway & 47th St. Corp., whose original claim of more than $2,000,000 as a result of a disaffirmed lease on the Mayfair, was allowed at $337,500 by Judge Thacher. Exceptions were also filed to the allowance of claims of the

(*Continued on page* 4)

Kansas Ruling Made In Automobile Suits

KANSAS CITY, Aug. 2.—A point of law was cleared up this week in the Shawnee County, Kan., District Court by Judge Otis E. Hungate when he ruled, in a case involving an accident of an Exhibition Film Delivery truck, that a liability insurance company issuing a policy to a motor carrier cannot be sued by an injured party until

(*Continued on page* 4)

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

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Advertising Editor

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Ted Lewis Gaining

Hollywood, Aug. 2.—Ted Lewis, band leader, is reported much improved at the Cedars of Lebanon Hospital. He was operated upon Sunday for acute colitis.

Wall Street

Loew's Gains on Big Board

	High	Low	Close	Net Change
Columbia	74½	72¾	72¾	.....
Consolidated	4⅞	4⅜	4½	+ ⅛
Cons., pfd	17⅞	17¼	17¾	+ ¾
Eastman	145¼	143	143¼	—2¼
Fox	16	15⅜	15½	— ½
Loew's	40¼	39⅝	40¼	+ ⅜
Loew's, pfd	105½	105½	105½	+ ½
Paramount	4⅞	4⅝	4¾	.....
Pathe	⅞	¾	¾	— ⅛
Pathe "A"	12¼	11½	11½	.....
RKO	2⅞	2½	2⅝	— ⅛
Universal, pfd	34½	34¼	33¼	—2½
Warner	5¼	4⅞	5	— ⅛
Warner, pfd	38¼	37½	37⅝	— ⅞

Little Change on Curb

	High	Low	Close	Net Change
Technicolor	22⅛	21⅜	21⅜	— ⅛

Bonds Hold Gains

	High	Low	Close	Net. Change
General Theatre 6s '40 ctf	13¼	13¼	13¼	— ¾
Keith B. F. 6s '46	89⅞	89	89	+ 2
Loew's 6s '41 ww deb rights	103¾	103¾	103¾	+ ⅛
Paramount B'way 5½s '51	61	61	61	.....
Paramount F. L. 6s '47	102⅛	100⅞	102⅛	+1⅜
Paramount Publix 5½s '50	103½	103¼	103¼	+3¼
RKO 6s '41 pp.	62	61	61	.....
Warner Bros. 6s '39 wd	80½	78⅝	79	—2

(Quotations at close of Aug. 2)

Purely Personal

Ed Sullivan resumes his Broadway column in the *News* Monday after a two-week vacation, one of which he spent playing the Palace, Chicago. He is also scheduled to bring his vaudeville unit into the State here Aug. 9.

•

Mary Pickford left for Chicago yesterday. She plans to spend two days in the Windy City and then head on for the coast where she is due Monday. Later in the year she will make a trip abroad.

•

Herbert Bayard Swope commuting between his home at Sands Points and Saratoga, where he officiates at the track with other members of the Racing Commission.

•

M. C. Talley of the Sparks' finance department, has returned to Jacksonville after several days in New York conferring with Paramount home office executives.

•

Lou Halper of the Warner coast theatre department is in Cleveland after a New York trip. He is visiting his father, who is ill.

•

Boris Morros has cabled Bob Weitman from Russia that he is taking his mother, who is ill, out of the country for special treatment.

•

Walt Disney had to delay his departure for the coast until yesterday and will, by virtue of his late leaving, miss the re-opening of his studio.

•

Rouben Mamoulian leaves Hollywood this morning on his way here to direct the Theatre Guild's "Porgy," scheduled to open Oct. 1.

•

Clarence Eiseman, U.A. branch manager in Atlanta, will remain in town for a few days until the Sparks circuit deal is set.

•

Joseph Bernhard and Mort Blumenstock will spend the week-end in Atlantic City.

•

George Skouras had a glass of milk for his lunch yesterday. No kidding.

•

Elmer C. Rhoden didn't arrive from Kansas City after all. He's due shortly, however.

•

Michael J. Meehan is spending most of his week-ends at his place on Lake Mahopac.

•

Frank Rodgers, general manager of the Sparks circuit, is at the Lincoln. He'll be here for 10 days.

•

Ethel Merman is en route to Hollywood and the new Eddie Cantor musical.

•

Port Major, Warner circuit booker on the coast, is in town for a spell.

•

Steve Hannigan got in from the coast yesterday morning by plane.

•

Harry Arthur returns today from St. Louis.

•

Charles Fine of the Empire, Cincinnati, is visiting for a few days.

•

Harry Shiffman, Harry Buxbaum, Robert Wolff, Charles Moses, Fred Schwartz, Eddie Schnitzer, Courtland Smith, Nat Cohn, Wallace Howes, and Irving Wormser were spotted at the Paramount Chop House during yesterday's lunch period.

•

Harry Buxbaum, Jr., is covering plenty of ground with his portable shows. He covered Shelter Island, Woodmere Academy, Lawrenceville School and the Lakewood Country Club in a week and now is about 40 miles above Saratoga.

•

Bill Pine left by plane last night for the coast to arrange for Cecil B. DeMille, Harold Lamb, Henry Wilcoxson and others to attend the opening of "The Crusades" at the Astor Aug. 21.

•

Louis Nizer leaves on the *Majestic* next Thursday for a four or five weeks' vacation in Europe. Jack Alicoate, who had planned to accompany him, is heading coastward instead.

•

Arthur and Dave Loew, Sam Berger, Mort Spring and Dave Blum convening at Sardi's during the lunch hour to discuss the foreign situation.

•

Al Friedlander has shaved 21 pounds from his belt line within the past two months. He's now down to 151 pounds.

•

Charles L. O'Reilly is still counting his birthdays. He had another one yesterday, but he's not telling which one.

•

A. H. McCausland, Irving Trust Co. representative at RKO, left yesterday for a vacation in New Hampshire.

•

Laurence Stallings and his family are Europe bound today on the *Rex*.

•

Jack Bowen and Harry Brandt talking over a M-G-M deal during the mid-day courses at the Astor.

•

Abe Blumstein has been appointed New York City salesman for Fox, succeeding the late Julius Schwartz.

•

George Skouras has challenged Boris Morros to a tiff on the tees, both claiming they can break 90.

•

Charles Harrison is the latest addition to the *Hollywood Reporter* editorial staff in New York.

•

Morris Kutinsky denies he has sold his Inwood, L. I., house to Harry Brandt.

•

Lester Thompson of the Advertising Advisory Council is vacationing on Fire Island.

•

Dave ("Bricklayer") Palfreyman left yesterday for a two weeks' vacation in Maine.

•

Sam Sonin is still abed with a bad hip.

•

Mrs. Hal Horne is in New Hampshire.

Schine Considering More Acquisitions

(*Continued from page* 1)

according to an official statement. New houses for the Ohio circuit now are under construction at Wooster and Van Wert.

The uncompleted house at Bucyrus, purchased recently at sheriff's sale by the Limo Corp., Schine subsidiary, will be added to the circuit if the court confirms the sale. Confirmation was expected this week, but has been postponed until next week because of unexpected angles. The Vine, at Mt. Vernon, will be remodeled and seating capacity increased from 600 to 900.

Friedhoff Out Soon

Peter Friedhoff, treasurer of Republic Pictures, is expected to be released from the Ossining Hospital, Ossining, N. Y., either today or Monday. He suffered a broken neck in an automobile accident about 10 days ago. Russell Bell, Republic art director, was also in the car, but his injuries were minor. He has been back on the job for several days.

F. J. Van Doren Bankrupt

Waterbury, Aug. 2.—Fred J. Van Doren, operator of the Hamilton, has filed a petition in bankruptcy in the U. S. District court. Debts were listed as $16,089.36, with no assets. Among the New Haven film distributing agencies which Van Doran owes are Rosen Film Delivery, $650; Modern Press, $850; New England Advertising, $54.28. His chief debt was listed as $2,000 to M-G-M.

Release Poli Note Fund

New Haven, Aug. 2.—Approval for use of funds on deposit in the defunct Mechanics Bank as an offset to a $100,000 note made by J. J. and Lee Shubert in 1920, has been granted S. Z. Poli by Judge Patrick B. O'Sullivan in Superior Court. Poli was endorser of the note and makers and endorser each paid $5,000 on principal prior to the bank receivership.

Santell Got $9,275

Al Santell received $9,275 in settlement of his action against Toeplitz Prod. of London, not £9,275 as reported in Motion Picture Daily on July 6. Confusion over the monetary symbol used in British and American currency was responsible for the error.

Billboard Act Beaten

Boston, Aug. 2.—The much discussed bill which called for a state director of billboard advertising was killed in the Senate here today, but was later tabled for future consideration.

Garmes on "Conquest"

London, Aug. 2.— Lee Garmes is to receive credit as director of Alexander Korda's "The Conquest of the Air." Winston Churchill is supervising.

Ohio Operators to Meet

Columbus, Aug. 2.—The I.A.T.S.E. operators' union of Ohio will hold its fourth annual convention at the Deshler Wallick here Aug. 18, according to Harry E. Colemen, secretary.

"Curly Top" Denver Wow; Gets $12,000

Denver, Aug. 2.—With the temperature hitting 97, top for the summer, crowds stormed the Denver to see "Curly Top" and the take went to the amazing total of $12,000. Normal is $5,000.

The only other attraction in town to pass par was "Alibi Ike" which was $1,500 up on a take of $4,500 at the Paramount. "Man on the Flying Trapeze" took a normal $4,000 at the Denham.

Total first run business was $25,800. Average is $19,800.

Estimated takings for the week ending Aug. 1:

"LOVE ME FOREVER" (Col.)
ALADDIN—(1,500), 25c-35c-50c-60c, 7 days following a week at the Denver. **Gross:** $1,500. (Average, $2,000)

"SANDERS OF THE RIVER" (U. A.)
BROADWAY—(1,500), 25c-40c, 7 days following week at the Aladdin. **Gross:** $800. (Average, $1,200)

"MAN ON THE FLYING TRAPEZE" (Para.)
DENHAM—(1,500), 25c-35c-40c, 7 days. **Gross:** $4,000. (Average, $4,000)

"CURLY TOP" (Fox)
DENVER—(2,500), 25c-35c-50c, 7 days. Stage band. **Gross:** $12,000. (Average, $5,000)

"THE ARIZONIAN" (Radio)
ORPHEUM—(2,600), 25c-35c-40c, 7 days. **Gross:** $3,000. (Average, $4,600)

"ALIBI IKE" (Warners)
PARAMOUNT—(2,000), 25c-40c, 7 days. **Gross:** $4,500. (Average, $3,000)

Coast ITO Meeting Set

Hollywood, Aug. 2.—The first meeting of the new board of directors of the I.T.O. has been set for Aug. 5. The purpose of the meeting is to elect officers and bring to a head discussions which have been on for several weeks regarding the organization's stand on zoning and clearance.

Early this week the body, representing 75 per cent of the membership, rescinded a move made by a minority group proclaiming future adherence to zoning and clearance stipulations under the late code.

Delay Delaware Session

Harrington, Del., Aug. 2. — A meeting of Independent M.P.T.O.A. of Delaware and the Eastern Shore of Maryland scheduled here for Thursday has been postponed indefinitely, it was announced by A. Joseph DiFiore of Wilmington. The meeting was called to take action on price cutting by a number of the independents.

Extend Mass. Racing

Boston, Aug. 2.—Gov. James M. Curley has signed the bill of his own proposal to extend the horse racing season from 70 days to 90 days in Massachusetts. Boston theatremen, somewhat hopeful that their slumping grosses would perk up again with the end of the pari-mutuels at the local track in sight, are disheartened over the fact that extra weeks confront them.

Segall Now a Colonel

Philadelphia, Aug. 2.—It's Col. Charles Segall now. He has joined the ranks of Gov. Ruby Laffoon's far flung staff. Segall is former president of the M.P.T.O. unit here.

Out Hollywood Way

Hollywood, Aug. 2.—San Diego exhibitors predict a harvest if plans go through for a Presidential review of the fleet late this month. . . . Vincent LaFonte, Barstow exhibitor; L. F. Long, Pima, Ariz., operator, and Joe Becetti, Cottonwood, Ariz., among out of town exhibitors in town. . . . Al O'Keefe developing arm muscles by changing "Diamond Jim" displays under the glass of his desk every day. . . . R. W. Carmichaels, M-G-M exchange office manager, back from Big Bear. . . . Far West Exchange staff tired of doctors. . . . Peggy O'Neil minus a wisdom tooth; C. L. Bryant has neuritis; Bjorm Foss sprained a big toe leaning on breakers at the beach, and Margaret Halstead is recovering from an operation.

Otto K. Oleson planning a radio center when KNX moves to new location on Sunset Boulevard. . . . Ted Lewis operated upon at Cedars of Lebanon Hospital.

John Ford cruising to Hawaii on his yacht with his son, Jack, and Ed Donohue, his assistant. . . . Guy Kibbee back from a fishing trip to Virginia Lakes. . . . Gladys Swartout going to Hawaii after she finishes in "The Rose of the Rancho" at Paramount.

Alma Lloyd, daughter of Frank, signed by Warners. . . . She will appear first in Max Gordon's production of "Fish in the Sea" in New York. . . . Radio takes up option of Maurice de Backh, music arranger.

Casting—Mona Barrie borrowed from Twentieth Century-Fox by Reliance for "The Melody Lingers On." . . . Luis Alberni, George M. Marion, Sr., Adrian Roslyn, Christian Rub, Ruth Donnelly, Etienne Girardot and Thurston Hall added to cast of "Metropolitan," Twentieth Century-Fox.

Reginald Barlow, Tom Ricketts, Ferdinand Munier and Russ Powell join "The Three Musketeers" cast, Radio. . . . Paul Porcasi signed for Lily Pons' "Love Song," Radio. . . . Barton MacLane in "The Frisco Kid," Warners. . . . Franchot Tone opposite Bette Davis in "Woman from Yesterday," Warners. . . . Herman Bing, Henry Armetta and Billy Barrud in "Three Kids and a Queen," Universal.

David Niven, Goldwyn contract player, joins lineup for "Splendor," scheduled to start soon. . . . Richard Waring signed by M-G-M for romantic lead in "The Perfect Gentleman." . . . M. H. Hoffman signs Helen Twelvetrees for "The Spanish Cape Mystery."

✣

Writers—Arthur Caesar and Marion Orth to do script on "Brazen" for Walter Wanger. . . . Lou Greenspan working with Wallace MacDonald, story editor, on the script of "Tiger Valley," Mascot's first for Republic release.

✣

Directors—Frank McDonald will direct "Broadway Hostess" for Warners.

Tri-State Signs "U"

James R. Grainger, general sales manager at Universal, yesterday closed a deal with the Tri-State Circuit tor his company's next season product. The deal covers the 13 major towns of Nebraska and Iowa and includes Des Moines, Cedar Rapids, Rock Island, Omaha, Davenport, Moline and Sioux City. Louis Patz, manager of the Des Moines "U" exchange acted with Grainger on the deal.

Seattle Picnic Is Set

Seattle, Aug. 2.—Film Row will enjoy its first annual picnic under the sponsorship of the Northwest Film Club next week. All exchanges and supply firms will close at noon and devote the balance of the day and evening to outdoor games, contests, dancing and other picnic activities. General chairman of the affair will be L. J. McGinley, manager of the Universal exchange.

Monogram Pays Again

Monogram Pictures, Inc., has declared a dividend of one and one-quarter per cent on its capital stock. This is the second of the quarterly dividends declared. The remaining two will be paid Nov. 1 and Feb. 1.

Blackton on FWR Work

Hollywood, Aug. 2.—J. Stuart Blackton, film pioneer, has been put in charge of a Federal Work Relief project here. Until recently he has been on the relief rolls.

N. O. Grosses Fall Off

New Orleans, Aug. 2.—Grosses in practically all the houses, key as well as suburban, have fallen during the past month, due in a measure to the extreme heat and the unsettled political condition. Eleven of the city departments are being paid by the U. S. Government, while the police and fire departments have been without salaries for several months.

Claim New Strand Mark

First day receipts of $5,920 set a new box-office record for a summer opening at the Strand where "The Irish in Us" made its bow Wednesday morning, according to figures released by Warners.

Hoffberg-Marti Set Deal

J. H. Hoffberg Co., Inc., has closed a deal with Rafael G. Marti of San Juan, Puerto Rico, for distribution of 52 features in Puerto Rico, Santo Domingo and Haiti. These will include the Liberty output.

Elizabeth Ryder Dead

Hollywood, Aug. 2.—Mrs. Elizabeth Ryder, aunt of Mary Pickford, is dead at her home here. She was 62 years old.

Toups Back on Job

New Orleans, Aug. 2.—Rodney Toups, manager of Loew's State, has returned from a three weeks' vacation spent in Virginia and New York.

Shirley High In Providence With $10,500

Providence, Aug. 2.—Shirley Temple gave the Majestic the big gross of the week, $10,500, more proportionate money than has been seen all summer. The take is $3,500 to the good. The Strand also had a surprisingly good week with "Shanghai" and "Ladies Crave Excitement."

"Murder Man" and "Smilin' Thru" brought in $7,000 to Loew's State, and the highly-touted "She" and "Kentucky Blue Streak" did only $4,000 at the RKO Albee.

Total first run business was $30,400. Average is $40,500.

Estimated takings for the week ending Aug. 1:

"SHANGHAI" (Para.)
"LADIES CRAVE EXCITEMENT" (Mascot)
STRAND—(2,300), 15c-40c, 7 days. **Gross:** $7,900. (Average, $6,500)

"CURLY TOP" (Fox)
"SILK HAT KID" (Fox)
MAJESTIC—(2,400), 15c-40c, 7 days. **Gross:** $10,500. (Average, $7,000)

"THE MURDER MAN" (M-G-M)
"SMILIN' THRU" (M-G-M)
LOEW'S STATE—(3,800), 15c-40c, 7 days. **Gross:** $7,000. (Average, $12,000)

"SHE" (Radio)
"KENTUCKY BLUE STREAK" (Puritan)
RKO ALBEE—(2,300), 15c-40c, 7 days. **Gross:** $4,000. (Average, $7,000)

"LOST CITY" (Regal)
"RAMBLING RANGERS" (State Rights)
RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $1,000. (Average, $1,000)

Fitzpatrick Gets Cooler

FitzPatrick Pictures has installed a cooling system which not only will purify the air in the various offices, but also will connect into the projection room which adjoins the office.

CLASSIFIED

HELP WANTED

MANAGER FOR NEW THEATRE. Must be expert at exploitation and ballyhoo fronts. Send samples of work, if any. SCHREIBER, SMILAY & LONDON, Loop Theatre, 418 Michigan Avenue, Detroit, Mich.

BOOKS

ORDER NOW! RICHARDSON'S NEW Blue Book of Projection—6th edition, complete in one volume, more than 600 pages, over 100 illustrations. Full text on projection and sound combined with troubleshooter. $5.25. Mr. Richardson will autograph the first two hundred copies ordered. QUIGLEY BOOKSHOP, 1790 Broadway, New York.

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Australians Seek Limits On Building

(*Continued from page* 1)

against the machinations of the go-getters who, it is alleged, are threatening to find backing for new theatre ventures in opposition to established exhibitors unless the exhibitors singled out for the allegedly intimidatory tactics are prepared to sign contracts at the go-getters' terms. Unfair selling methods of this description were exposed at the film inquiry last year and several exhibitors alleged that they have been renewed in recent months.

Crystallizing their arguments for theatre licensing laws, exhibitors show by statistics that Australia is already one of the most heavily seated countries in the world and that immediately an established suburban or country exhibitor is faced with opposition the value of his theatre is automatically reduced by half. In other words, the goodwill he has built up over a number of years is practically wrecked, it is asserted.

Officials of the association declare that it is not their intention to set up monopolies or crowd out opposition; that they merely seek to prevent the erection of new theatres in territories where a new house would make the profitable trading of either business an impossibility.

* * *

As a preliminary towards a renewal of active production in the near future, Cinesound Prod., producers of Australia's greatest success, "On Our Selection," has offered Reginald Denny £3,000 to star in two pictures to be made in Sydney. Denny asks £4,000 and alternative negotiations are now proceeding.

Cinesound's forces will be augmented by an increased capital of approximately £100,000. The latest studio equipment is being imported and to strengthen the writing staff a Hollywood scenarist, Edmund Seeward, has reached Sydney under contract to this company. The offer to Denny is based on a contract of 20 weeks' duration. It is stated that, besides this offer, Cinesound is dickering for other Hollywood personalities who have a box-office following in the Commonwealth.

A significant statement in connection with Cinesound's activities is Stuart F. Doyle's statement that, if necessary, Cinesound can supply the 20 pictures for the 1935-36 quota.

* * *

Frank Neil, legitimate stage producer who will present Polly Moran here in a revue early in September, is said to have clinched a deal with Ben Lyon and Bebe Daniels to play Australia under his management. Should these players come, there is little doubt that local producers will compete for their services. Anita Page is another Hollywood player said to be anxious to make a trip to these parts.

* * *

More than £60,000 will be spent by Hoyt's Theatres, Ltd., on its Melbourne suburban circuit as part of an ambitious plan to bring their neighborhood houses into line with the best.

Variety Club Chatter

Kansas City

Kansas City, Aug. 2.—Everyone had a good time at the fourth annual Variety Club M. P. Relief Fund picnic at Ivanhoe Country Club July 29. Variety Club held no luncheon, and exchanges and allied business firms closed at noon. Between 300 and 400 film and theatre executives and employes ate picnic lunches, swam, ran races, played baseball, drew for prizes, drank beer, golfed and watched fights.

E. M. Block, Universal salesman, won the $5 bank night donated by R. W. McEwan, bank night distributor. More than 250 registered.

Distributors won the ball game, 10 to 9, against exhibitors. Those who appeared in various parts of the field at various times—and it was uncertain when and where—were Edward Shanberg and Charlie Jones of Fox Midwest; George Baker, chief barker of Variety and manager of the Newman; Louis Sutter, exhibitor, "Shack" Shackleford of Midwest Republic exchange.

A 43-piece glassware dinner set, offered by McEwan, was won by Mrs. William Warner, wife of the Warner exchange manager.

Leon Abrams, M-G-M salesman, won first prize in the golf tournament.

The big boxing bout between Stanley Schwan, manager of the Commonwealth Branada at Lawrence, Kan., and Cecil Parkhurst, Republic Midwest salesman, highlighted the fights in the evening.

There was plenty of booing, however, when the fact that the fight was fixed became apparent to everyone by Schwan's lying down to take the count with Parkhurst clear across the ring.

W. P. "Bernie" Bernfield, U. A. exploiteer, was referee. It was difficult to determine—as no one ever did—at whom the shouts "Kill him! Kill him!" were directed—Schwan, Parkhurst or Bernfield. In his introduction of the two men, Bernfield slightly haywire and had both in the "Lowealth theatres."

In the wrestling match that followed, Bernfield, hot and worn out from strenuous exercise of refereeing, could hardly make his messages to the principals understood and as a consequence got thrown for three or four falls before he could tell the palookas what to do. Nevertheless it was an excellent show.

Harry Taylor did most of the announcing of events.

Thanks were expressed by the general committee to A. W. Zibelin, Midwest Sound Service, for a loud speaker system installed on the grounds the day of the picnic; to Max Barewin, Price Premium Co., for his 46-piece dinner set which was won by William Truog, United Artists exchange manager, and to McEwan.

Milwaukee

Milwaukee, Aug. 2.—Al Kvool, general manager, Saxe Amusement Management, Inc., copped the low gross golf prize at the first annual Variety club outing held July 29 at Lake Geneva, Wis. Other low gross winners were Ben Miller, Charles Trampe, Howard Herzog, Jack Lenihan, Jack Worden, Al Hoppe and William Silcock were first, second and third low gross winners in the guest bracket.

E. C. Krofta, booker, Mid West Film Co., took the "booby" prize with a high score of 132.

Music for the dinner-dance in the evening was furnished by Bob McElroy's orchestra with entertainment including a revue from the Brownee Brown dancing school.

Pennsylvania Censor Staff Gets Shokeup

(*Continued from page* 1)

Lewis, Philadelphia; Nelson E. Mannheim, Philadelphia; Edward J. McCool, Washington; Helena G. Shover, Stroudsburg; Joseph A. Steelman, Doylestown, and Kathryn M. Stephens, Pittsburgh. The operator dismissed was Mary L. Kirkpatrick, Philadelphia.

The new appointees are: Inspectors—Joseph A. Cassidy, Philadelphia; Raymond Jackson, Bangor; Mary T. McGarrity, Philadelphia; Mary E. McMullin, McKeesport; Evelyn Margolis, Philadelphia; Margaret E. Neil, California, and Agnes M. O'Hara, Scranton.

Form Ceylon Company

Colombo, Ceylon, Aug. 2.—Ceylon Talkies, Ltd., has been formed here and stock is being sold with the idea of equipping a studio for early production. Eighteen subjects of a historical nature have been acquired.

Norfolk, Aug. 2.—Colley Theatre, Inc., has just been chartered by William S. Wilder, president and treasurer; A. B. Wilder, vice-president, and Charles L. Kaufman, secretary.

Exceptions on RKO Claims Are Settled

(*Continued from page* 1)

Fort Worth Properties Co., lessor of the Hollywood, Fort Worth, and the Hippodrome Corp., lessor of the Hippodrome, Cleveland.

Hearings of exceptions to two of the largest claims allowed against RKO, those of Rockefeller Center and the Hoblitzelle Corp. of Dallas, have been postponed by Judge Bondy until Sept. 30.

"Wild" San Antonio Hit

San Antonio, Aug. 2.—"Call of the Wild," opening at the Aztec here, for the first time in five years had a line two blocks long waiting to get in.

"Shanghai" at $15,000

"Shanghai" finished its second week at the Paramount with approximately $15,000. "In Caliente" at the Palace garnered $10,200.

Harry Harris Adds Two

Harry Harris and Paul Apfelbaum have closed a deal with Jacob Schwartz for the Sunnyside and New 14th St. theatres. The 15-year leases are retroactive Aug. 1.

Local 306 at Work on New Salary Scale

(*Continued from page* 1)

a closer relationship between exhibitor and operator and we will get further this way than before. If the exhibitor is satisfied, we are," he added.

Meetings under the new regime will be held twice a month. On the first Wednesday, a session will be held in Brooklyn and on the third Wednesday the conclave will take place in Manhattan. Every Tuesday the executive committee of 13 will meet to hear individual complaints. The first general membership meeting under Basson's administration is set for Wednesday.

Basson has been with the operators' group for 28 years, his affiliation dating back to 1907, when he was one of the organizers of an auxiliary to Local 35, an I.A.T.S.E. unit with jurisdiction over spotlights. In 1911, Dept. 2 of Local 35 was formed. This unit was given control over film projectors. Two years later, Local 306 was started under a charter from the International.

Recent election of Basson to the presidency marks the third time he has held the post. He was the first head in 1912, holding the job for a one-year term. In 1925, Basson again was elected president and 10 years later he finds himself top man.

Presently, there are approximately 1,900 members in the union, of which 200 are unemployed.

Meanwhile, Loew's and RKO are understood to have demanded reductions in scales, effective in 10 days. Local 306 is threatening a walkout. The union has called a press conference for this morning to explain its stand.

Kansas Ruling Made In Automobile Suits

(*Continued from page* 1)

judgment is obtained against the motor carrier.

Judge Hungate sustained a demurrer in a damage suit brought by Joseph H. Greaser, who was injured in April, 1933, by a truck of the film delivery service in Topeka. The company held a certificate to do business in Kansas and had filed a liability insurance policy with the state, according to law.

So far as the records reveal, the Kansas Supreme Court has never ruled on the point and the opinions of the courts of other states are conflicting.

Greaser should have sued the truck operator, although the insurance company was obligated to pay the adjustment, according to the decision.

Zanuck Sets Three Dates

Hollywood, Aug. 2.—Darryl Zanuck has set starting dates on three Twentieth Century-Fox films. "Thanks a Million" starts Aug. 12 under direction of Roy del Ruth. "The Man Who Broke the Bank at Monte Carlo" begins shooting Aug. 19 under direction of Richard Boleslawski, and "Ramona" starts Sept. 5, directed by E. Forde.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 30 NEW YORK, MONDAY, AUGUST 5, 1935 TEN CENTS

Distributors For Adoption Of Long Reel

Hold Shift Will Be Easy And Not Expensive

Although distributors will be faced with a number of problems if a standard 2,000-foot reel is adopted by the industry as recommended by the research division of the Academy of M. P. Arts & Sciences a majority of distribution executives queried Saturday expressed a favorable attitude toward the proposed changeover. Many expressed the belief that the solution of the problems involved would be neither difficult nor costly.

The Academy's recommendation calls for continuation of the release by laboratories of 1,000-foot print rolls, which would be shipped to exchanges in cans but not mounted on

(Continued on page 8)

New Fabian Deal on Brooklyn Para. Near

The basis for a new agreement under which Si Fabian would continue to operate the Brooklyn Paramount after the expiration on Aug. 31 of his current operating agreement, is expected to be worked out between Fabian and Paramount theatre executives during the next few weeks, it was learned on Saturday.

The basis of the new agreement, which would probably be for a one-year period, is expected to follow

(Continued on page 3)

China Houses Gain, "U" Manager States

Conditions in China are improving from day to day, according to Norman Westwood, general manager of Universal Pictures Corp. of China, who is in town for home office conferences. Westwood arrived several days ago and will leave for the coast early next week for conferences with Carl Laemmle and other studio officials. This is his first trip to the States since 1926, and he expects

(Continued on page 3)

Indianapolis Talks Move to End Duals

INDIANAPOLIS, Aug. 4.—Plans to eliminate double features here were discussed at a city meeting of the Associated Theatre Owners of Indiana at the Hotel Claypool last week.

(Continued on page 3)

Cuts Ordered, Local 306 to Argue Strike

Vote Due on Wednesday Night in Brooklyn

Faced with wage cuts amounting to 41 per cent by Loew's, RKO and Skouras, members of Local 306 will meet Wednesday night at Odd Fellows' Hall, Brooklyn, to vote on a general strike, Joseph D. Basson, president of the union, stated Saturday. About 700 members in 150 theatres are affected by the circuit notices.

Loew's and RKO last Friday handed all Local 306 men notices that after Aug. 12 an arbitrary reduction from $2.12 an hour to $1.25 will be put into effect. Two stubs accompanied the mimeographed notices, one for acceptance of the reduction and the other a resignation. Employes were asked to sign either one.

Basson considers the slashes as a move to ignore union officials who have not been approached on negotiations for a new wage scale. The

(Continued on page 3)

New Studio Union Spreading Swiftly

HOLLYWOOD, Aug. 4.—The rapid growth of the National Ass'n of American Employes, new studio crafts labor organization which has jumped its roster from 280 to 1,500 members within the past week, is creating considerable anxiety among producers, I.B.E.W. and studio labor unions, although no steps are being taken in opposition to the new organization at this time.

Rumors that the new organization was communistic were discredited when

(Continued on page 3)

Thomas McGuire to Help Film Inquiry

WASHINGTON, Aug. 4.—Thomas McGuire, former Detroit exhibitor and more recently with the Consumers' Advisory Board of the NRA, has been selected as one of the experts to aid in the investigation of the film industry, which the Economic Study Division of the NRA is about to undertake. The film study is one of a series to be made in the most important industries and will show the condition of the industry before the NRA, its progress under the code and any changes since the Supreme Court decision last May.

Single Purpose

Indianapolis, Aug. 4.—John Boettiger, assistant to Will H. Hays, accompanied by his wife, the former Anna Roosevelt Dall, made a brief stopover here yesterday to visit mutual friends. The couple is en route to Hollywood on a combined business and vacation trip and will be the guests of Hays at his Santa Monica, Cal., home while there.

Boettiger, interviewed by local reporters, refused to comment on politics, saying: "I am interested only in the further advancement of the motion picture industry."

Standard Pact Being Sought In Australia

By **CLIFF HOLT**

SYDNEY, Australia, July 9 (*By Airmail Via London*)—The New South Wales Exhibitors' Ass'n is urging exhibitor bodies in all states to appeal to their local governments for standard contract legislation, identical with that recently introduced in New Zealand.

The contract form in operation there includes a 25 per cent rejection clause and embodies the main

(Continued on page 3)

Republic Sets Deal With British Lion

W. Ray Johnston, president of Republic Pictures, and Sam Smith, managing director of British Lion Film Corp., Ltd., of London, have just closed a deal after six weeks of negotiations whereby the latter's company will distribute the complete Republic feature and serial lineup throughout the United Kingdom for a four-year period.

Contracts were signed Friday night immediately prior to Smith's sailing

(Continued on page 3)

"Dream" Opening Is Set for Oct. 9 Here

The world premiere of Warners' "A Midsummer Night's Dream" has been set for the Hollywood here on Oct. 9, on a two-a-day policy at advanced admissions. Three additional openings have also been set for later

(Continued on page 3)

Weekly Film Payment Plan Gaining Here

Several Exchanges Have Adopted the System

Selling of features on a weekly payment plan, similar to that instituted by distributors some time ago for shorts, is gaining headway. In the local territory a number of exchanges have adopted this policy and in one instance a distributor has refused to sell an important circuit because it would not subscribe to it.

Distributors claim that the reason the feature weekly payment plan is being pushed is that a number of exhibitors after signing contracts either close their houses or change corporation names, thereby nullifying the pacts. When the houses are reopened, the exhibitor must be sold again, making it a double sale for a single performance. In some instances theatres have been closed and reopened more than twice a season. This is regarded as a costly selling method which exchanges are trying to end.

Practically all exchanges are insisting on either pay or play every week. Columbia for the last two years has not sold the Springer & Cocalis circuit because of its adherence to the plan. S. & C. has over 40 theatres in Greater New York and will not subscribe to Columbia's demands this season, making it a third consecutive year for the deadlock.

Aylesworth to Go West for Opening

Merlin H. Aylesworth, president of NBC, leaves for the coast the end of next month to be on hand for the opening of the new broadcasting studio which is being built by Herbert J. Yates in Hollywood. The studio will be on the lines of the company's Radio

(Continued on page 3)

Warner Men Called In for Ad Campaign

Mort Blumenstock is bringing in 15 Warner theatre zone advertising heads east of St. Louis for a general discussion of a special campaign planned for "A Midsummer Night's Dream," which is to be roadshown.

The session will be held Aug. 12 at the company's home office.

MOTION PICTURE
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"U" List to Dickinson

J. R. Grainger, general sales manager for Universal, has closed a deal with the Dickinson circuit to put the entire Universal lineup into 30 towns in Kansas. Details were handled by E. T. Gomersall and William Benjamin, the latter manager of the Kansas City branch.

Wall Street

Universal Off 4¼ on Big Board

	High	Low	Close	Net Change
Columbia	73⅝	75⅝	73⅝	+ ⅞
Consolidated	5	4½	5	+ ½
Consolidated pfd.	18⅛	17⅝	17⅞	+ ⅛
Eastman	145	144	145	+1¾
Fox	15⅞	15⅝	15⅞	+ ⅜
Loew's	40⅜	40	40	— ¼
Paramount	5⅜	4¾	5⅜	+ ⅝
Pathe	⅞	¾	¾	.....
Pathe "A"	12	11½	12	+ ½
RKO	2¾	2½	2⅝	.....
Univeral pfd.	29	29	29	—4¼
Warner	5⅛	5	5	.....

No Change on Curb

	High	Low	Close	Net Change
Technicolor	21⅝	21¼	21⅜	.....
Trans Lux	2¼	2¼	2¼	.....

Bonds Gain Slightly

	High	Low	Close	Net Change
Paramount F. L. 6s '47	102½	102½	102½	+ ⅜
Paramount Publix 5½s, '50	104	104	104	+ ¾
RKO 6s '41 pp.	61	61	61	.....
Warner Bros. 6s '39 wd.	80	80	80	+1

(Quotations at close of Aug. 3)

Insiders' Outlook

By RED KANN

LOWELL LAWRENCE in the *Kansas City Journal-Post*:

"For some reason I cannot appreciate, the motion picture industry will not let us see the great pictures of the past—and many great ones there have been. We may re-read great books. The stage revives its finest offerings from time to time. But the outstanding motion pictures rarely return to the screen."

Fox is remaking "Way Down East." Metro long since has refashioned "Smilin' Thru." Goldwyn did "The Masquerader" and has just completed "The Dark Angel." Zanuck did "Les Miserables" and will make "Ramona." Paramount is having a time of it with "Peter Ibbetson" and Universal is counting heavily this new season with "The Hunchback of Notre Dame" and "The Phantom of the Opera." There are, to pick them quickly on a morning when the weekend beckons, "Ruggles of Red Gap" and on the way "Oliver Twist" again as well as "Tale of Two Cities," "Last Days of Pompeii," "Captain Blood," "The Prisoner of Zenda," "The Three Musketeers" and "Broken Blossoms."

It always has been a serious question if revivals do not hurt more than they help the general prestige of the business, such progress has production technique registered. "The stage revives its finest offerings from time to time," comments Lawrence. Certainly this industry is not remiss on that score. As a matter of fact, many exhibitors who count have been inclined to go critical on the matter of remakes, their claim being new versions of previously made vehicles are familiar stuff to audiences and new versions under new titles are downright deceptive. . . .

▼

Exhibitors may have to get along without any pictures from Bill Fields for six months and even more. The comedian is suffering from a spinal injury which, to date, appears to have defied medical science. In the tradition of show business, Fields went through with "The Man on the Flying Trapeze," now playing the Capitol, when he should have been at home ministering to his health. Probably the playgoers, public and exhibition, will have no great interest in the reason why Bill's current vehicle is so mediocre. This, however, is the lowdown. . . .

▼

Commenting on a recent action by the Catholic Daughters of America calling on producers to dismiss stars who are "notorious for their many divorces and the scandalous lives they lead," the *Roanoke, Va., Times* has this to say:

"After all, the primary if not sole motive of producing the pictures is to sell them to the exhibitors, and the exhibitors aren't going to be interested in pictures which the public won't pay to see. If actors who don't behave themselves and keep out of scandal were to be boycotted by the public, there soon wouldn't be any demand for their services in Hollywood."

Well, why doesn't it?

▼

"Hollywood Extra Girl," current release in the Paramount Varieties series of one-reelers, runs ten minutes and seeks to outline the trials, as well as the tribulations, of the extra girl working her way up the Hollywood ladder. Seven minutes of the ten are turned over to Cecil B. De Mille, "The Crusades" and a selling talk for the picture as only De Mille can deliver it, which is something. Looking and sounding like a trailer, super type, it is, nevertheless, sold as a straight short. Our eyebrows are up. . . .

▼

In paid space in Motion Picture Daily says Ralph Rolan who writes "The March of Time" trade copy:

"Exhibitors: If by any chance an RKO salesman has not yet called on you re 'March of Time,' you will receive immediate service by calling this number collect in New York City (and then the number). Ask for either Eddie McEvoy, Cresson Smith or Harry Michalson."

Addis Ababa and New Orleans, too? . . .

▼

Manny Cohen got himself in bad with the Paramount regime for various and sundry reasons and so Ernst Lubitsch replaced him. A handful of months later, Cohen forms Major Productions to produce the one outside film a year which Crosby is allowed under his Paramount contract. Now a deal is near for that same company to distribute. It's cockeyed and it's screwy and only in the picture business could it happen. . . .

▼

Three famous names in this business are huddling over an idea. If that idea crystallizes, a personnel upset as major as any this industry has witnessed in latter years will result. Would this one be a surprise? . . .

"Irish" Being Held

"The Irish in Us" will be held over at the Strand for a second week starting Wednesday.

Purely Personal

AL LIGHTMAN, George and Spyros Skouras, Nathan Burkan, Abe Montague, Harry Gold, Paul Lazarus, Eddie Alperson, Harry Buckley and Jack Glucksmann among those who find weekending at the Fenimore Country Club a pleasant diversion.

•

Ernest Morrison, former division manager for E. J. Sparks, is now general manager of Paramount Enterprises in Miami, operating nine houses which have been dropped by Sparks after two years.

•

Lawrence Tibbett is scheduled for a concert and radio tour of the country as soon as he finishes "Metropolitan" for Twentieth Century-Fox.

•

E. J. and Mrs. Sparks, who are in New York from Jacksonville, Fla., sail Aug. 17 for a world cruise, returning to Florida on Nov. 5.

•

Nat Holt, Cleveland and Columbus division head for RKO, is due in town tomorrow or Wednesday for a short trip.

•

The Three Marshalls, radio harmony trio, have been signed for a Vitaphone short which enters production Aug. 13.

•

James A. Fitzpatrick has installed a cooling system in his offices and private projection rooms.

•

Charles Koerner, Boston RKO district head, arrives today from the beantown for home office conferences.

•

Sam G. Engle's "The Biography of Roy Bean" has been acquired by Twentieth Century-Fox.

•

Arthur Kelly plans to go to South America the latter part of the year.

•

Lou Diamond is due back from the coast in two weeks.

. . . London

Arthur Woods, B. I. P. director, left on the "Aquitania" for a week's stay in New York, followed by three weeks at the coast. He expects to attend first American presentation of "Elizabeth of England," which he directed.

Clive Brook and family established in a country cottage in Berkshire. He is to make "London Symphony" for Alexander Korda and another film for Basil Dean of A. T. P. May stay in England for good, he says.

J. H. Seidelman at the rural retreat at Croydon which he is making headquarters for his three months' stay in London.

Pierre Autre, Paris correspondent of *Quigley Publications*, staying at Twickenham for vacation.

Fay Wray in from New York.

Paul Stein completed the Tauber vehicle, "Heart's Desire," at Elstree and left for holiday in Vienna.

Cuts Ordered, Local 306 to Argue Strike

(Continued from page 1)

local's president has advised all members to ignore the notices until action is taken by the general membership Wednesday night. In the interim, the Local 306 executive committee will continue its efforts to work out a new scale, following which a committee will be set up to confer with circuit heads.

In the event the operators walk out, stagehands and musicians will strike in sympathy, it was indicated by Basson. The three groups are members of the I. A. T. S. E., which on July 25 returned local autonomy to Local 306.

Loew's and RKO, in the mimeographed letter given operators, state that the new scale makes it possible for their theatres to compete with comparable houses.

"This rate will be paid until a new agreement is reached with your organization," the letter continues, "and any changes in the hourly rate agreed upon in the new contract will be retroactive to Aug. 12.

"We have attempted, over a period of years, to bring about a satisfactory adjustment of operators' scales," it is stated in the letter. "However, each year the situation has become increasingly worse. Our houses have continued to pay the maximum scale while other theatres are being served by your union at prices much lower. We are perfectly willing to pay a fair rate, but refuse to be discriminated against any longer. We insist on paying the same as anybody else pays and no more."

New Studio Union Spreading Swiftly

(Continued from page 1)

scouts planted at a recent meeting witnessed applicants forced to take an oath of allegiance to the American flag before becoming members.

One authoritative source says that two or three film companies now have 100 per cent representation in the N. A. A. E. with numerous former I. A. T. S. E. and I. B. E. W. members making up the roster. The same source also says that cameramen are being solicited with several already in the organization. Local opinion, however, is that the new group is overstepping its bounds in bringing cameramen into a jurisdictional dispute with which they have nothing to do.

The amazing growth of the new organization seems to be due to members' dissatisfaction with the former I. A. T. S. E. and I. B. E. W. jurisdictional dispute and a desire to demand a vote as to the proper choice of representatives to bargain with producers under the Wagner bill.

General feeling at the studio labor board offices is that no action will be forthcoming from that outfit until the new organization makes its demands.

Meetings are still being conducted secretly with the organization having no definite headquarters or phone number as yet.

Standard Pact Being Sought In Australia

(Continued from page 1)

principles in the document drawn up by the interstate conference of exhibitors. Despite many adverse criticisms, New Zealand showmen as a whole have welcomed the standard contract, which binds the distributor to supply them with product contracted for, whereas the previous system, with its many contradictory clauses, left the distributor with little, if any, legal obligations.

General trade opinion in New Zealand is that proper adherence to the standard contract should do plenty towards harmonizing exhibitor-distributor relationships.

* * *

Suburban or country theatre expansian is definitely out insofar as M-G-M is concerned. N. B. Freeman, local Metro head, emphasized this fact strongly in denying a report published in Sydney and Melbourne dailies indicating that his company was building six new suburban theatres in Melbourne. To avoid undue delay in the release of its product, however, M-G-M would erect a new city house if other arrangements cannot be finalized. If the plan of erecting a new theatre is followed, M-G-M's new house in Melbourne will be up by the beginning of 1936.

* * *

The M.P.D.A. has appointed Percy Hunter to the post of "goodwill" man. Hunter's duties will embody publicity, contact work and general development of goodwill to further the industry's welfare. He has stepped into the position minus any previous association with the business, but has been a newspaperman and organized many important departments for the N. S. W. Government both in England and Australia. His appointment was officially announced by Sir Victor Wilson, whose presidential contract with M.P.D.A. expires in June.

"Dream" Opening Is Set for Oct. 9 Here

(Continued from page 1)

the same month in Washington, Detroit and Toronto, and a London opening date is expected to be decided for the same month in the near future.

The Detroit opening will be on Oct. 20 at the Wilson; the Washington opening, Oct. 27 at the National, and the Toronto opening, Oct. 28 at the Royal Alexandra. A uniform two-a-day policy at advanced admissions will prevail at all of the openings during the period of "A Midsummer Night's Dream" restricted release. Every theatre playing the picture on this basis will be given a year's protection against other showings of it in the same territory, according to Albert Warner, vice-president in charge of distribution.

Max Reinhardt, director of the production, James Cagney and other members of the cast are scheduled to be present at the New York world premiere. The admission scale at the Hollywood for the picture's run will be 75 cents to $1.65.

China Houses Gain "U" Manager States

(Continued from page 1)

to be back at his headquarters in Shanghai before Oct. 1.

Theatre conditions in China have improved greatly during the past year or so, Westwood said, and of the some 200 houses in the country about 150 are wired for sound.

Action pictures are what the Chinese want, he continued, and the more the better. Most of the Chinese productions are leaning toward the American style of production and more sound pictures are being produced at present than ever before, he continued.

The Chinese industry produces a very large number of features every year, Westwood revealed, and last year at least 25 of these were in sound. He also intimated that a larger number will be made next year because of the successful reception of last year's product.

Indianapolis Talks Move to End Duals

(Continued from page 1)

Charles R. Metzger is attorney and general manager.

Practically all of the neighborhood and downtown grind houses are showing double features, Metzger said. Two of the five first runs, Loew's and the Circle, are showing twin bills occasionally.

Republic Sets Deal With British Lion

(Continued from page 1)

for London on the *Aquitania*. The deal involves the payment of approximately $5,000,000 by the British company to Johnston.

Under the terms of the contract the English organization will handle no other American product during the contract period. British Lion will also expand its program of British productions and Smith is scheduled to start plans for a new program of his own to match Republic's as soon as he reaches the other side.

Lina Basquette Sues

Boston, Aug. 4.—Lina Basquette has sued the New Bedford theatre for $100,000, alleging her picture was displayed in a manner to create the impression that she was a member of a colored revue playing the house.

Aylesworth to Go West for Opening

(Continued from page 1)

City setup with two theatres, one seating 600 and the second 400.

Aylesworth feels that with completion of the coast studio radio and film forces will be brought to a closer understanding.

The NBC head also holds that television will do for the picture industry what sound and radio have done. He believes television will be a helping instrument for theatres and that this new medium of entertainment will work together with the screen, and not against it.

RCA is spending $1,000,000 for experimental purposes in television during the next year, Aylesworth said.

"I believe television will help the film industry. This entertainment is designed for the home and will not keep people away from the theatre any more than radio.

"As a matter of fact most families stay home about two nights a week. When television comes along they'll continue to stay home two evenings of every seven."

Because a number of directors were away on vacation, Aylesworth did not call a Radio board session last month. The next one will be held Aug. 27. J. R. McDonough is expected to attend.

New Fabian Deal on Brooklyn Para. Near

(Continued from page 1)

closely the terms of Fabian's present deal with Paramount. The final deal will have to await the approval of John E. Otterson, Paramount president, who is due back from Hollywood about Aug. 15.

Ed Ebele in Fox Post

Hollywood, Aug. 4.—Ed Ebele, formerly production manager for Twentieth Century Pictures, has been appointed production manager of Twentieth Century-Fox by J. J. Gain, studio manager. Ebele succeeds Charles Woolstenhulme, who, in the future, will work on special production assignments under Ebele.

Cowan Coming East

Hollywood, Aug. 4.—James R. Cowan, executive manager for Jesse Lasky, plans to leave here shortly for New York. Cowan has been in his present post with Lasky for the past three years.

AIR CONDITIONING CHARTS

that represent standard practice in air conditioning for motion picture theatres. Practical advice on how to attain the best atmospheric conditions for your house winter and summer. Devised to be put on the wall for constant reference. Available until the supply is exhausted at 25 cents each, payment with order. Write direct to

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1790 BROADWAY NEW YORK CITY

UNITED

Release

AUGUST T

AUGUST 9th

Clark Gable in Jack London's CALL OF THE WILD *with Loretta Young and Jack Oakie. A Darryl Zanuck production presented by Joseph M. Schenck.*

SEPTEMBER 6th

Samuel Goldwyn presents Fredric March, Merle Oberon and Herbert Marshall in THE DARK ANGEL *directed by Sidney Franklin.*

SEPTEMBER 13th

An Edward Small Production. Barbara Stanwyck in RED SALUTE *with Robert Young and Hardie Albright, Ruth Donnelly, Cliff Edwards. A Reliance Picture presented by Harry M. Goetz and directed by Sidney Lanfield.*

SEPTEMBER 27th

Samuel Goldwyn presents BARBARY COAST *with Miriam Hopkins, Edward G. Robinson and Joel McCrea directed by Howard Hawks from the story by Ben Hecht and Charles MacArthur.*

OCTOBER 11th

The World Premiere of CHARLIE CHAPLIN *in* MODERN TIMES.

And what's more, this is only the beginning
has 14 more important pictures in preparat

CHARLIE CHAPLIN • SAMUEL GOLDWYN • MARY PICKFOR

plus **18 WALT DISNEY MICKEY MOUSE** *a*

RTISTS

Schedule

ECEMBER

OCTOBER 18th

The Alexander Korda production of MOSCOW NIGHTS.

OCTOBER 25th

THE MELODY LINGERS ON *with Josephine Hutchinson, Helen Westley and George Houston directed by David Burton, produced by Edward Small, presented by Harry M. Goetz.*

NOVEMBER 29th

H. G. Wells' daring prediction of the future "100 YEARS FROM NOW". *In production two years at a cost of over a million dollars. An Alexander Korda production.*

DECEMBER 14th

THE MAN WHO COULD WORK MIRACLES *with Roland Young directed by Lothar Mendes. An Alexander Korda Production.*

DECEMBER 25th

Samuel Goldwyn presents EDDIE CANTOR *in* SHOOT THE CHUTES *with Ethel Merman, Parkyakakas and the gorgeous Goldwyn Girls directed by Norman Taurog.*

935-36 season! UNITED ARTISTS
process of production from . . .

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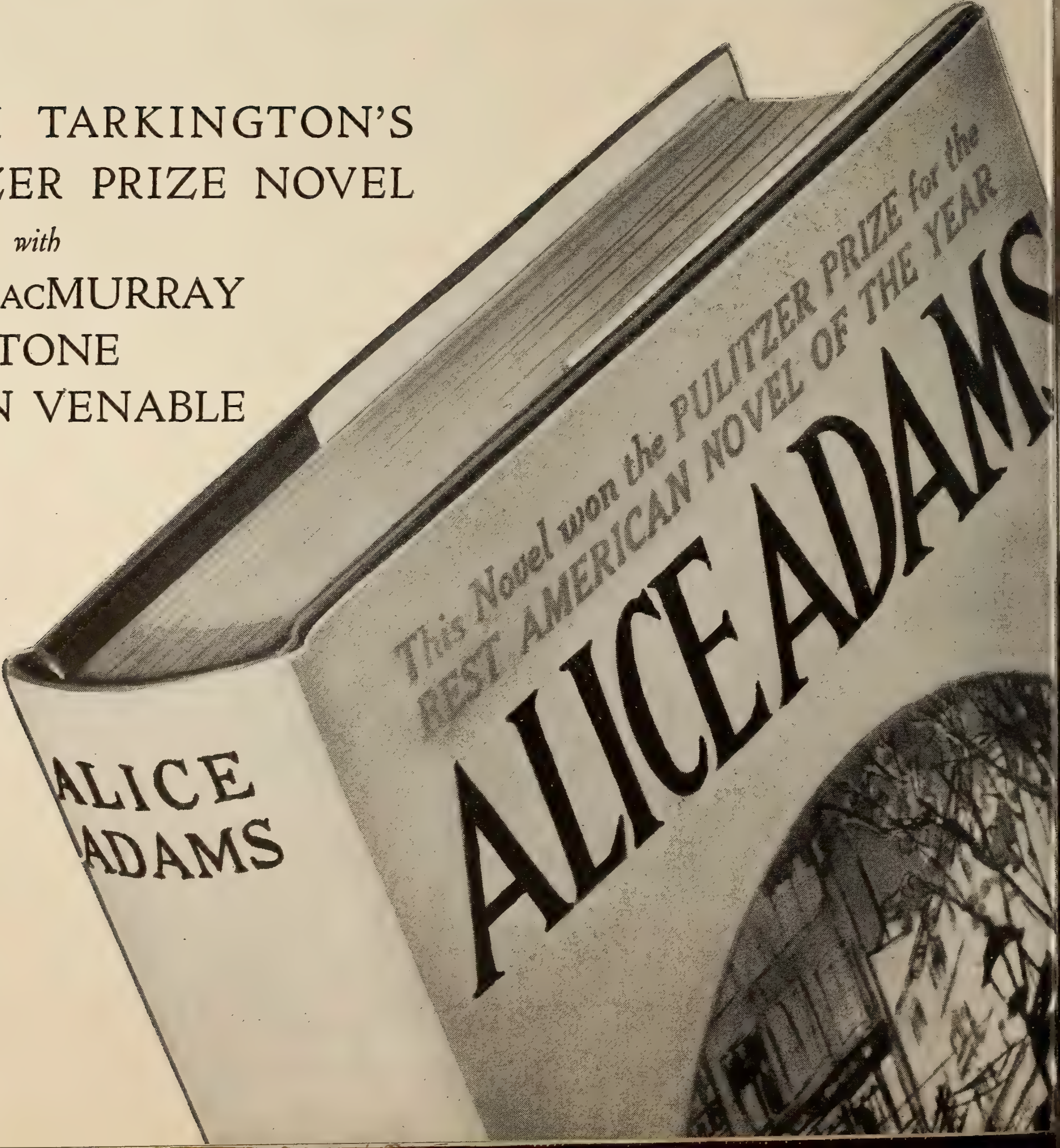
LY SYMPHONIES *all in* TECHNICOLOR

KATHARINE HEPBURN'S GREATEST MODERN ROLE!

. . . not even excepting her triumphant "Morning Glory"! . . . Radiantly, stirringly . . . with amazing new intensity of feeling . . . America's electric star brings to life the dynamic heroine of one of fiction's best-read books . . . a whispered-about girl whose daring counterpart you'll find in every community in the land!

BOOTH TARKINGTON'S
PULITZER PRIZE NOVEL
with
FRED MacMURRAY
FRED STONE
EVELYN VENABLE


This Novel won the PULITZER PRIZE for the
BEST AMERICAN NOVEL OF THE YEAR
ALICE ADAMS
ALICE
ADAMS

RKO-RADIO PICTURE

Directed by George Stevens

A Pandro S. Berman Production

Distributors For Adoption Of Long Reel

(*Continued from page* 1)

reels. The splicing of two 1,000-foot rolls and the mounting of the new longer roll on a 2,000-foot reel would be done in the exchanges and would necessitate establishment of a new exchange operation. The new reels themselves, it is believed, will not add to exchange costs as, being twice as large as the present 1,000-foot reels, only half as many of the new ones will be required. The cost of the new reels can be kept close to the cost of two 1,000-foot reels, the Academy believes.

Film storage vaults, in most exchanges, would have to be either altered or replaced to accommodate the new reels, but most distributors expressed the opinion that the cost of the required changes would not be prohibitive.

Rewinds, also, would have to be replaced, but the cost of this is also regarded as nominal and not viewed by distributors as an obstacle to the changeover. New shipping cases would be required, but the present cases for 1,000-foot reels could be used for the shipment of old features, shorts and newsreels until the supply was exhausted, it is pointed out.

Restrictions Final Problem

A final problem confronting distributors with the proposed changeover has to do with restrictions in force in some foreign countries prohibiting the shipment of film in larger than 1,000-foot length. Such postal and shipping regulations are known to exist in Spain and Puerto Rico. In addition, projection equipment in use in these countries and the Argentine is not adapted to use of the 2,000-foot reel. The 1,000-foot length, accordingly, would have to be continued in such situations. No such regulations are known to be in existence anywhere in the United States.

The advantages of the changeover to distributors are primarily in facilitating inspection and shipping, with possible economies in both operations, and in eliminating all doubling of the present 1,000-foot film rolls as widely practiced by theatres. The latter practice results in cutting away frames from the film rolls eventually resulting in a considerable jump of the picture on the screen and necessitating replacement of the film by the exchange. Possible economies are also seen in the new reels and shipping cases, half as many of which would be required.

New N. Y. Corporations

Albany, Aug. 4.—Unique Foto Film Corp. has been formed here to deal in pictures. The capital is listed at $10,000 and the incorporators are Richard Speckmann, Elizabeth Hartman and Bertha Ewald.

The El Dorado Operating Corp., to operate theatres, has also been formed with a capital of 200 shares of $50 par value preferred stock and 200 shares of non-par value common stock. The incorporators are Anne Swick, Abraham W. Sereysky and Max Resner.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Alice Adams"

(*Radio*)

Hollywood, Aug. 4.—Katharine Hepburn tops her performance in "Morning Glory" in this picture with a brilliantly understanding, tender portrait of a wistful, eager girl suffering the anguishing embarrassments of being young. The comedy gives the audience almost hysterical laughs without sacrificing complete sympathy for the whole cast.

Miss Hepburn plays a poor girl hanging on the edge of a rich set. Her idea of being a fatal woman by almost frantic animation and bursts of piercingly silvery laughter at a big party intrigues Fred MacMurray, rich cousin of the small town nabobs. Miss Hepburn's naive allurements, innocent blandishments and starry eyed excitement and concern over her first beau and her transparent pretensions to wealth and sophistication make one of the funniest and most engaging portraits ever filmed of young despairs and dreams.

Fred Stone is splendid as her badgered father, Ann Shoemaker telling as her adoring mother, Frank Albertson is fine as her crude brother and Hattie McDaniels as her maid draws howls. Evalyn Venable, Charles Grapewin, Grady Sutton, Hedda Hopper and Jonathan Hale are excellent in support.

George Stevens for direction, Dorothy Yost, Mortimer Offner and Jane Murfin for their screen play take the highest praise for catching the spirit of the Booth Tarkington novel.

Pandro S. Berman produced this one which should be a hit in any locale because being young is universal. Production Code Seal, No. 1101. Running time, 89 minutes. "G."

Form Intern'l Chamber

Berlin, Aug. 4.—The International Film Congress which was held here in April has led to the formation of an international film chamber. It is expected now that the statutes of this chamber will be published at the occasion of the international exhibition of film art and sciences in Venice in August.

Get New Clinton Lease

Clinton, Ind., Aug. 4.—The Capitol here, which lost its lease on the present building to the Wabash has leased the Banner building. Approximately $12,000 will be spent in remodeling the building and the present management of the Capitol will occupy it in September, says John Scherer, manager.

Out Hollywood Way

Hollywood, Aug. 4.—Warner Baxter's next starring film for Twentieth Century-Fox to be "King of Burlesque" . . . Gene Markey is doing the script and dialogue from a manuscript by Vina del Mar . . . Arthur J. Beckhard signed by Mascot to act as assistant to Nat Levine . . . CBS western network dedicates program to Buddy Rogers . . . Eric Blore, Erik Rhodes and Betty Grable help out.

John Qualen, actor; Al Lydell, actor and writer, finish at Twentieth Century-Fox; Rita Cansino gets new contract . . . Walter Wanger's second for Paramount under new pact, "Big Brown Eyes," starring Joan Bennett . . . Lawrence Tibbett going on concert tour when he finishes in "Metropolitan," Twentieth Century-Fox.

C. H. (Dad) Roach back in Good Samaritan Hospital for observation following slight heart attack . . . Frank Morgan nearly drowned when he stepped into deep end of his own pool; he doesn't swim. . . . Burns and Allen off on a New York vacation.

Willie Best, colored comedian, optioned for another six months by Radio. . . . Natale Carossio of San Francisco Opera Co. to help on Lily Pons' picture at Radio . . . Harold Young off to Portland for a vacation . . . Sir Guy Standing victim of makeup poisoning.

✦

Casting—Joseph Calleia added to cast of "Riff Raff" by M-G-M . . . Ferdinand Munier in "The Three Musketeers" at Radio . . . Helen Mack replaces Sally Blaine in "The Milky Way," Harold Lloyd's Paramount picture . . . Sol Lesser signs Frances Grant and Barbara Fretchie for "Thunder Mountain" . . . Estelle Taylor gets second lead in "The Frisco Kid," Warners . . . Phil Regan's option taken up by Warners.

Writers—Howard Ellis Smith and Nunally Johnson working on script of "The Man Who Broke the Bank at Monte Carlo" for Twentieth Century-Fox . . . Samuel Hoffenstein assigned to do screen play for "The Old Maid."

Director—Joe Cunningham signed to direct the rag doll dance for "Freckles" by Radio.

Title Change—Warners definitely set "Shipmates Forever" as title for Dick Powell-Ruby Keeler musical previously called "Anchors Aweigh."

Short Subjects

"Stranger Than Fiction No. 13"

(*Universal*)

The latest of this series presenting oddities in the world is equally as interesting as any made previously and the comments of James Wallington are enlightening. The reel contains shots of a ferryboat for schoolchildren, a lion getting a blood transfusion, a trick boat, a girl ball player, wood handkerchiefs, an egg-breaking machine and a zoo managed by a woman. Highly recommended. Production Code Seal, No. 0480. Running time, 10 mins. "G."

"Hollywood Extra Girl"

(*Paramount*)

Whether or not this short was meant to be just that or a super-trailer for Paramount's forthcoming "The Crusades" will probably never be told, but it certainly is good entertainment. Taking an extra girl and showing her trials and tribulations, the film uses Cecil B. DeMille's latest picture as a background. DeMille is on the screen more than any of the others in the picture and he gives his usual sales talk on what it takes to make a picture. Audiences should go for this. Production Code Seal No. 1095. Running time, 10 mins. "G."

"Mickey's Garden"

(*Disney-United Artists*)

This latest Mickey Mouse in Technicolor had a local audience laughing practically all the while it was on the screen. Mickey and Pluto are up to their old tricks again, with many a new one thrown in for good measure. The story has Mickey trying to rid his garden of bugs when he gets a shot of his own exterminator instead. He passes out and has a wild nightmare in which he wrestles with giant-like bugs in a huge garden. Highly recommended. Reviewed without production code seal. Running time, 8 mins.

"Fifty Dollar Bill"

(*Vitaphone*)

Director Roy Mack makes use of a novel twist to present Jack Powell, Carolyn Marsh, Adia Kuznetzoff, Eleanor Whitney and the Twelve Aristocrats, and the result is entertaining. Powell is by far the outstanding performer in the picture, but Miss Whitney runs him a close second for honors.

Where musical shorts are liked, particularly of the variety type, this should adequately fill the bill. Recommended. Production Code Seal, No. 0441. Running time, 20 mins. "G."

"His Last Fling"

(*Universal*)

With Sterling Holloway, Phyllis Fraser, Joey Ray and Beth Laemmle, this is only a fairly entertaining comedy. It starts off in a satisfactory manner, but quickly gets itself bogged down in the story and never gets free again. The plot of the old one of the fiance stepping out and trying to hide his having a last fling from the fiancee. The latter turns out to be the girl on the party and after the usual complications all ends well.

Production Code Seal, No. 951. Running time, 20 mins. "G."

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 31 NEW YORK, TUESDAY, AUGUST 6, 1935 TEN CENTS

Unions Rally To Local 306 In Wage Fight

Associated Theatrical Bodies Take Action

Support of Local 306 in its opposition to proposed wage reductions amounting to 41 per cent. in Loew's, RKO and Skouras theatres here, was voted yesterday by the newly-formed Associated Theatrical Bodies of Greater New York, an association of 12 locals of theatrical unions.

The organization was formed yesterday at a meeting presided over by William Feinberg, vice-president of Local 802, American Federation of Musicians, and immediately wired Mayor LaGuardia, Frank Tichenor, the Mayor's labor aide; C. C. Moskowitz of Loew's; Major L. E. Thompson of RKO, and Spyros Skouras

(*Continued on page* 2)

After Injunction In St. Louis Case

St. Louis, Aug. 5. — Designed to prevent Warners, Paramount, RKO and other defendants in the anti-trust action slated for trial here Sept. 30, from practicing certain of the complaints listed by the government in its original suit in 1935-36 contracts, Federal authorities will ask for an injunction on or about Aug. 13.

This, a surprise move, developed today when it became known U. S. District Judge Charles A. Dewey of the Southern District for Iowa had been designated by U. S. Circuit Judge

(*Continued on page* 10)

House Passes New Federal Tax Jumps

Washington, Aug. 5.—The House today passed the new tax bill aimed at high corporation and individual incomes and inheritances by 282-96. It goes to the Senate with practically no changes, except an exemption of five per cent for corporations' gifts to charity. The amendment was opposed by the President, but was favored by the House Ways and Means Committee.

Incomes over $50,000 get increased tax schedules.

What the Senate Finance Committee will do to the measure is uncertain. It is known that members contend the bill in its present form goes beyond the President's original idea, and Republicans are sniping at many of its provisions.

Stallings Heads Big Fox News Crew Into Ethiopia

Laurence Stallings, ex-soldier, playwright and author, newspaper man and latterly newsreel editor, is on the *Rex,* bound for Rome to interview Benito Mussolini as the first move in an elaborate plan, Fox Movietone News - conceived, to cover one of the "hottest" news stories since the Great War—the Italo-Ethiopian fracas.

Starting in Rome, then by air to London, where Stallings and his band of newsreel reporters will be covered with war insurance by Lloyd's, the expedition, easily one of the most extensive, as well as expensive, organized in the history of newsreels, will take to the air lanes again and by Fokker 'plane hop to Athens where it will set out for Djibouti, British Somaliland, the scene of further organizing prior to the push into the interior of Ethiopia en route to Addis Ababa.

Four photographers and two sound men will be behind the 10 cameras—sound, silent and still—which will make up that phase of the equipment. Al Waldron, for a number of years on the Washington staff of Fox Movietone News, sails Thursday on the *Majestic* for London, there to meet Stallings. Aboard the *Rex,* already three days out for Naples, is Len Hammond, another Fox veteran, brought in from Tokyo, but who prior to that, photographed the Sino-Japanese fuss in China and in Manchukuo.

Louis Granata, formerly stationed in Rome, is now with the Italian troops at Mogadiscoi in Italian Somaliland. Ramond Mejat, transferred from Paris, will be assigned to the Fascisti army with headquarters in Massaua in Eritrea.

Stallings, together with Waldron

(*Continued on page* 2)

Fox Applies For Listing Of New Stock

Washington, Aug. 5.—Application for registration on the New York Stock Exchange of the new stock of Twentieth Century-Fox Film Corp. has been filed with the Securities and Exchange Commission.

In its recent application to the Stock Exchange for listing of its stock Fox stated that it had been advised by counsel that no registration statement would be required for the Securities and Exchange Commission, except as to the issuance of the shares to Twentieth Century Pictures, Inc., which "are being acquired for investment by Twentieth Century Pictures,

(*Continued on page* 12)

Senators Move to Pass Up Copyrights

Washington, Aug. 5.—Plans to sidetrack the Copyright Bill were reported being made in the Senate today.

The measure has been the unfinished business since last week, but has received little attention. Today it was briefly before the Senate, but it was shunted aside in favor of other legislation.

Little interest is being shown in the

(*Continued on page* 10)

K. C. Expects Zoning Setup Next Season

Kansas City, Aug. 5.—Zoning is considered by independent exhibitors to be a definite possibility here for the coming season.

Distributors, who usually start contacting independents about now, have not yet done so.

It is general talk among independents that E. C. Rhoden, Fox Midwest head, is buying zoned protection, and distributors will make no move to sell independents until Fox closes its product deals. Rhoden is expected to go to New York shortly to complete these together with his own contract arrangements with National Theatres. While some exhibitors are a

(*Continued on page* 2)

Interstate Trades Licensing Sought

Washington, Aug. 5.—Legislation calling for the licensing and regulation of all business enterprises engaged in interstate commerce, sponsored some weeks ago by the American Federation of Labor, was introduced in the Senate today by Senator O'Mahoney of Wyoming.

The Federal Trade Commission would administer the act, which is de-

(*Continued on page* 10)

Bronx Police Close Down on All Giveaways

Report Order Issued by Commissioner Moss

Orders have been issued to the Bronx police to stop all forms of giveaways involving the element of lotteries. The police began enforcement of the order last week after giving exhibitors a few days in which to get rid of prizes on hand.

It is understood that enforcement of the order came about as a result of a request from License Commissioner Moss to District Attorney Foley, who transmitted it to the police.

Some talk of a court test has been heard among franchise holders for bank night and screeno.

Whether the ban will be extended to other boroughs could not be learned

(*Continued on page* 12)

"U" and U.A. Both Assessed Sale Tax

Notice of an assessment on film rentals for the city sales tax has been forwarded to United Artists, as well as Universal, it was learned yesterday.

The city's first attempts to assess film rentals for the local sales tax were directed against Universal and brought a concerted industry protest here on the theory that the city had

(*Continued on page* 10)

Capitol Will Slash Scales Next Friday

A new price scale to correspond with that of the Paramount will be inaugurated at the Capitol Friday with the opening of "China Seas," the first of the series of pictures to go into the house on its new all film policy.

The new scale will be as follows: Week days, 25 cents until 1 o'clock; 50 cents from 1 until 6 o'clock, and

(*Continued on page* 10)

Extend Flint Pact On Single Features

Flint, Aug. 5.—Satisfied with the results of their six months' agreement to use only one double bill a week, exhibitors here are carrying on the agreement another six months.

Several showmen questioned said that they had done as much or more

(*Continued on page* 10)

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Better Prints Aim Of Academy Report

HOLLYWOOD, Aug. 5.—An improvement in the quality of release prints is foreseen as a result of a report made by the Research Council sub-committee of the Academy, outlining the past year's activities. The Academy issued a 24-page bulletin on the subject.

The future establishment of a set of standard density tablets, to which instruments in all laboratories will be calibrated was announced in the bulletin. The report also goes into technical detail regarding a series of tests which have been made describing the first attempts to standardize the release printing control procedure of all laboratories to control the quality.

Complications of the past have been due to the fact that negatives are usually made in one laboratory and the prints in another laboratory, sometimes in the east and foreign countries.

The method now under consideration specifies that release printing data will be placed on the negative film, in a space provided in the Academy Standard Release Print Leader, where it will be available for information by any laboratory in the world to which the negative might be sent.

Jack Goldstein Resigns

BOSTON, Aug. 5.—Jack Goldstein, publicity head of RKO theatres in New England, officially resigned here over the week-end to take up his duties next Monday at United Artists as director of exploitation. Goldstein's successor will be named shortly.

Stallings Heads Big Fox News Crew Into Ethiopia

(*Continued from page 1*)

and Hammond, will penetrate into Ethiopian territory with the capital their objective. There, by prior arrangement, full immunity, protection and international courtesies have been arranged for them by Emperor Haile Selassie. Six motorcycles with side cars will go along, as well as a special truck now ready for shipment at the newsreel's headquarters in New York.

The anticipation is that the motorcycles will be turned over to white couriers to carry film out of Abyssinia as well as mail dispatches with which Stallings will follow up the wireless stories he will write for the North American Newspaper Alliance.

The entire adventure is to be known as the Fox Movietone News-North American Newspaper Alliance Expedition. The newsreel thereby will get a double play. It will be mentioned regularly in Stallings' dispatches to be served to its 60 important American dailies by N.A.N.A., including *The Times* in New York, while, obviously, the celluloid transcript of what the crew records will impart its own tale. Stills will carry the same credit line across the nation.

Church and School Films for Carewe

HOLLYWOOD, Aug. 5.—Edwin Carewe today announced formation of the Edwin Carewe Pictures Corp. to produce pictures for exclusive church and school exhibition.

A production council of nine members selected from church and educative groups to pass on all stories and casts and to review completed product prior to release is part of the plan. Carewe asserted he proposes making features in sound, color and in four major languages.

As he divulged his plan, the director who has been in the business 22 years, launched an attack on the industry for turning out too many cheap, "sexy" pictures glorifying gangsters and exalting "shady women."

With himself as president and director general, Carewe's running mates will be Martin T. Hughes, vice-president, and Reverend T. M. Buley, secretary-treasurer.

Hanson Starts New Circuit in Canada

TORONTO, Aug. 5.—O. R. Hanson has added to his various interests by the organization of Hanson Theatres, Ltd., to own and operate houses in Ontario. The company has already secured houses in Toronto and St. Thomas and the latest move has been the acquiring of the Grand in Sudbury from W. E. Mason.

Hanson is general manager of Associated Theatres, Ltd., and Allied Exhibitors of Ontario and president of Empire Films, Ltd., Canadian distributor of Republic, British International, Educational and other product.

"Wild" Set for Rivoli

"The Call of the Wild" is scheduled to go into the Rivoli Aug. 14 following the run of "Dante's Inferno."

Huey in a Reel

New Orleans, Aug. 5.—Senator Huey P. Long shares the Pathe Newsreel spotlight at the Orpheum this week to the delight of his followers. However, Sam Guarino, head bartender at the Hotel Roosevelt, seems to outshine the Senator. The film shows Sam mixing the famous Ramos gin fizz back of the bar at the Hotel New Yorker, with the Senator back of the bar at Sam's elbow.

Unions Rally To Local 306 In Wage Fight

(*Continued from page 1*)

of its intention to support Local 306 in the current wage dispute.

The locals joining in the move include those of the musicians' union, stagehands' union, teamsters' union, building service employes, Theatrical Managers and Agents Association, United Scenic Artists, Grand Opera Choral Alliance, Grand Opera Artists Association, American Federation of Actors, stationary engineers, sign writers' union, and Local 306.

Thompson, Moskowitz and representatives of Skouras and Local 306 met yesterday to discuss the wage scale reductions at Moskowitz's office in the Loew building. No statement was issued following the meeting, but it is expected the discussion will be resumed today.

A general meeting of Local 306 membership is scheduled for noon tomorrow to vote authority to the local's executive committee to call a walkout if deemed advisable.

Van Beuren to Issue Rainbows for Export

The Van Beuren Corp. has determined to re-dialogue its 13 Rainbow cartoons in Spanish and French and declares it is prepared to include other languages in its plans dependent upon the potentialities of additional foreign language markets.

Russell Spaulding will handle the translation on the Rainbows.

Sues Goldwyn on Song

LOS ANGELES, Aug. 5.—James J. Donnelly, who says he is the copyright owner on "When My Ship Comes In" has filed suit against Samuel Goldwyn for $100,000 on the ground that the song was used without his authorization in Eddie Cantor's "Kid Millions."

Mary Pickford at Rites

HOLLYWOOD, Aug. 5.—Mary Pickford reached here in time to attend the funeral of her aunt, Mrs. Elizabeth Ryder, at 2 P. M. Burial was at Forest Lawn Cemetery.

K. C. Expects Zoning Setup Next Season

(*Continued from page 1*)

little warmer than the weather gives reason for at the mention of zoning, they do not appear to be greatly concerned, nor are they discussing it to any extent—yet. One reason is that a number of independents regard Rhoden as reasonable.

The last system of zoning here was about 10 years ago. Under that system theatres that could buy protection got it in their zones.

M. B. Shanberg attempted to set up zones here the year before he left Kansas City theatre operation. At that time local independent exhibitors prepared to take the matter into court on a monopoly charge, it is understood, and Shanberg dropped the effort.

Since that time the procedure has been that representatives of various types of houses get together at the beginning of each season and determine the clearance schedule—so many days after downtown, so many back for each five-cent drop in admission, etc.—and then suggest the plan to distributors. This last season 20-cent houses have been 14 days back of 25-cent houses; 15-cent, 21 to 35 days; 10-cent houses, 44 days.

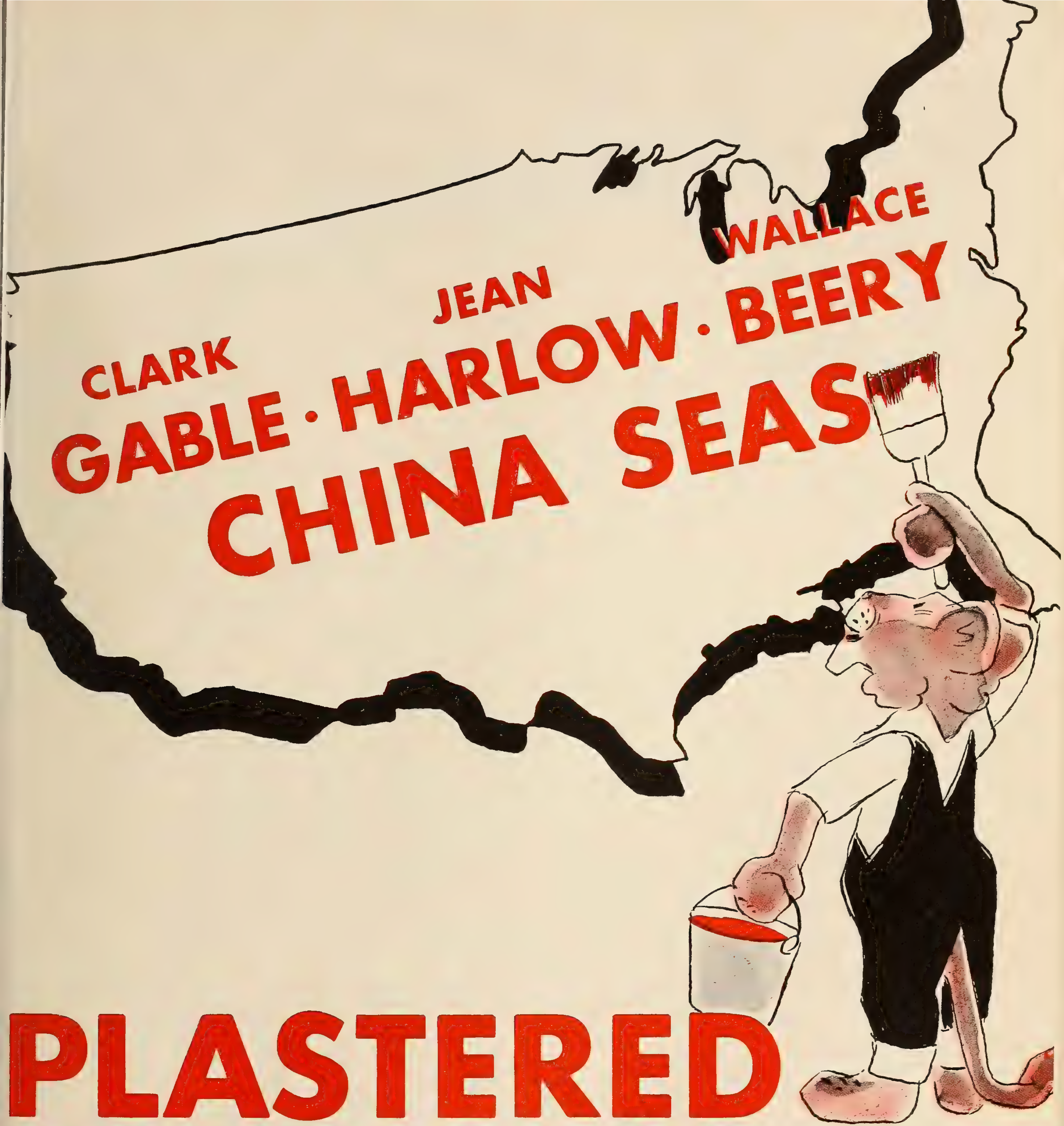
With automobiles so numerous—even among relief workers—zoning is regarded as anachronistic. People do not go to theatres by zones anymore, many here believe.

Independents, though not in agreement among themselves, generally feel that admission price should be the basis of clearance. This would be all right if there were a true admission price effective in Kansas City. But with all but two or three suburban houses giving away something or other, many of them five and six nights a week, with double billings and drawings, true admission price no longer exists here. When the practice of clearance by admission price was instituted several years ago, true admission prices existed.

It is more or less on a clearance-by-admission basis that they have gone the last few years, with conferences at the beginning of the season on what clearance should be.

Sonotone Seeks Listing

WASHINGTON, Aug. 5. — Sonotone Corp. of N. Y. has filed application with the SEC for registration and permission to issue 40,000 shares of cumulative preferred stock and 40,000 option warrants to purchase an aggregate of 80,000 shares of common, to be issued in units of one share of preferred with one attached option warrant, good until October, 1940, to purchase two shares of common, the units to have an estimated offering price of $10 each; also 13 detached warrants to purchase an aggregate of 26,000 shares of common; also 106,000 shares of common to be purchasable under the aforementioned 53,000 warrants; also 160,000 shares of common to be reserved for the conversion of 40,000 shares of preferred at a ratio of four shares of common for one of preferred.


CLARK GABLE · JEAN HARLOW · WALLACE BEERY
CHINA SEAS

PLASTERED AGAIN!

The good old U. S. A. is in holiday mood. The New Movie season opens with a Whoopee entertainment. Everywhere they're saying "CHINA SEAS! *Wow! Leo has done it again!*"

(P. S. HOLDING EXTRA TIME IS JUST PLAIN COMMON SENSE!)

"Gondolier," Show, Heavy Hub Grosses

Boston, Aug. 5.—"Broadway Gondolier," helped by Fred Allen's radio amateur contest winners, garnered the big money of the week, $23,000, at the Metropolitan. This is above normal by $1,000.

Business elsewhere, with the exception of the Fenway and the Paramount, was pretty slow. These houses day and dated "Man on the Flying Trapeze" and "Java Head." At the former the take was $4,500 and at the latter $7,000, both average.

Total first run business was $53,500. Average is $68,500.

Estimated takings for the week ending Aug. 2:

"MAN ON THE FLYING TRAPEZE" (Para.)
"JAVA HEAD" (First Division)
FENWAY—(1,382), 30c-50c, 7 days. **Gross:** $4,500. (Average, $4,500)

"OLD MAN RHYTHM" (Radio)
"LADY TUBBS" (Univ.)
KEITH'S MEMORIAL—(2,907), 25c-65c, 7 days. **Gross:** $6,000. (Average, $12,000)

"THE MURDER MAN" (M-G-M)
"PARTY WIRE" (Col.)
LOEW'S STATE—(3,537), 25c-55c, 7 days. **Gross:** $9,000. (Average, $12,000)

"BROADWAY GONDOLIER" (Warners)
METROPOLITAN—(4,332), 35c-65c, 7 days. Stage: Fred Allen's Town Hall Tonight, National Radio Winners, the Elida Ballet, and Barte, Connors & Brock. **Gross:** $23,000. (Average, $22,000)

"MAN ON THE FLYING TRAPEZE" (Para.)
"JAVA HEAD" (First Division)
PARAMOUNT—(1,793), 25c-50c, 7 days. **Gross:** $7,000. (Average, $7,000)

"A DOG OF FLANDERS" (Radio)
"WHAT PRICE CRIME" (Syndicate)
RKO BOSTON—(3,246), 25c-50c, 7 days. **Gross:** $4,000. (Average, $11,000)

"Gondolier" Pulls $5,700, Oklahoma

Oklahoma City, Aug. 5.—"Broadway Gondolier" was the big noise of the week. It topped par by $700 on a gross of $5,700 at the Criterion.

"Mary Jane's Pa," helped by a stage show, "Paris Nights," was strong in four days at the Liberty, getting $2,000. "Let 'em Have It" was $400 over average on a gross of $2,400 at the Capitol.

Total first run business was $13,600. Average is $13,500.

Estimated takings for the week ending Aug. 3:

"BROADWAY GONDOLIER" (Warners)
CRITERION—(1,700), 10c-26c-36c-55c, 7 days. **Gross:** $5,700. (Average, $5,000)

"SHANGHAI" (Para.)
MIDWEST—(1,500), 10c-26c-36c-56c, 6 days. **Gross:** $2,600. Average, $4,000)

"LET 'EM HAVE IT" (U. A.)
CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $2,400. (Average, $2,000)

"MARY JANE'S PA" (F. N.)
LIBERTY—(1,500), 10c-15c-26c-36c, 4 days. "Paris Nights" on stage. **Gross:** $2,000. (Average week, $2,500)

"CHINATOWN SQUAD" (Univ.)
LIBERTY—(1,500), 10c-15c-26c-36c, 3 days. **Gross:** $900. (Average week, $2,500)

Few Closing in Midwest

Kansas City, Aug. 5.—Fewer theatre closings have occurred in Missouri and Kansas this year than in several years, according to John Muchmore, office manager for M-G-M.

"This is unusual in the face of excessive heat and poor crops," he says.

"Call" Leads Chicago with $18,000 Take

Chicago, Aug. 5.—"Call of the Wild" went over in a big way at the United Artists in spite of a general slump. It was $1,000 up on a take of $18,000.

The only other attraction to reach par was "Escape Me Never" which took $6,500 at the Garrick.

Total first run business was $111,500. Average is $122,100.

Estimated takings for the week ending Aug. 1:

"ESCAPADE" (M-G-M)
CHICAGO—(4,000), 25c-50c-68c, 7 days. Stage: California Collegians and stage revue. **Gross:** $30,000. (Average, $34,600)

"BLACK SHEEP" (Fox)
ORIENTAL—(3,940), 25c-40c, 7 days. Stage: Wendel Hall, Jessie Reed, Mark Fisher and stage show. **Gross:** $14,000. (Average, $15,000)

"PARIS IN SPRING" (Para.)
PALACE—(2,509), 25c-35c-50c, 7 days. Stage: Don Bestor and Orchestra, Sheila Barrett and vaudeville. **Gross:** $17,000. (Average, $19,000)

"LOVE ME FOREVER" (Col.)
ROOSEVELT—(1,591), 25c-35c-50c, 7 days. **Gross:** $10,500. (Average, $11,000)

"CALL OF THE WILD" (U. A.)
UNITED ARTISTS—(1,700), 30c-40c-50c, 7 days. **Gross:** $18,000. (Average, $17,000)

"DR. JEKYLL & MR. HYDE" (Para.)
APOLLO—(1,400), 25c-35c-50c, 7 days. **Gross:** $4,500. (Average, $6,000)

"ESCAPE ME NEVER" (U. A.)
GARRICK—(900), 25c-35c-40c, 7 days. **Gross:** $6,500. (Average, $6,500)

"THE RAVEN" (Univ.)
STATE-LAKE—(2,776), 20c-30c-35c, 7 days. Stage: King, King & Arena, Leavitt and Lockwood, and others. **Gross:** $11,000. (Average, $13,000)

"Tarzan" Yarns in Work

Hollywood, Aug. 5.—Burroughs-Tarzan Enterprises are preparing two more Burroughs stories for production. They are "The Mad King," and "Tarzan, Lord of the Jungle." Shooting schedules will be announced soon.

Left Theatre Behind

Kansas City, Aug. 5.—In spite of the heat, the Benton lost a 1,500 pound safe containing $516 by way of the rear door. Apparently someone had concealed himself inside the building during the last performance. The safe was not equipped with rollers.

"Sharp" Gets Good $5,400 Take, Seattle

Seattle, Aug. 5.—"Becky Sharp" was the best draw of the week. It garnered $5,400, over normal by $1,400, at the Music Box.

"Curly Top" was a heavy moneymaker, getting $8,150, above the line by $1,150, at the Fifth Avenue. It was held over. "Call of the Wild" had a good second week at the Orpheum and it was moved over to the Blue Mouse.

Total first run business was $32,750. Average is $30,000.

Estimated takings for the week ending July 30:

"THE RAVEN" (Univ.)
BLUE MOUSE—(950), 25c-40c-55c, 7 days. Gross: $3,400. (Average, $4,000)

"CURLY TOP" (Fox)
FIFTH AVENUE—(2,500), 25c-40c-55c, 7 days. **Gross:** $8,150. (Average, $7,000)

"LOVE ME FOREVER" (Col.)
LIBERTY—(1,800), 15c-25c-35c-50c, 7 days, 2nd week. **Gross:** $4,900. (Average, first week, $4,000)

"BECKY SHARP" (Radio)
MUSIC BOX—(950), 25c-40c-55c, 7 days. **Gross:** $5,400. (Average, $4,000)

"CALL OF THE WILD" (U. A.)
ORPHEUM—(2,450), 25c-40c-55c, 7 days, second week. **Gross:** $6,200. (Average, first week, $6,000)

"THE VIRGINIAN" (Para.)
"CALM YOURSELF" (M-G-M)
PARAMOUNT—(3,050), 25c-40c-55c, 7 days. **Gross:** $4,700. (Average, $5,000)

Out Hollywood Way

Hollywood, Aug. 5.—Major Oscar Bagley, technical advisor on M-G-M's "Mutiny on the Bounty," will have the same post on "Oliver Twist" . . . Jane Withers' next will be "Immigrant," with Lew Seiler directing for Twentieth Century-Fox . . . Mitchell Leichter, head of Beaumont Pictures, is on a tour of key cities with "Trail's End" and "Gunners and Guns."

Mack Sennett starts new two-reeler for Educational at General Service Studios . . . Bing Crosby's next for Paramount, "Money from Home," a Damon Runyon story, as soon as "Anything Goes" is finished . . . Baby Jane Quigley signed to seven-year contract by M-G-M . . . She has been under contract to Universal.

Hugh O'Connell to free lance when he finishes "Alone Together" at Universal . . . Harry Stoddard and Atze Taconis, song writers, open recording studio in Warner Theatre Bldg . . . Ruth Etting says she will retire after making four shorts for Radio . . . Wesley Ruggles, director, and his assistant, Arthur Jacobson, in Chicago for background shots on Claudette Colbert's next for Paramount, "The Bride Comes Home."

Casting—Shirley Ross, M-G-M contract player, signed by Henry Duffy for "Anything Goes" . . . Sylvia Sidney gets lead in "Mary Burns, Fugitive," Walter Wanger production for Paramount . . . Mae Busch, Buster Phelps, Jimmy Burke, Earl Hodgins and Monte Montague signed for Universal's "Alone Together" . . . Beryl Mercer, Micky Daniels, Arthur Treacher and Henry Armetta in "The Magnificent Obsession," Universal.

Pert Kelton in "Annie Oakley," Radio . . . Margaret Irving added to "Thanks a Million" cast, Twentieth Century-Fox.

Writer—Norman Houston doing the script for "Frisco Waterfront," Republic.

"Gondolier" Pittsburgh's Top, $21,000

Pittsburgh, Aug. 5.—Backing up its run of good pictures with attractive stage shows, the Stanley continued to lead the town. "Broadway Gondolier" and Little Jack Little's band produced an excellent $21,000, the best takings here in months.

The Stanley business, however, drained the rest of the town. Only the Warner, of the other houses, managed to make a fair showing and that was with "Love Me Forever," which was moved to the Fifth avenue house after its week at the Stanley. In five days, the Grace Moore picture grossed around $3,500. At the Penn, "Men Without Names" took it on the chin, dropping the house to $4,500, while at the Alvin, "Hard Rock Harrigan" and "The Silk Hat Kid" played only four days, the theatre closing until Labor Day to facilitate installation of a cooling plant.

Total first run grosses were $31,000. Average is $28,300.

Estimated takings for the week ending Aug. 1:

"HARD ROCK HARRIGAN" (Fox)
"SILK HAT KID" (Fox)
ALVIN—(2,000), 25c-40c, 4 days. **Gross:** $2,000. (Average, for six days, $4,000)

"MEN WITHOUT NAMES" (Para.)
PENN—(3,300), 25c-40c, 6 days. **Gross:** $4,500. (Average, $7,500)

"BROADWAY GONDOLIER" (Warners)
STANLEY—(3,600), 25c-55c, 6 days. Stage: Little Jack Little's band, Selden and Endler, Stuart and Lea. **Gross:** $21,000. (Average, $13.000)

"LOVE ME FOREVER" (Col.)
(2nd Run)
WARNER—(2,000), 25c-40c, five days. **Gross:** $3,500. (Average, first run, 6 days, $3,800)

"Curly Top" Close To Record in Omaha

Omaha, Aug. 5.—"Curly Top," on a dual with "Smart Girl," came within a few dollars of the Orpheum record set by "Now and Forever" several months ago. It took $11,400, over normal by $3,900.

"The Man on the Flying Trapeze" and "Great Hotel Murder" also were strong, getting $6,800 at the Omaha. "She" and "Awakening of Jim Burke" at the Brandeis found the going rough with such heavy competition.

Total first run business was $21,700. Average is $16,000.

Estimated takings:

Week Ending July 31:

"SHE" (Radio)
"AWAKENING OF JIM BURKE" (Col.)
BRANDEIS—(1,200), 25c-35c-40c, 9 days. **Gross:** $3,500. (Average, $5,000)

"MAN ON THE FLYING TRAPEZE" (Para.)
"GREAT HOTEL MURDER" (Fox)
OMAHA—(2,200), 25c-40c, 7 days. **Gross:** $6,800. (Average, $5,000)

Week Ending August 1:

"CURLY TOP" (Fox)
"SMART GIRL" (Para.)
ORPHEUM—(3,000), 25c-40c, 7 days. **Gross:** $11,400. (Average, $7,500)

Renew DeSylva Deal

Hollywood, Aug. 5.—Twentieth Century-Fox has picked up the option on Buddy DeSylva's contract and the producer will remain with the studio for another year. He will work on "Captain January" and "The Littlest Rebel," both for Shirley Temple.

CALLING ALL BUYERS!

CALLING ALL BUYERS!

CALLING ALL BUYERS!

CALLING ALL BU

FIRST OF THE BIG ONES

EDWARD ARNOLD
in
"DIAMOND JIM"
With JEAN ARTHUR · BINNIE BARNES
Directed by Edward Sutherland
An Edmund Grainger Production

RELEASED SEPTEMBER 2nd

•

TWO
MARGARET SULLAVAN PRODUCTIONS
Universal's great star at her greatest!

•

CAROLE LOMBARD
in **"SPINSTER DINNER"**
Faith Baldwin's Cosmopolitan Magazine
Sensation . . . Directed by Walter Lang

•

BINNIE BARNES
in
"HER EXCELLENCY THE GOVERNOR"
From the famous Liberty Magazine
success . . . Directed by Stuart Walker

•

EDMUND LOWE
in
"KING SOLOMON OF BROADWAY"
With Dorothy Page and Pinky Tomlin . . . Directed by
Alan Crosland . . . A Julius Bernheim Production

•

KARLOFF and LUGOSI
in **"THE INVISIBLE RAY"**
Howard Higgin's and Douglas Hodges' weird story

JACK OAKIE
in **"FAST AND FURIOUS"**
From the auto-racing romance by Paul
Sidney . . . Directed by Edward Laemmle

•

EDWARD ARNOLD
in **"HANGOVER MURDERS"**
With CONSTANCE CUMMINGS · SALLY EILER
ROBT. YOUNG · REGINALD DENNY · ROBT. ARMSTRON
From the novel by Adam Hobhouse . . . Directed by
James Whale . . . A Carl Leammle, Jr. Production

•

CHARLES FARRELL
in **"OFF-SIDE"**
Stanley Meyer's sensational football story
With JUNE MARTEL . . Directed by Hamilton Macfadden

•

MAY ROBSON
in
"THREE KIDS AND A QUEEN"
With Frankie Darro, Charlotte Henry and
Henry Armetta . . . Directed by Edward Ludwig

•

JACK HOLT
in
"STORM OVER THE ANDES"
With MONA BARRIE and ANTONIO MORENO
Directed by Christy Cabanne

•

EDMUND LOWE
in
"THE GREAT IMPERSONATION"
E. Phillips Oppenheim's best-seller . . Directed by Lloyd Corrig

•

MARTA EGGERTH
Universal's New Singing Venus
in a merry American musical romance
"SONG OF JOY"

UNIVERSAL HAS THE LINE UP!
SEE UNIVERSAL IMMEDIATELY!

TROUBLE AT YOUR THEATRES
WITHOUT UNIVERSAL FOR 1935-36!

RS!

TROUBLE AT YOUR THEATRES
WITHOUT UNIVERSAL FOR 1935-36!

UNIVERSAL HAS THE LINE UP!
SEE UNIVERSAL IMMEDIATELY!

CHARLES BICKFORD
in
"EAST OF JAVA"
erneur Morris' famous story..Directed by George Melford

●

ZASU PITTS-HUGH O'CONNELL
The Nation's Newest Scream-Mates
in
"ALONE TOGETHER"
Directed by Kurt Neumann

●

The Great KARLOFF
in
"BLUEBEARD"
Screenplay by Bayard Veiller, author of
"Within the Law" and "The Trial of Mary Dugan"

●

EDWARD EVERETT HORTON
in
"HIS NIGHT OUT"
Henry Irving Dodge's famous comedy

●

JANE WYATT
in
"STRANGERS AT THE FEAST"
From the best-seller by Beatrice Lubitz
Screenplay by Gladys Unger

●

VICTOR HUGO'S immortal masterpiece
"HUNCHBACK OF NOTRE DAME"

●

OAH BEERY, Jr. and JEAN ROGERS
in **"STORMY"**
herry Wilson's story of wild horses and wilder men!
Directed by Louis Friedlander

"DRACULA'S DAUGHTER"
By John L. Balderston . . . A Carl Laemmle Jr. Production

●

"GIANT PLANE"
By James Warner Bellah . . . Directed by Ernst L. Frank

●

"AGENT 44"
The first story of the Government's woman-hunters!

●

Gaston Leroux's classic drama of all time
"PHANTOM OF THE OPERA"

●

JACK HOLT in
"RIVERBOAT GAMBLER"
Based on the famous stories by Bret Harte
Screenplay by Gouverneur Morris and Gerald Geraghty

●

"TROUBLE IN B FLAT"
A brand new kind of comedy with music by
James Edward Grant, author of "Whipsaw"

●

JACK HOLT in
"TALL TIMBER"
The drama of the last wilderness!

●

"YELLOWSTONE"
Arthur Phillips' stirring story of America's natural wonder

●

"THE FLYING SQUADRON"
A romance of aerial daring!

●

SIX BUCK JONES FEATURES
The greatest Western star of all in his biggest money-makers!

●

JACK HOLT in
"DESTROYER"
Samuel Johnson's gripping story of a submarine pirate

UNIVERSAL HAS THE LINE UP!
SEE UNIVERSAL IMMEDIATELY!

TROUBLE AT YOUR THEATRES
WITHOUT UNIVERSAL FOR 1935-36!

DON'T FORGET the CURRENT HITS!

DON'T FORGET the CURRENT HITS!

DON'T FORGET the CURRENT HITS!

IRENE DUNNE
in John M. Stahl's production of
"MAGNIFICENT OBSESSION"
With ROBERT TAYLOR, Charles Butterworth, Betty Furness
From the best-seller by Lloyd C. Douglas
[Now in Production]

●

MARGARET SULLAVAN
FRANCIS LEDERER
in **"NEXT TIME WE LOVE"**
From Ursula Parrott's newest novel!

●

WILLIAM POWELL
in **"MY MAN GODFREY"**
From the Liberty Magazine serial by Eric Hatch

●

"SUTTER'S GOLD"
A Howard Hawks Production...From the epic novel by Blaise Cendrars

●

IRENE DUNNE
in **"SHOW BOAT"**
Edna Ferber's Immortal Classic! . . . Music by Jerome Kern
A Carl Laemmle, Jr. Production . . . Directed by James Whale

Philadelphia Tips $18,000 To 'Gondolier'

PHILADELPHIA, Aug. 5.—A break in the hot weather which brought in three good days during the week had its reaction in local films.

"Broadway Gondolier" cruised along so well at the Stanley that it got two extra days for a total gross of $18,000. The Earle, also, with "Man on the Flying Trapeze" and Ina Ray Hutton on the stage, upped its average by getting $14,000 on the week.

Playing four days on its second week (all it was scheduled to do), "The Farmer Takes a Wife" got a nice $8,000 at the Fox. "Curly Top" followed it Wednesday and is on its way to a summer record and will probably stay three weeks. Except for the Temple film, the rest of the town simmered down toward the end of the week with the return of more 90 degree temperatures.

Total first run business was $60,900. Average is $63,900.

Estimated takings for the week ending Aug. 1:

"NO MORE LADIES" (M-G-M)
(2nd run)
ARCADIA—(600), 25c-40c-50c, 6 days. **Gross:** $1,900. (Average, $2,400)

"PARIS IN SPRING" (Para.)
BOYD—(2,400), 40c-55c, 6 days. **Gross:** $8,500. (Average, $12,000)

"MAN ON FLYING TRAPEZE" (Para.)
EARLE — (2,000), 25c-40c-50c, 6 days. Stage: Ina Ray Hutton and Her Melodears; Joe Kelso & Co., Falls, Reading and Boyce, Mason and Yvonne. **Gross:** $14,000. (Average, $12,000)

"FARMER TAKES A WIFE" (Fox)
(2nd week)
FOX—(3,000), 40c-55c-65c, 6 days. Stage: Cavaliers, Three Speeds, Don Cummings, Don and Betty, Frankie Little. **Gross:** $8,000. (Average, 6 days, $12,000)

"LOVE ME FOREVER" (Col.)
(2nd run)
KARLTON—(1,000), 25c-35c-40c, 6 days. **Gross:** $2,800. (Average, $3,500)

"CALM YOURSELF" (M-G-M)
KEITH'S — (2,000), 30c-40c-50c, 6 days. **Gross:** $2,500. (Average, $4,000)

"BROADWAY GONDOLIER" (Warners)
STANLEY—(3,700), 40c-55c, 8 days. **Gross:** $18,000. (Average, 6 days, $12,000)

"MURDER MAN" (M-G-M)
STANTON—(1,700), 30c-40c-50c, 6 days. **Gross:** $5,200. (Average, $6,000)

"U" Leases 3 in Canada

TORONTO, Aug. 5.—According to Clair Hague, general manager of Canadian Universal Films, the three theatres in Winnipeg operated by Universal for many years have been leased to Allied Amusements Limited of Winnipeg starting Sept. 1. The houses are the Lyceum, College and Starland and they have been the only theatres in Canada controlled by Universal, so that the Canadian distributing company is now entirely out of exhibition.

Form Penn. Company

HARRISBURG, Aug. 3.—Demurchel Amusement Co., Parkesburg, has just been chartered here to operate theatres by Joseph A. Murphy, Philadelphia; Charles Demarest, Parkesburg, and Nathan Michel, Parkesburg.

Shirley Sets a Record

PORTLAND, Aug. 3.—Shirley Temple topped her own opening day records here by getting $2,500 for "Curly Top" at the Paramount, according to Manager Daigler.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Against the Current"

(R.N.S. Prod.)

HOLLYWOOD, Aug. 5.—Written, produced and directed in Spanish by Ramon Novarro, this picture has merit, but story weakness may make it difficult to sell to an American audience even in a dubbed version. In Latin countries where Novarro has a following, it should give a good account of itself at the box-office.

The story concerns the romance between Jose Caraballo, member of the Argentine Olympic swimming team, and Luana Alcaniz, daughter of a wealthy Los Angeles merchant. The pair meet at the Olympic games and after a short courtship marry. Later, diverse interests separate them and Marina Ortiz and Luis Diaz Flores, as friends of the bride, endeavor to unite the couple. Differences are finally settled, however, with the help of Ramon Guerrero, father of Miss Alcaniz.

Novarro has given the picture an elaborate production and evidently has a fairly large investment in his negative. His direction, while not always strictly modern, is better than his job of writing. The cast plays its roles well and photography and sound are good.

No production code seal. Running time, 89 minutes. "G".

"Irish In Us" Hits $11,000 In Cincinnati

CINCINNATI, Aug. 5.—Although business at the first runs has been holding up well several weeks, it went into reverse last week. "The Irish In Us" was the outstanding performer at the RKO Palace, going $1,000 over the line for a take of $11,000.

"Spring Tonic," plus a stage act, at the Strand, went slightly over par, but grosses at the other houses all were below normal.

Total first run business was $36,600. Average is $48,200.

Estimated takings for the week ending Aug. 2:

"OLD MAN RHYTHM" (Radio)
RKO ALBEE—(3,300), 35c-42c, 7 days. **Gross:** $8,500. (Average, $12,000)

"THE IRISH IN US" (Warners)
RKO PALACE—(2,700), 35c-42c, 7 days. **Gross:** $11,000. (Average, $10,000). Moved to Capitol for second week.

"ESCAPE ME NEVER" (U. A.)
RKO CAPITOL—(2,000), 35c-42c, 7 days, 2nd week, moved from Palace. **Gross:** $5,500. (Average, $6,500)

"COLLEGE SCANDAL" (Para.)
LYRIC — (1,400), 25c-30c-40c, 7 days. **Gross:** $3,000. (Average, $6,500)

"LOVE ME FOREVER" (Col.)
GRAND — (1,200), 25c-30c-40c, 7 days, 3rd downtown week. Moved from Capitol. **Gross:** $2,200. (Average, $2,750)

"MARY DOW" (Univ.)
RKO FAMILY—(1,000), 15c-25c, 4 days. **Gross:** $850. (Average, $1,250)

"UNKNOWN WOMAN" (Col.)
RKO FAMILY—(1,000), 15c-25c, 3 days. **Gross:** $750. (Average, $1,200)

"CALM YOURSELF" (M-G-M)
KEITH'S—(1,500), 30c-42c, 7 days. **Gross:** $3,000. (Average, $6,500)

"SPRING TONIC" (Fox)
STRAND—(1,200), 15c-25c, 7 days, plus Mme. Dr. G. Davenport on stage. **Gross:** $1,800. (Average, $1,500)

Pirandello Unsigned

Luigi Pirandello has signed no contract as yet, although it is understood M-G-M, Universal and several other producers are negotiating for the noted Italian author's services.

San Francisco High "Ginger" and "Trapeze"

SAN FRANCISCO, Aug. 5.—"Man on the Flying Trapeze" and "Ginger" proved a strong combination at the Paramount in a week of generally improved grosses. The $18,000 take was over the line by $8,000.

Eddie Cantor was a sensation at the Fox. With "Champagne for Breakfast" on the screen, he doubled the normal with a gross of $14,000. "The Irish in Us" piled up $23,500, up by $5,500, at the Warfield.

Total first run business was $79,200. Average is $64,000.

Estimated takings:

Week Ending July 30:

"SHE" (Radio)
GOLDEN GATE—(2,800), 25c-35c-40c, 7 days, 2nd week. **Gross:** $8,500. (Average, $13,000)

Week Ending July 31:

"LOVE ME FOREVER" (Col.)
ORPHEUM—(3,100), 15c-35c-40c, 7 days. 2nd week. **Gross:** $7,400. (Average, $7,000)

"GINGER" (Fox)
"MAN ON THE FLYING TRAPEZE" (Para.)
PARAMOUNT — (2,670), 25c-35c-40c, 7 days. **Gross:** $18,000. (Average, $10,000)

Week Ending Aug. 1:

"CHAMPAGNE FOR BREAKFAST" (Col.)
FOX—(4,600), 10c-25c-35c, 7 days. Eddie Cantor on stage. **Gross:** $14,800. (Average, $7,000)

"BROADWAY GONDOLIER" (Warners)
ST. FRANCIS—(1,400), 15c-30c-40c, 7 days. **Gross:** $7,000. (Average, $9,000)

"THE IRISH IN US" (Warners)
WARFIELD—(2,700), 25c-35c-40c-55c, 7 days. Stage, band. **Gross:** $23,500. (Average, $18,000)

Thomas Gets New Post

HOLLYWOOD, Aug. 5.—Bill Thomas, assistant to Bill Pine, Paramount studio publicity chief, will move up into the production department as assistant to Harold Hurley late this month. The change will be made after Pine returns from New York, where he will go with Cecil B. DeMille and Henry Wilcoxon for the Astor premiere of "The Crusades" on Aug. 21.

"Gondolier" $13,500 Hit In Cleveland

CLEVELAND, Aug. 5.—"Broadway Gondolier" was the hit of the week, holding 10 days at Warners' Hippodrome to a gross of $13,500, which is about 22 per cent above par.

"People Will Talk" at the Stillman was second in popularity, getting $4,300 as against a $4,000 average. "Orchids to You," with a big stage show headed by Phil Spitalny at the RKO Palace, made a fair showing with $13,000, which is some $2,000 below average. "Men Without Names" at Loew's State was weak with $7,500, or $2,500 under average. "Black Sheep" did $1,400 in four days at the Allen, while "Silk Hat Kid" did $1,300 in three days, bringing the week's gross to $2,700, or $300 shy of average.

Total first run business was $43,000. Average is $42,000.

Estimated takings for the week ending Aug. 1:

"BLACK SHEEP" (Fox)
ALLEN — (3,300), 30c-35c-42c, 4 days. **Gross:** $1,400. (Average for week, $3,000)

"SILK HAT KID" (Fox)
ALLEN—(3,300), 30c-35c-42c, 3 days. **Gross:** $1,300. (Average for week $3,000)

"BROADWAY GONDOLIER" (Warners)
WARNERS HIPPODROME—(3,800), 30c-35c-42c, 10 days. **Gross:** $13,500. (Average for week, $8,000)

"ORCHIDS TO YOU" (Fox)
RKO PALACE—(3,100), 30c-42c-60c, 7 days. Stage: Phil Spitalny and his Girl Band in "Hour of Charm Girls." **Gross:** $13,000. (Average, $15,000)

"MEN WITHOUT NAMES" (Para.)
LOEW'S STATE—(3,400), 30c-35c-42c, 7 days. **Gross:** $7,500. (Average, $10,000)

"PEOPLE WILL TALK" (Para.)
LOEW'S STILLMAN—(1,900), 25c-35c, 7 days. **Gross:** $4,300. (Average, $4,000)

"BARRETTS OF WIMPOLE STREET" (M-G-M)
CIRCLE—(1,925), 15c-25c-30c, 7 days. Revival. **Gross:** $2,000. (Average, $3,000)

"Sharp" at $9,000 In Montreal Slump

MONTREAL, Aug. 5.—Cooler evenings brought box-office encouragement to first runs. "Becky Sharp" touched the $9,000 mark at the Palace where it was the lone feature.

"My Heart is Calling" headed the bill at the Capitol which brought a turnover of $7,000, while the take at the Princess was $5,500 for a program which was topped by "The Call of the Wild." Signs of returning activity are the preparations which are under way for the reopening of Loew's.

Total first run business was $24,500. Average is $30,000.

Estimated takings for the week ending Aug. 3:

"MY HEART IS CALLING" (G. B.)
"COLLEGE SCANDAL" (Para.)
CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $7,000. (Average, $9,500)

"MOTIVE FOR REVENGE" (Republic)
IMPERIAL—(1,914), 20c-25c-34c, 7 days. Stage: Tabloid musical show. **Gross:** $3,000. (Average, $3,500)

LOEW'S—Preparing to reopen.

"BECKY SHARP" (Radio)
PALACE—(2,600), 25c-35c-40c-50c-65c, 7 days. **Gross:** $9,000. (Average, $11,000)

"THE CALL OF THE WILD" (U. A.)
"SWELL HEAD" (Col.)
PRINCESS — (2,272), 30c-35c-50c-65c, 7 days. **Gross:** $5,500. (Average, $6,000)

Purely Personal

HARRY KELLER, in addition to continuing his publicity work at the William Morris office, is now substituting for BLAND JOHANESON as film critic for the *Daily Mirror* while the latter spends two weeks in New Jersey.

•

GEORGE E. KANN, manager of Loew's Willard, has dropped theatre cares to spend his holiday down along Great River and the Great South Bay as guest of GEORGE J. ("Charlie") NEUBERT.

•

"LAUDY" LAWRENCE has been discharged from the New Haven General Hospital and is now recuperating at the Loew estate at Glen Cove, Long Island.

•

HARRY M. GOETZ, president of Reliance, arrived from Hollywood by air yesterday to discuss releasing plans with United Artists for his next three pictures.

Quip of the Day

"Doc" Giannini, who recently entrained from Hollywood for Europe, was saying goodbye to a host of his friends at the station.

"Give my regards to Benito," shouted one pal, as a colored redcap porter deposited "Doc's luggage on the train.

Pointing to the porter, and giving him a tip, "Doc" quick-triggered:

"Yes, sir, he and I are going to fix that all up in a minute."

ELEANOR WHITNEY, night club singer and dancer, has been signed by Paramount. Accompanied by her mother, she has left for the coast.

•

PAUL BENJAMIN returned to his post at National Screen yesterday following a two weeks' vacation at Lake Hopatcong.

•

LYDA ROBERTI and her new husband, BUD ERNST, and CHARLES LEMAIRE spent the week-end at the Westchester Bath Club.

•

DAN LAWLOR, of the O'Brien, Driscoll & Raftery office, began a two weeks' vacation yesterday.

•

SIR ROBERT PEEL, son of BEATRICE LILLIE, arrives today on the *Majestic* to visit his mother.

•

RUTGERS NEILSON, taking a vacation piecemeal, is enjoying several days of it this week.

•

BILLY and BEVERLY BEMIS, dancers, are in the current Roxy stage show.

•

BOB GILLHAM's been fishing again.

RADIO ROGUES
in
"EVERY NIGHT AT EIGHT"
WILLIAM MORRIS OFFICE

St. Louis Theatres In Advertising Row

ST. LOUIS, Aug. 5.—Approximately 70 subsequent runs in St. Louis and St. Louis County have threatened to discontinue all newspaper advertisements unless the city's three daily newspapers recede from their decision to drop the screen ads they have been using in the various theatres.

As the newspapers have paid $4 a week for each of the screen ads, their elimination would mean practically doubling the net cost of the newspaper advertising for the neighborhood and suburban theatres. The exhibitors have decided that they will not stand for this boost and have served notice on the advertising departments of the daily press that if the papers don't advertise in the theatres the theatres will not advertise in the newspapers.

Already some of the theatres have taken their advertising out of the *Globe-Democrat,* the city's lone daily morning newspaper.

"U" and U.A. Both Assessed Sale Tax

(*Continued from page* 1)

no legal grounds for levying a sales tax against a rented commodity. The protests were made to City Comptroller Frank J. Taylor on behalf of all New York exchanges.

If the city presses its attempts to assess film rentals, counsel for United Artists is prepared to contest the assessment on its legal grounds in supreme court here, it was said. In such an eventuality the United Artists' action would be in the nature of a test case for the entire local film industry. No decisive action from either the city or the local industry is expected until September.

Capitol Will Slash Scales Next Friday

(*Continued from page* 1)

75 cents from 6 until 10:30 o'clock. Midnight shows will be 55 cents. Saturday, Sunday and holiday prices will be 55 cents until 6 o'clock and 85 cents until 10:30 o'clock. Midnight shows on these days will also be 55 cents.

As a result of the new scale Broadway will see the better class of M-G-M product first runs at the lowest admissions in more than seven years.

Interstate Trades Licensing Sought

(*Continued from page* 1)

signed to protect labor and maintain fair standards of competition. Capital surpluses and distribution of excess surpluses to stockholders would be restricted to allow the institution of an employe profit-sharing plan.

It is not anticipated that any effort will be made to put the bill through Congress this session.

Senators Move to Pass Up Copyrights

(*Continued from page* 1)

measure, but a number of Senators have shown resentment over the pressing of what they consider a relatively unimportant matter nationally while the legislation upon which adjournment hangs drags along.

His Looks Marred

London, July 28.—George James, chief steward of the Brown Derby in Hollywood, won $3,250 damages in a suit against an English motorist. In a smash James suffered a facial injury leaving a scar and the court decision was that he might lose his job as a result owing to "the susceptibilities of the Hollywood stars and the nobility and gentry who frequented the restaurant," who objected to waiters with spots, pimples or scars.

Casey Loses in Plea For Pathe Restraint

Applications by Pat Casey for injunctions to restrain Pathe officials from placing the company's reorganization plan in effect and to prohibit a sale by the company of a part of its Du Pont Film Mfg. stock have been denied by Justice Lauer in Supreme Court here after being reargued by Martin King, attorney for Casey. Both applications were denied earlier by the court, but Casey applied for the reargument last week which was granted but resulted in no change in the court's original decisions.

Casey's motion for an order staying Pathe from taking action in either instance pending an application to a higher court for leave to appeal was also denied by Justice Lauer.

After Injunction In St. Louis Case

(*Continued from page* 1)

Gardner to come here to sit at a hearing of an "urgent case." The case referred to is the injunction to be sought. The order for Judge Dewey's transfer was received by Clerk James O'Connor today.

There is no such application for an injunction now before the district court, but Assistant District Attorney Irwin Sale declared that Assistant Attorney General Dickinson is preparing such a petition at Washington for filing here in about a week. The new proceedings will be in the equity division of the court.

Vinnicoff Is Named To Head Calif. ITO

LOS ANGELES, Aug. 5.—Harry Vinnicoff today was elected president of the I.T.O. of Southern California following a meeting of the board of directors. Jack Berman was named first vice-president and chairman of the board; Irving Callin, second vice-president and treasurer; Harry Popkin, secretary; and Robert H. Poole, general manager. The latter post is a new title for Poole's former position as business manager.

David Townsend Killed

HOLLYWOOD, Aug. 5.—David Townsend, M-G-M's technical art director, was killed instantly today when the automobile in which he was traveling plunged down an embankment near Sonora where the studio had a company on location. He was 50 and had been with Metro six years.

Agnes McMillen, studio hairdresser, and two others were injured.

Warner-RKO Dicker Reaches an Impasse

A. W. Smith, Jr., vice-president in charge of eastern sales for Warners, was authority for the statement yesterday that negotiations with the RKO circuit on next year's program of 60 had failed and that he was prepared to sell to independent circuits in the Greater New York area. At the same time, he made it clear the avenue leading into the RKO deal had not been entirely blocked.

Indicating that current difficulties as to terms and playing time were not insurmountable, however, was the report the interrupted dicker with RKO officials will be resumed today.

New England Deal Set

M. & P.-Publix Theatres, Paramount's New England affiliate, have closed for the entire Warner lineup for 1935-36. The deal affects 84 theatres. Negotiations were handled for Warners by A. W. Smith, Jr. and Thomas B. Spry, the latter the branch manager in Boston.

Burton on "Dream"

Dr. Richard Burton, poet, essayist, educator and an authority on English literature and drama, has joined Warners as a special literary advisor on "A Midsummer Night's Dream." He is now a member of the faculty of Rollins College, Winter Park, Fla., and has been associated with Johns Hopkins University, the University of Minnesota, where he was head of the English department from 1906 to 1925, the University of Chicago and Columbia University. He has been editor for the Lothrop Publishing Co. and literary advisor to Longsmans Green & Co., president of the Drama League of America and the New York Drama League and from 1924 to 1929 was chairman of the Pulitzer Committee on Fiction.

Extend Flint Pact On Single Features

(*Continued from page* 1)

business under the plan than when doubles were used every day in the week. This, they claim, is brought about by people coming to the theatre oftener to see single bills than when doubles are shown.

No great saving has been made in expenses, the leading exhibitors say, as they use higher-priced features, plus more shorts, on their single bills, but they have made a small saving in electric light bills and in operators' expenses, as they run shorter hours and have less overtime now.

Single Deals Ended

LOS ANGELES, Aug. 5.—Howard Stubbins, western exchange manager for Republic, declared today single picture deals for his company's product are out from now on. The new policy stipulates exhibitors must buy the entire lineup.

The last individual deal was on "Hoosier Schoolmaster" with Fox West Coast.

Pickford Undetermined

HOLLYWOOD, Aug. 5.—Mary Pickford returned from the east yesterday with no word from her as to her co-producer and with the general impression afloat that her decision had been temporarily halted.

Is the Motion Picture Industry prepared for voluntary "Self-regulation?" Should the benefits of the Code be embodied in a new voluntary pact? Should there be an industry tribunal voluntarily organized and representative of the entire industry, to enforce a voluntary Code? ● The answers to these and many other questions of equal importance to the Motion Picture Industry can be found in . . .

NEW COURTS OF INDUSTRY

Louis Nizer's
"NEW COURTS OF INDUSTRY"
With Introduction by Austin C. Keough

Written with great clarity, "New Courts of Industry" is a complete statistical study of the benefits and workings of the Motion Picture Code. It is a book that must be read for an intelligent understanding of these vital questions which are the subject of so much discussion at this time throughout the industry. ● "New Courts of Industry" will be of immeasurable assistance to everyone in this industry who desires to know whether voluntary self-regulation is necessary or advisable.

DO YOU KNOW HOW, under a voluntary Code . . . ?

(1) Reasonable clearance can be effected?
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HARRY P. LANDER, New Haven Journal Courier

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J. M. JERAULD, Motion Picture Daily

Bronx Police Close Down on All Giveaways

(*Continued from page* 1)

yesterday. Police officials were reluctant to discuss their moves in this connection.

Giveaways Gain in Ohio

COLUMBUS, Aug. 5.—Giveaways in one form or another, with bank nights predominating, are being used in most of the small situations throughout the state. Bank nights also are in vogue at a few of the downtown subsequent runs at Toledo, as well as some of the neighborhoods and suburbans.

Aside from bank nights, many exhibitors are using merchant tieups, distributing gifts donated by stores in return for the advertising.

One man is giving a single piece of chinaware with each paid admission one night a week. He tells of a mother who sends her young daughter to purchase a ticket on gift nights. She does not wait to see the show, but explained that the family is trying to collect a complete dinner set.

Exhibitors are practically unanimous in the opinion that the various stimulants are increasing business.

The Knickerbocker, local downtown subsequent, which also plays vaudeville two or three nights a week, is giving miniature automobiles, while the Paramount, at Hamilton, has resumed the practice of giving an automobile at frequent intervals. Tickets are distributed by merchants, in addition to being given with each paid admission at the Paramount, Palace and Rialto, sister houses in the Southio chain.

Fined on Bank Night

MILWAUKEE, Aug. 5.—Bert Nathan, manager of the Hollywood, has been fined $15.01 in District Court on a charge of operating a lottery. The charge was based on bank night. The court labeled bank night as a mere subterfuge to evade violation of the lottery laws. Nathan will appeal to the circuit court.

The decision was the second verdict against lotteries in theatres, Milton Harmon, manager of Saxe's Garfield theatre, having been fined July 15 for playing screeno. Saxe's have discontinued the policy.

Bank Night Up to 850

DES MOINES, Aug. 5.—Spread of bank night throughout the Middle West is indicated by the report of Ray Coffin, head of Affiliated Distributors, Inc., that the total number of situations now using bank night is 850. He stated every circuit in Chicago is now using bank night. His figures applied to the Iowa, Minneapolis, Kansas City, St. Louis, Milwaukee, Chicago and Indiana territories.

A recent addition to the bank night fold is the entire old Publix circuit in Minnesota, North and South Dakota, now operated by the Minneapolis Amusement Corp.

End Norwalk Bank Night

NORWALK, Aug. 5.—Theatres here have abandoned bank night, the first city in the state to try the stunt. Managers say that while bank night attendance was good receipts fell off on the rest of the week. This idea made too many customers confine their theatre visits to once a week.

Cash Boxes Wanted

Jefferson City, Aug. 5.—Missouri theatres, between now and Aug. 27, will be shopping for cash boxes of one to five-bushel capacity.

It's not in anticipation of a flood of colossal fall releases, however. On the August date Missouri's new one per cent sales tax on all purchases becomes effective and the state is issuing aluminum tokens, one size larger than a nickel, in denominations of one-tenth of a cent for the payment of the sales tax on any purchase of 10 cents or fraction thereof. With most houses averaging a 25-cent admission, theatres will have to collect three of the tokens with each admission paid.

Fined for Bank Night

DALLAS, Aug. 5.—H. A. Cole, Bonham, has been fined $100 in county court for use of bank night on the ground that it was a lottery.

Cole is off the stunt as a result. He says it didn't help business, because a textile strike kept most of his patrons outside waiting for announcements of the prizes, instead of buying tickets to get inside.

RKO Trustee Shifts On Hippodrome Fees

The trustee for RKO yesterday withdrew exceptions filed with the Federal court here last Friday objecting to the allowance of the claim filed on behalf of the Hippodrome, Cleveland, at $88,668 for rent claimed to be due on a lease made with an RKO subsidiary. The claim as originally filed was for $888,666. Exceptions filed by attorneys for the Hippodrome, objecting to the allowance as too small, were also withdrawn.

The RKO trustee also objected to the allowance of Walter Reade's Broadway and 47th St. Corp.'s claim of $3,123,450 at $467,500, as recommended by Special Master Thomas D. Thacher recently. Attorneys for Reade filed counter exceptions contending the allowance was too small. The claim is based on RKO's former lease on the Mayfair. Exceptions were filed by both sides to the allowance of the Fort Worth Properties claim of $197,168 at $17,595. The RKO trustee contended the allowance was too much and the attorney for Fort Worth Properties that it was too little. Attorneys for W. Burnett and Mudd & Mooney filed exceptions to the total disallowance of their claims aggregating $400,000.

Federal Judge William Bondy who presided at the hearings is scheduled to leave for a vacation this week, hence no decision is expected before September. On the Sept. 30 hearings of exceptions to the $8,207,000 Rockefeller Center claims and three large Hoblitzelle claims are scheduled.

Retitle Howard Film

HOLLYWOOD, Aug. 5.—"Millions in the Air" will be the title of Paramount's "Amateur Hour."

Fox Applies For Listing Of New Stock

(*Continued from page* 1)

Inc., and/or its stockholders, of whom there are but three in number."

The application shows that as a result of the merger it is planned to increase the authorized number of shares from 2,816,650 to 4,600,000, of which 1,500,000 will be preferred and 3,100,000 common, both no par, but with a stated value of $5, plus such amount as may be transferred thereto by the board of directors. The application, however, seeks the registration only of 1,388,799 shares of preferred and 3,077,407 shares of common.

What Twentieth Century Gets

In connection with the exchange of the new securities for those now outstanding, the application shows that 132,513 shares of preferred and 613,264¾ shares of common are to be issued to Twentieth Century Pictures in exchange for that company's property, assets and business. Holders of 10 per cent or more of Fox stocks are shown in the company's report to the commission May 1, last, and will be filed for the new stock following its issuance. Information as to the remuneration of officials of the company, etc., was filed confidentially with the May 1 application.

Application for the new stock outlines seven-year contracts to be made with Sidney R. Kent as president, Joseph M. Schenck as executive head of production and Darryl F. Zanuck as head of production.

Kent's Salary $2,500 a Week

Kent is to receive a salary of $2,500 per week and on Dec. 31 of each year $50,000 additional, plus $75,000 to be paid him on Nov. 1 next. He is to receive $200 a week for entertainment, etc., and in the event he does not receive $25,000 a year as president of National Theatres Corp. the company is to make up the difference. He is also to have an option annually on 10,000 shares of the new common until a total of 60,000 shares is reached at a price which is the average of sales on exchange during the 90 days following listing, but not less than $10 per share.

Schenck is to receive $2,500 a week and Zanuck $5,000 a week, plus reasonable travel and living expenses while away on business. Zanuck is to have not less than four weeks' vacation annually and the company is to have the right to use his name for advertising and publicity purposes.

Seek More Detail On Merger of Fox

A questionnaire designed to obtain additional information to support the contention that the acquisition of Twentieth Century's assets will result in additional working capital for Fox of approximately $4,000,000 was forwarded yesterday to Sidney R. Kent, president of Fox, by the stockholders' committee of which L. T. Pidwell is chairman.

The questionnaire was based on statements giving the total current assets of Twentieth Century as $3,489,535, as of May 4, and asserted that as against these were current liabilities of $1,497,127 exclusive of $500,000 of notes which, the committee says, have matured since that time. The questionnaire also asserts that current assets of Twentieth Century "have been in the process of rapid amortization" since the date of the balance sheet and asks whether "any action has been taken toward the impoundment of the receipts of this amortization so that they may be available as assets when and if the merger is consummated."

Over the week-end the Fox stockholders' committee petitioned Senator Daniel O. Hastings, receiver of General Theatres Equipment, Inc., which owns eight per cent of the Fox Class A stock and 86 per cent of the Class B to register those shares against the merger with Twentieth Century. Senator Hastings already has asked the Federal court at Wilmington, Del., for instructions to vote the G. T. E. stock in favor of the merger.

The committee also stated that it had requested Kent to furnish it with a report on how far the merger has been advanced up to the present time. Ratification of the merger will be submitted to Fox stockholders at a meeting on Aug. 15.

Report Sunday Bill In Alabama Senate

MONTGOMERY, Ala., Aug. 5.—The Temperance Committee of the Senate overrode its chairman, Senator J. Miller Bonner, and gave a favorable report to the Lusk house bill to legalize Sunday amusements and sports in all towns of more than 1,000 population in Alabama.

The bill would repeal present prohibitive statutes and would supplement the Goodwyn act of 1932 legalizing Sunday amusements in Montgomery, Mobile and Birmingham.

City councils, after a referendum, could pass ordinances against Sabbath amusements under provisions of the measure.

Wall Street

Columbia Common Up 2⅞

	High	Low	Close	Net Change
Columbia, vtc....	76½	72½	76½	+2⅞
Consolidated	5	4⅞	4⅞	— ⅛
Cons., pfd	17¾	17⅝	17¾	— ⅛
Eastman	145¼	144	145¼	+ ¼
Fox "A"	15⅞	15½	15½	— ⅜
Loew's, Inc.	40⅜	40	40⅜	+ ⅜
Paramount Publix	5⅜	5⅛	5¼	— ⅛
Pathe	⅞	⅞	⅞	+ ⅛
RKO	2¾	2⅝	2⅝	.....
Warner Bros.....	5⅛	5	5⅛	+ ⅛
Warner, pfd.	37½	37¼	37¼	— ⅜

Trans-Lux Gains ⅛

	High	Low	Close	Net Change
Technicolor	21½	21	21	.....
Trans-Lux	2½	2¼	2⅜	+ ⅛

Most Bonds Show Rise

	High	Low	Close	Net Change
General Theatre 6s '40	14¾	14½	14½	.....
General Theatre 6s '40 ctf	14¼	14	14	— ¼
Keith B. F. 6s '46	91⅝	90	91	+2
Paramount B'way 5½s '51	61¼	61¼	61¼	+ ¼
Paramount F. L. 6s '47	105	104½	104½	+1⅞
Paramount Publix 5½s '50	106½	106¼	106¼	+2¾
Warner Bros. 6s '39 wd	80	79¼	80	+ ½

(Quotations at close of Aug. 5)

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

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Actors Want Doubled Pay For Sundays

Equity Groups Submit One-Year Proposal

Sunday performances for legitimate theatres in New York after Sept. 1 were approved by the councils of Actors' Equity and Chorus Equity at a meeting yesterday on the condition that performers be given double pay for each such performance and receive a calendar day off each week.

The approval with the double pay provision is regarded by the League of New York Theatres, the producers' association, as being equivalent to a veto of Sunday performances here, according to Dr. Henry Moskowitz, executive advisor to the League. Producers, it was stated, could take advantage of the new state law authorizing Sunday shows only in exceptional circumstances as a result of Equity's ruling. Few such performances are to be expected, it was said.

In sanctioning the Sunday perfor-

(Continued on page 7)

Quick Action Seen On Copyright Bill

By CLARENCE LINZ

WASHINGTON, Aug. 6.—Tentative agreements reached today on most of the objectionable features of the copyright bill were seen tonight as indicating passage of the measure by the Senate tomorrow or Thursday.

Getting down to definite considera-

(Continued on page 11)

Hugh Walpole Here En Route to Coast

Hugh Walpole, British novelist, arrived yesterday on the *Ile de France* en route to Hollywood to write the script of "Oliver Twist" for M-G-M and to "complete study of the technique in film writing," which he said he started when he was in Holly-

(Continued on page 4)

Boston's Operators Against Long Reels

BOSTON, Aug. 6.—James Burke, business manager of the Operators' Union, said that use of 2,000-foot reels has not been discussed recently, nor is it expected to come up soon.

The union recently voted to fine any member using more than a 1,000-foot reel $50.

ITOA Desires Giveaway Test In Court Here

Awaits Action by Foley In Bronx Theatres

The I.T.O.A. is inviting a test case on chance games and giveaways and will most likely have Milton C. Weisman, the unit's attorney, represent it as soon as District Attorney Foley of the Bronx starts cracking down on exhibitors.

The organization wants to know how it stands on giveaways and chance games so that the air of uncertainty will be cleared. Reports have been current that License Commissioner Paul Moss has advised Foley to act and that exhibitors continuing the various practices after Aug. 12 will be brought to trial for violation of the lottery laws.

Some independents queried yesterday are anxious to have giveaways curtailed. The contention is that on the day articles are distributed the

(Continued on page 2)

John P. Case Heads American Record Co.

John P. Case, vice-president of American Record Co., a Consolidated Film Industries, Inc., subsidiary, has been elected president, succeeding Moe Siegel who will devote most of his time to the affairs of Consolidated. The latter, however, retains his post as chairman of the board of American Record and will be available to it largely in an advisory capacity.

Casey to Renew His Attack Upon Pathe

Pat Casey will renew his efforts to obtain an injunction to restrain Pathe from putting into effect the company's plan of reorganization on the grounds that the plan has been

(Continued on page 2)

New U.S. Move Hits St. Louis Booking

ST. LOUIS, Aug. 6.—Petition for a preliminary injunction to prevent major distributors and their subsidiaries from continuing an alleged agreement among themselves not to book first run pictures for the Ambassador, Missouri and New Grand Central Theatres was filed here in U. S. District Court today by William R. Benham, special assistant to the U. S. Attorney General.

A hearing will be held Aug. 19 on whether the injunction shall be made permanent.

Named as defendants are: Warner Brothers, Inc.; Vitaphone Corp.; First National Pictures, Inc.; Vitagraph, Inc.; Warner Brothers Circuit Management Corp.; General Theatrical Enterprises, Inc.; Paramount Pictures Distributing Co., Inc.; and Paramount Pictures Distributing Co.

These equity proceedings largely repeat the charges made against Warners, Paramount and RKO and their subsidiaries and several company offi-

(Continued on page 11)

Denver Giveaways Craze Flourishes

DENVER, Aug. 6.—Giveaways from a sack of groceries to an automobile are common in most Denver theatres. Out of 33 houses only one first run and eight neighborhoods and downtown grinds offer no free bait to patrons. Of the other 24 some have even two and three nights a week of extra inducements.

The three Civic houses, Granada,

(Continued on page 2)

Goldman Ready for Opening in Phila.

PHILADELPHIA, Aug. 6.—The first William Goldman theatre here, the Bandbox in Germantown, will open Friday night. Another house on 56th St., West Philadelphia, will open Labor Day. Goldman is operating three houses at Pottstown, Pa., and one at Hanover, Pa.

Key City Grosses Hit Low of $989,500 as July Ends

Key city grosses hit a new low during the last week of July. For the first time since last September the total was below the million mark and was even under the low set during Christmas week.

The total was $989,500 for 126 theatres in 22 key cities. At times there have been 145 first runs operating in these keys. The previous week's low, which was already under anything recorded since last September, was $1,023,457.

(Continued on page 4)

Independents May Join in Operator Cuts

Talk Move and Vote to Wait for Circuits

Independent exhibitors may join the major circuits in a move for a downward revision of operators' wage scales in the local area, it was learned yesterday. A number of leading unaffiliated and major circuit heads met at the Astor to discuss the current labor situation. The session was called by Harry Brandt, president of the I. T. O. A. No action was taken, the consensus of opinion being to wait until the circuits act.

Charles C. Moskowitz of Loew's yesterday stated that the circuits are willing to negotiate with Local 306 at all times, but unless something is done by the end of the week notices given operators will stand and new men will replace them in the booths.

Although union officials declared they would not begin negotiations on a new wage scale until the cut in salary order was rescinded, Moskowitz stated the circuits would not comply in that respect. However, the notice given Local 306 men states

(Continued on page 7)

New Theatre Group May Elect Friday

A special meeting may be called Friday for the election of officers of the newly formed Independent Theatre Circuit, Inc., which already has 72 houses enrolled. The committee in charge hopes to have three additional theatres by that time.

In the event the session is not held Friday, due to lack of a minimum of 75 theatres, the meeting will be called Aug. 14 at the Astor.

Caravan of Allied Tours New England

BOSTON, Aug. 6.—The Allied New England caravan is under way with local leaders of Independent Exhibitors of Massachusetts, Inc., key Allied unit in this division, holding meetings north of Boston. White River, Jct., Vt., was the center of activities Sunday when exhibitors of that state and New Hampshire congregated. Bangor, Me., was the stop on Tuesday. Independents in these territories were lined up for the confabs by Arthur K. Howard, local business manager, who recently completed an advance tour.

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Wall Street

Issues Irregular on Big Board

	High	Low	Close	Net Change
Columbia	76½	75	75	—1½
Consolidated	4¾	4¾	4¾	— ⅛
Cons., pfd	17½	17	17⅛	— ⅝
Eastman	149	146¼	147	+1¾
Eastman, pfd	159	159	159	—2
Fox	16	15⅝	15⅞	+ ⅜
Loew's	40⅝	39⅞	39⅞	— ½
Loew's, pfd	105½	105½	105½	.....
Paramount	5⅜	5⅛	5⅜	+ ⅛
Pathe	⅞	¾	⅞	.....
Pathe "A"	11¼	11¼	11¼	— ¾
RKO	2¾	2⅝	2⅝	.....
Universal, pfd	29	29	29	.....
Warner	5⅛	5	5	— ⅛
Warner, pfd	37¼	37	37	— ¼

Little Change on Curb

	High	Low	Close	Net Change
Technicolor	20⅞	20⅝	20¾	— ¼

Loew's Bonds Up ⅜

	High	Low	Close	Net Change
Keith B. F. 6s '46	92	90½	90⅞	— ⅛
Loew's 6s '41 ww deb rights	103⅞	103⅝	103⅞	+ ⅜
Paramount F. L. 6s '47	104¾	104½	104½	— ½
Paramount Publix 5½s '50	106¼	106⅛	106¼	.....
Warner Bros. 6s '39 wd	80⅜	79	80	.....

(Quotations at close of Aug. 6)

Masters Promoted

Haskell Masters has been appointed assistant to Arthur W. Kelly, vice-president in charge of foreign sales for United Artists. He will continue to supervise sales in Canada, where, until now, he has been general manager. Headquarters will be maintained in New York.

Insiders' Outlook

By RED KANN

THE Fox stockholders' committee of which L. T. Pidwell is chairman and which for the ten days past has been running a critical eye over the proposed Twentieth Century-Fox merger with due care that what it sees is promptly transmitted to the newspapers, despatched the other day to Sidney R. Kent a wordy questionnaire. It contained questions requiring at least 15 answers, many of which would involve detailed and lengthy study of costs, grosses and net receipts of individual Twentieth Century productions released during the past year. The committee concluded its questionnaire with "a prompt answer would be appreciated" request and the reminder that it had not yet received a reply to an earlier communication to Kent. . . .

▼

Such missives from this same committee literally have been bombarding Kent's office, if copies of the correspondence released by it to the press may be accepted as a measure of what has been mailed to the Fox president. If answers to all of the committee's correspondence were supplied, the company's home office staff might be faced with the necessity of suspending normal business and diverting its time exclusively to hunting up replies for the Pidwell group. Observation of the accumulated letter-writing originated by it and that body's thirst for information displayed therein leads this department to wonder a trifle at the committee's own shyness at questions about itself. . . .

▼

Reporters, including those from this publication, repeatedly have sought of the committee routine information about its motives and about the identity of its sponsors. This sort of questions-and-answers formula ordinarily is regarded as properly falling within the realm of public information whenever a group of this kind seeks attention in the press. Yet little or no data has been forthcoming from the Pidwell interests, whose identity and the identity of those who comprise them, remain as much in the dark as they did on the day of formation. . . .

▼

Aside from the unenlightening and unsatisfactory statement made by the attorney for the committee that Pidwell is a former officer of a trust company, name unknown and not supplied, nothing has been divulged that serves in any way to identify its prime movers, their objectives or their representation. As the state of affairs stands up to this minute, it would seem that whatever questions are to be asked, the committee will do the asking and whatever answers are to be supplied should, apparently in the committee's mind, emanate from Fox and Kent. The childhood story about the goose and the gander apparently has slipped the memory of Henry L. Sperling, counsel for the committee, whose address is usually obligingly included in his frequent press communiques.

▼

In the light of this well-stuffed question box and our always bended knee on the altar of reciprocity, this column is about to try its hand at fashioning a couple of question marks of its own for the committee to reduce to periods. This is neither by way of defense of the Twentieth Century-Fox merger nor is it by way of offensive against it, but, to be very frank about the matter, a curiosity to learn considerably more about the entire situation. We're off:

Who, again, is L. T. Pidwell?

Who is Cromwell Gibbons, the committee's secretary?

How many shares of Fox stock does each own?

How many shares of Fox stock is represented by the committee?

How many Fox stockholders and how many shares of stock have been added to the committee's representation since it was formed?

When did Pidwell and the other members of his committee first become Fox stockholders?

Who are the other members?

What are its objectives and what does it hope to accomplish?

What means does it plan to employ?

"A prompt answer to the above questions will be greatly appreciated," went from Sperling to Kent. It now goes from MOTION PICTURE DAILY to Sperling. . . .

Casey to Renew His Attack Upon Pathe

(*Continued from page 1*)

changed through the recent sale by Pathe of 1,400 shares of its Du Pont Film Mfg. Co. stock, Martin King, attorney for Casey, said yesterday.

King contends in papers now being drawn for presentation to court in support of his application for an injunction that Pathe's assets have been materially altered by the sale and other developments since the reorganization plan was approved by an extraordinary meeting of Pathe stockholders last March. His earlier application for an injunction was denied by the court.

ITOA Desires Giveaway Test In Court Here

(*Continued from page 1*)

box-office has a "feast," but before and after are "fast" days. A circuit owner of four Bronx theatres stated that he spends $130 a week for giveaways and it has not helped his weekly totals.

Another large independent circuit head said that while some weeks the giveaway policy shows a loss, his books at the end of six months show that the practice has helped.

Denver Giveaways Craze Flourishes

(*Continued from page 1*)

Egyptian and Oriental, hold bank night three nights a week, with the actual drawing in a different house each night. Besides this, the house holding the drawing gives attendance prizes of a suit of clothes or dress, and a watch.

Several others hold bank nights during the week. Two Fox houses, Mayan and Webber, are together on their proposition. Other bank nighters are the Alpine, Jewel, Roxy (in the colored section), Santa Fe and Washington Park.

The biggest crowds are drawn by the automobile giveaways. The Harry Huffman theatres have now given away 64 weekly Fords. When the NRA blue eagle was killed Huffman was giving away his Fords under protection of a temporary injunction issued by the U. S. Circuit Court of Appeals. During the past seven weeks a cash refund of $100 to some lucky patron who has purchased a used Ford car in the week previous to the drawing, has been given also. Huffman has eight theatres, four of which are first run. The Denver, Broadway, Aladdin, Paramount, Rialto, Tabor, Bide-a-Wee and Bluebird are the "Ford Night" houses.

A group of seven theatres recently started giving away Plymouth cars as competition to the Huffman houses. The "Lucky 7" are the Denham (the only first run), Federal, Hiawatha, Mayan, Ogden, Rex and Webber. Both of these groups get around the lottery laws by giving away tickets to everybody. The numbered tickets are given outside the theatres, in drug stores, and along the streets. On drawing nights if the winning number is not in the theatre, the number is called outside.

The Denham, which is also in on the Plymouth night, plays screeno every Saturday night.

Four houses have grocery night or country store. Years ago this was the popular thing in Denver, but it seems the patrons like bigger and better things now. The Webber, Comet, Bide-a-Wee, and Bluebird give the groceries.

The nine houses without givaways are the RKO Orpheum (first run), Colorado, Gem, Isis, Majestic, Rivoli, State, Victory, and Mission.

This one is for "BROADWAY MELODY OF 1936" Whoopee!

MERCIER
EPERNAY

LIFT THE GLASS TO JACK BENNY, Robert Taylor, Una Merkel, Eleanor Powell, June Knight, Vilma & Buddy Ebsen, Nick Long, Jr., Robert Wildhack, Frances Langford, Sid Silvers. Director Roy Del Ruth and the M-G-M Studios!

"BROADWAY MELODY OF 1936" was shown in rough-cut form to a group of M-G-M Studio officials, publicity men and a few newspaper people *sworn to secrecy!*

●

WE KNEW IN ADVANCE that we had a swell-show-in-the-making, but frankly we had no conception that the assembled picture would cause every person in that projection room to say: "*It is positively the greatest entertainment ever put on the motion picture screen!*"

●

THOSE ARE STRONG WORDS and until you see for yourself, you naturally will not take them for granted. BUT—the thing to remember right now is that M-G-M is hitting a New Season stride not duplicated ever in the history of our business. You know about those completed, in-the-bag, nationally advertised hits—**"CHINA SEAS"** (Clark Gable, Jean Harlow, Wallace Beery); **"ANNA KARENINA"** (Garbo, Fredric March, Freddie Bartholomew).

●

AND NOW "BROADWAY MELODY OF 1936"! That's not all. As the final scenes are being taken for Ronald Colman in "A Tale of Two Cities" the West Coast is rumbling with inside-reports of another M-G-M Giant! You'll hear about other Big Ones. 1935-36 is a foregone conclusion. M-G-M is miles ahead already and **ONLY ONE COMPANY CAN BE FIRST!**

"Call" Best Detroit Draw With $12,200

DETROIT, Aug. 6.—"Call of the Wild" pulled the big money of the week here by getting $12,200 at the United Artists, thereby topping normal by $2,200.

"Broadway Gondolier" also was strong. It garnered $21,300, up by $1,300, at the Michigan, helped by Leo Carrillo and four acts of vaudeville.

Total first run business was $57,800. Average is $60,000.

Estimated takings for the week ending Aug. 1:

"THE BLACK ROOM" (Col.)
"CHAMPAGNE FOR BREAKFAST" (Col.)

ADAMS—(1,770), 10c-40c, 7 days. **Gross:** $3,200. (Average, $5,000)

"LOVE ME FOREVER" (Col.)

FOX—(5,100), 15c-55c, 7 days, 2nd week. Stage: Five acts vaudeville. **Gross:** $15,100. (Average, $15,000)

"NO MORE LADIES" (M-G-M)
"GIRL FROM 10TH AVE." (Warners)
(Second Run)

FISHER—(2,975), 10c-40c, 7 days. **Gross:** $3,100. (Average, $5,000)

"BROADWAY GONDOLIER" (Warners)

MICHIGAN—(4,100), 15c-55c , 7 days. Stage: Leo Carrillo and four acts vaudeville. **Gross:** $21.300. (Average, $20,000)

"THE VIRGINIAN" (Para.)
"COLLEGE SCANDAL" (Para.)

STATE—(3,000), 10c-40c, 7 days. **Gross:** $2,900. (Average, $5,000)

"CALL OF THE WILD" (U. A.)

UNITED ARTISTS—(2,070), 15c-55c, 7 days. **Gross:** $12,200. (Average, $10,000)

Hugh Walpole Here En Route to Coast

(*Continued from page* 1)

wood some time ago working on "David Copperfield."

"I find film writing very nice, new and interesting, particularly for a man of my age who has been writing for more than 30 years," Walpole asserted. Asked if he would write a novel about Hollywood, he answered: "God forbid, no."

The English author stated he would leave for the coast by train Saturday. He has a contract with M-G-M for four months. M-G-M and the novelist have an oral arrangement whereby either can take up the pact for an additional two months. Walpole said he doesn't believe he will take up the additional time as he is anxious to go to New Zealand, his birthplace, in January. He added he hadn't been there since he was five years of age.

Albert Lewis, associate producer for Paramount, returned on the French liner after a month's vacation in London, Paris and the continent. He said he would remain in New York for several weeks before heading for Hollywood to start "The New Divorce" with Gary Cooper and Carole Lombard as the first of six he will make on the 1935-36 Paramount lineup.

E. W. Korngold, who arranged the music for "A Midsummer Night's Dream" with Max Reinhardt, was another passenger. He plans to stay in New York for about a week to confer with Oscar Hammerstein on the music for Jan Kiepura's first operetta for Paramount. After this picture, Korngold will join Reinhardt at the Warner studios to assist the latter on his second Warner picture. It is possible the Viennese composer will work on another Warner film.

Key City Grosses Hit Low of $989,500 as July Ends

(*Continued from page* 1)

Comparative grosses for the last available periods:

	Week Ending July 25-26		*Week Ending July 18-19*	
	No. Theatres	*Gross*	*No. Theatres*	*Gross*
Boston	6	$46,300	6	$48,000
Buffalo	5	26,600	5	28,100
Chicago	8	116,500	8	120,000
Cleveland	6	38,750	6	48,000
Denver	6	34,700	5	12,800
Detroit	6	53,500	6	51,000
Indianapolis	4	17,500	4	21,000
Kansas City	5	31,100	5	47,400
Los Angeles	10	71,500	9	68,850
Minneapolis	5	22,000	5	22,000
Montreal	4	25,000	4	23,000
New York	6	146,100	7	162,377
Oklahoma City	4	10,300	4	12,300
Omaha	3	15,300	3	18,900
Philadelphia	8	58,400	8	61,200
Pittsburgh	4	28,250	4	34,000
Portland	6	29,700	6	28,700
Providence	5	23,950	5	24,550
San Francisco	8	84,700	8	83,580
St. Paul	5	18,200	5	17,000
Seattle	6	31,950	6	27,700
Washington	6	59,200	6	63,000
	126	$989,500	125	$1,023,457

Comparative grosses for the last available periods:

Week Ending	*No. Theatres*	*Grosses*
Sept. 27-28	132	$1,419,815
Oct. 4-5	132	1,412,844
Oct. 11-12	132	1,344,137
Oct. 18-19	131	1,385,533
Oct. 25-26	133	1,386,935
Nov. 1-2	135	1,288,992
Nov. 8-9	134	1,386,736
Nov. 15-16	133	1,389,743
Nov. 22-23	136	1,305,450
Nov. 29-30	137	1,369,576
Dec. 6-7	136	1,401,989
Dec. 13-14	135	1,244,610
Dec. 20-21	135	1,070,800
Dec. 27-28	139	1,408,788
Jan. 3-4	141	1,719,887
Jan. 10-11	138	1,361,450
Jan. 17-18	138	1,251,130
Jan. 24-25	138	1,251,130
Jan. 31-Feb. 1	137	1,354,350
Feb. 7-8	135	1,332,415
Feb. 14-15	136	1,381,960
Feb. 21-22	137	1,318,630
Feb. 18-19	140	1,405,417
March 7-8	139	1,295,650
March 14-15	137	1,358,384
March 21-22	135	1,325,360
March 28-29	137	1,334,375
April 4-5	139	1,242,487
April 11-12	140	1,205,456
April 18-19	139	1,115,386
April 25-16	142	1,421,800
May 2-3	140	1,250,132
May 9-10	145	1,417,888
May 16-17	138	1,236,100
May 23-24	137	1,235,650
May 30-31	137	1,152,200
June 6-7	134	1,119,900
June 13-14	134	1,155,950
June 20-21	134	1,089,850
June 27-28	129	1,160,370
July 4-5	126	1,063,119
July 11-12	127	1,063,200
July 18-19	125	1,023,457
July 25-26	126	989,500

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Stebbins Improving

HOLLYWOOD, Aug. 6.—Arthur W. Stebbins, who has been ill at the Cedars of Lebanon Hospital, is making rapid progress toward complete recovery.

Close Mexican Deal

Alberto Monroy of Mexico has closed a deal with Trans-Oceanic Film Export Co. headed by Arthur Sanchez for world distribution of his product.

"Blondes" and Show $12,000 K.C. Leaders

KANSAS CITY, Aug. 6.—Two out of the five first runs here made excellent comparative grosses during the past week. The Mainstreet's combination bill—"Don't Bet on Blondes" and Andre Lasky's French Revue—did $12,000, topping par by $3,000.

"Curly Top" at the Fox Uptown pulled $5,200, above normal by $1,000. It was held.

"Alibi Ike" at the Newman grossed $200 below a par of $7,000 for seven days. At the Tower "The Raven" fell to $6,100, $900 below average. "Age of Indiscretion" at the Midland disappointed with a gross of $7,300.

Total first run business was $37,700. Average is $38,700.

Estimated takings:

Week Ending Aug. 1:

"DON'T BET ON BLONDES" (Warners)

MAINSTREET — (3,100), 25c-35c-50c, 7 days. Stage: Andre Lasky's French Revue. **Gross:** $12,000. (Average, combination stage and screen, 7 days, $9,000)

"ALIBI IKE" (Warners)

NEWMAN — (1,800), 25c-40c, 7 days. **Gross:** $6,800. (Average, $7,000)

"AGE OF INDISCRETION" (M-G-M)

MIDLAND—(4,000), 15c-25c-40c, 7 days. **Gross:** $7,300. (Average, $11,500)

"THE RAVEN" (Univ.)

TOWER—(2,200), 25c, 7 days. Stage: Milton Douglas Co., Kasper Sisters, Jack Lavier, Tower Adorables. **Gross:** $6,100. (Average, $7,000)

Week Ending Aug. 2:

"CURLY TOP" (Fox)

UPTOWN — (2,000), 25c-40c, 9 days. **Gross:** $5,500. (Average, 9 days, $4,200)

Krakin Made Head of Ross Phila. Office

Jack Krakin, formerly manager of the Philadelphia office, has been appointed head of the Ross Federal Service branch in New York, succeeding Walter Green, who is being transferred to the home office. Green is at the Park West Hospital recuperating from an emergency appendicitis operation.

Roy Ollinger, manager of the Washington office, replaces Krakin in Philadelphia and O. M. Young, former head of the Minneapolis branch, is now at the Capital. Carliie Storeim, who has been assisting Young in Minneapolis, is now in charge.

Ruggles Waits for Sun

CHICAGO, Aug. 6.—Wesley Ruggles, Paramount director, and a crew of cameramen are waiting here for the sun to shine. Ruggles and his crew are here to shoot background scenes for "The Bride Comes Home," a Claudette Colbert starring vehicle.

The Michigan Avenue link bridge, Buckingham fountain, State St. and part of the North Side elevated tracks will be photographed.

Midwest Managers Shift

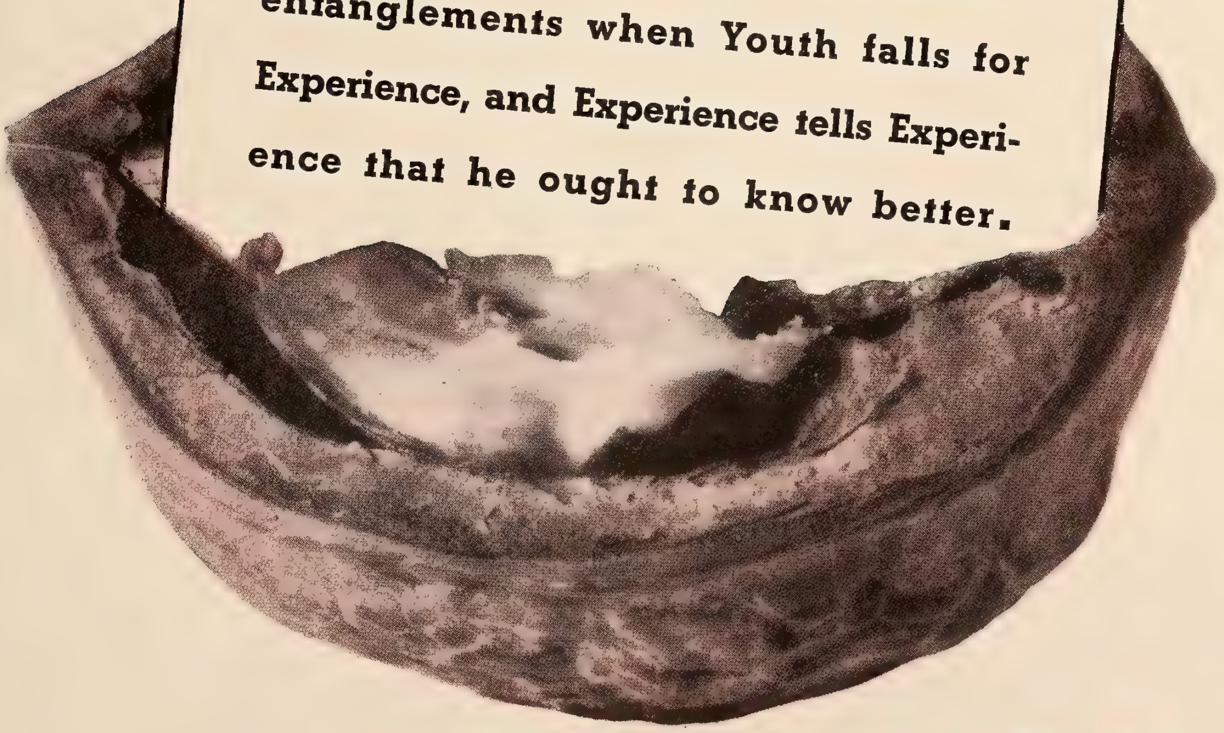
BEATRICE, Neb., Aug. 6.—C. A. Stewart has succeeded Phil Hill as city manager for Fox Midwest. Hill has been transferred to Topeka where he will have charge of the Fox. Stewart came here from Marysville, Kan. W. B. Montee succeeds Stewart at Marysville.

IN A NUTSHELL

YOUTH IS INTERESTED IN EXPERIENCE...

EXPERIENCE IS INTERESTED IN YOUTH

The theatre-going public is interested in both, particularly in romantic entanglements when Youth falls for Experience, and Experience tells Experience that he ought to know better.



THAT'S WHY →

"ACCENT ON YOUTH"

played 28 weeks and 238 performances on Broadway to capacity houses . . . played 7 weeks in Los Angeles, 3 weeks in San Francisco, 2 weeks in Pittsburgh.

that's why

"ACCENT ON YOUTH"

has been purchased by 18 summer stock companies to entertain their customers.

that's why **PARAMOUNT'S**

"ACCENT ON YOUTH"

starring **SYLVIA SIDNEY**
and **HERBERT MARSHALL**

with Phillip Reed, Astrid Allwyn, Ernest Cossart, Holmes Herbert, will be one of the high box office points of the summer.

A Paramount Picture, directed by Wesley Ruggles.

Actors Want Doubled Pay For Sundays

(Continued from page 1)

mances under the conditions laid down, Equity stipulated that its approval was being given only for a trial period of one year. Whether this was in contemplation of revoking the sanction entirely or of revising the double pay provision at the end of the year could not be learned.

The councils' vote was guided, it was said, by the largest number of votes cast for any of the five alternative proposals relating to Sunday performances which were submitted to the memberships of both organizations for balloting during the period from June 21 to Aug. 1. The national balloting on the subject paralleled the voting of those in attendance at Equity's annual membership meeting held May 27 last.

The proposal for sanctioning the performances for a one year trial period with double pay for each Sunday performance and a day off a week received 49.28 per cent of the votes cast. The vote against Sunday performances on any condition received 38.21 per cent of the ballots cast. Unconditional acceptance of Sunday performances received 2.16 per cent of the votes, and acceptance for a trial period of one year without conditions of any kind received 7.33 per cent of the votes. Various other suggestions written in on the ballots by members accounted for another 3.02 per cent of the votes.

Equity's current regulations permit members to participate in eight performances a week, and in additional performances at one-eighth of their weekly salary for each performance. Under yesterday's action, members of Equity must be paid two-eighths of their weekly salary for each Sunday performance.

Paramount Offering Week's Drive Prizes

In a move to stimulate business during Paramount Week, starting Sept. 1, Paramount is offering $3,500 to theatre staffs showing the best results during the week. Half of the money will be awarded to theatre managers and the other 50 per cent to publicity and exploitation staffs.

The basis for computation will be the average week's business for the three preceding months. In both divisions the money will be divided as follows: First prize, $500; second, $350; third, $250; fourth, $100; fifth to fifteenth, $50 each.

Buckley Is Honored At Farewell Dinner

Albany, Aug. 6.—Christopher H. Buckley, former Albany exhibitor, was guest of honor at a farewell dinner given by Variety Club last night. The dinner was arranged by Lou Golding, director of the Fabian interests, which recently acquired the Buckley circuit, and Ralph Pielow of M-G-M.

Buckley, who has been an exhibitor for more than 16 years, will leave shortly for Hollywood to produce.

Purely Personal

Harry Goetz, Al Lichtman, Hal Horne, Monroe Greenthal, Roy Disney Kay Kamen, Arthur Lee, George Weeks, Colvin Brown, Ed Fay, William Powers, Edward Rugoff, Mitchell Kulpt Gus Eysell, Al Friedlander, John Curtis, James A. FitzPatrick, Grogory Dickson, Cresson Smith, George Batchelor, Maury Cohen, Harry Thomas, William Brady and Bruce Gallup occupied practically all of the Tavern tables during yesterday's luncheon period.

•

R. E. Anderson is occupying temporary office quarters at Paramount while decorators put the finishing touches on the ninth floor executive wing being remodeled for Anderson, John E. Otterson and others.

•

Charles Hilles, Jr., son of the the Paramount trustee, has become a member of the firm of Root, Clark, Buckner & Ballantine, counsel to the Paramount trustees.

•

Cameron Rogers, who is doing the script of "David Livingstone" for James FitzPatrick, leaves for the coast Aug. 15 on a two-week visit.

•

Ralph Morgan comes back to Broadway in the fall. The play will be "The Night of June 16." Wasn't there a picture by that name?

•

Harold J. Fitzgerald has returned to Milwaukee after conferences with Spyros Skouras.

•

Herbert Miller of Emanuel Publications was in town from the Quaker City yesterday.

•

Margot Grahame, under contract to RKO, sailed for London yesterday.

•

Richard Cromwell is on his way east via the canal.

•

Wallace Beery still talking about a trip to Europe.

•

J. J. McCarthy among the diners at the Algonquin yesterday.

•

Will H. Hays is due back from the coast late this month.

Fred M. Jack and Herb Ochs, both of whome were in a recent plane crash in Tennessee, flew up from Memphis yesterday for home office conferences. Jack is the southern division manager for Warners and Ochs Atlanta branch manager for the same company.

•

George White is spending most of his time at Saratoga taking in the races now that preliminary plans for his forthcoming "Scandals" are complete. Lyda Roberti and Bert Lahr are the only two featured performers signed for the show up to now.

•

Frank Shields has been granted a six weeks' vacation from the M-G-M studio and is playing all the big tennis tournaments again. He plans to return to Hollywood immediately after the national championship at Forest Hills next month.

•

T. J. Valentine has been made representative for Danubia Pictures in the British Isles and France. He sails Aug. 31 on the *Ile de France* to arrange for distribution contracts on foreign pictures for this country.

•

Dr. Herbert T. Kalmus and Mrs. Kalmus are vacationing on Cape Cod. They are expected back here next week.

•

Louis Prima and his Famous Door orchestra are making a short at the Brooklyn Vitaphone plant. Hal Sherman and Ferry Conway are also in the picture.

•

Nat Holt arrives from Cleveland today for home office conferences at RKO. Charles Koerner leaves for Boston today after two days here.

•

Harold B. Franklin arrived by plane from Hollywood yesterday for a 10-day stay. "Just a visit," is his way of describing it.

•

Mary Pickford's first full length novel, "Demi-Widow," will be out today. Bobbs-Merrill are the publishers.

•

Howard Levy and Capt. Harry Miller of the local M-G-M exchange are in Boston doing a special job.

•

Nicholas Ludington is in Washington.

Lawrance on Coast

Kansas City, Aug. 6.—Lowell Lawrance, critic of the *Kansas City Journal-Post*, has left for Hollywood. Tom Collins, Sunday editor, and John C. Swayze, radio editor, will pinch hit for him.

It has been more than 10 years since Lawrance was on the coast. He went to Hollywood in 1920 with the idea of becoming a producer, but returned to newspaper work.

Philadelphians to Meet

Philadelphia, Aug. 6.—A sectional meeting of West Philadelphia exhibitors has been called for Thursday here in connection with plans for a new booking combine. Following the various regional sessions a mass meeting will be held for final action on the plan.

Rhoden Delays N. Y. Trip

Kansas City, Aug. 6.—Elmer C. Rhoden, Fox Midwest head, will not go to New York until the latter part of August.

He is understood to have 1935-36 buying and some phases of his own contract arrangements with National Theatres yet to complete there.

Schine Buys at Perry

Perry, N. Y., Aug. 6.—Meyer Schine has purchased a lot here and intends to start work on a 1,000-seat theatre.

Schine's Avon in Watertown burned to the ground last week.

Sell French Rights

Peerless Film Processing Corp. has sold French rights to its system to Demetre Daponpe of Paris.

Independents May Join in Operator Cuts

(Continued from page 1)

that in the event a new wage scale is agreed upon, it will be retroactive to Aug. 12.

Meanwhile, members of Local 306 will meet this morning at Odd Fellows' Hall in Brooklyn to discuss a strike move. Affiliated member unions of the I. A. T. S. E. will go out in sympathy, it was stated. It is anticipated that the members will delegate authority to the administration and its executive committee to decide future moves.

While both the circuits and unions are standing pat, it is expected that meetings between the two groups will be held in an effort to avert the threatened strike.

Union officials declare they have been overlooked by the arbitrary cut orders from the circuits, holding that at no time since the new administration was installed have Loew's, RKO or Skouras consulted with them on terms of a new wage scale. At present, it is stated 700 men in 150 theatres are affected. If the independents align with the majors, 1,700 card men in approximately 600 theatres will be included.

Another meeting of unaffiliated exhibitors will be called by a special committee some time next week.

H. M. Warner Lowers His Stock Holdings

Reports of the Securities and Exchange Commission on shifts in security holdings during June show that H. M. Warner has reduced his holdings in Warner Brothers Pictures, Inc., by 33,333 shares, leaving him with 67,450 shares. He also holds 10,618 shares of $3.85 preferred and $778,667 six per cent optional debentures. Through a holding company he holds 2,115 shares of common and 4,786 shares of $3.85 preferred and $823,667 of optional debentures.

Thomas W. Slocum, director of Technicolor, Inc., has reduced his holdings by 1,500 shares to 1,026 shares.

Loew Deal for East Side Houses Ready

Loew's is expected to sign contracts either today or tomorrow whereby the circuit will acquire from M. & S. the Apollo and Hollywood on the lower east side. The management of the two houses changes immediately upon affixing of signatures.

Gene Buck on Coast

Hollywood, Aug. 6.—Gene Buck, head of A. S. C. A. P., arrived here today for a discussion of organization problems with the local branch, the Film Writers' Protective Ass'n., which is headed by L. Wolf Gilbert.

Buck expressed himself as confident that the licensing dispute with Warners would be straightened out. He is scheduled to meet local representatives at a dinner in Victor Hugo's Restaurant Thursday night.

"CALL OF THE WILD" GROSSES WITH HOL

THESE HEADLINES TELL THE STORY

"'Call of The Wild' A B. O. Sensation."
— *Hollywood Reporter*

"'Call' Lifts L. A. from Doldrums With Swell $28,500."
— *Variety*

"Seattle Steams Up 'Wild' H. O. Big."
— *Variety*

"Mpls. Heat Wave Not Wilting 'Call of the Wild' Strong at $9,000."
— *Variety*

"'Call of Wild'; 6 G Immense in Tacoma."
— *Variety*

"'Call' Milwaukee Hit."
— *M. P. Daily*

"'Wild' Sock 7½ G Big In Portland."
— *Variety*

"'Wild' Best, 17 G."
(*Chicago*) — *Variety*

Released thru UNITED AR

PILES UP RECORD
VERS *Everywhere!*

Big cities! Small towns! No matter where it has played . . . records of long standing were toppled! Sensational business compelled holdovers in all of the following engagements!

SEATTLE, Wash.	***Orpheum***
SPOKANE, Wash.,	***State***
CHICAGO, Ill.,	***United Artists***
SAN DIEGO, Cal.,	***Fox***
LOS ANGELES, Cal.,	***Chinese***
PORTLAND, Ore,	***United Artists***
TACOMA, Wash.,	***Music Box***
BELLINGHAM, Wash.,	***Music Box***
LOS ANGELES, Cal.,	***State***
MINNEAPOLIS, Minn.	***State***
DETROIT, Mich.,	***United Artists***
MILWAUKEE, Wis.,	***Warner***
ST. PAUL, Minn.,	***Paramount***
SAN FRANCISCO, Cal.,	***United Artists***
DALLAS, Tex.,	***Palace***

> ***"I told you so . . . ! And I want to thank you boys for getting behind the picture and giving it the great campaign it deserves."***
>
> **— Clark Gable**

JOSEPH M. SCHENCK
presents
CLARK GABLE
in JACK LONDON'S
Call of the Wild
with
LORETTA YOUNG
JACK OAKIE
a DARRYL ZANUCK
production

20th CENTURY PICTURE

ISTS

"She" Is Twin Cities' Only Strong Draw

MINNEAPOLIS, Aug. 6.—"She" was the only attraction on either side of the river to overcome the midsummer lull. It garnered $6,000, up by $500, at the Orpheum here, but in St. Paul it was $1,000 below par on a take of $3,000, also at the Orpheum.

"Paris in Spring" took an average $4,000 at the Century here, and "The Raven," in its fourth week at the World, held up to $3,000. "Call of the Wild" took an average $5,500 at the State here and the same amount at the St. Paul Paramount.

Total first run business in Minneapolis was $21,500. Average is $21,000. Total first run business in St. Paul was $15,500. Average is $14,500.

Estimated takings:

Minneapolis:

Week Ending July 31:

"PARIS IN SPRING" (Para.)
CENTURY — (1,680), 25c-40c, 7 days. **Gross:** $4,000. (Average, $4,000)

"MEN WITHOUT NAMES" (Para.)
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

Week Ending Aug. 1:

"SHE" (Radio)
ORPHEUM — (2,900), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,500)

"CALL OF THE WILD" (U. A.)
STATE—(2,300), 25c-40c, 7 days. **Gross:** $5,500. (Average, $5,500)

"THE RAVEN" (Univ.)
TIME—(300), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

"ESCAPE ME NEVER" (U. A.)
WORLD—(400), 25c-55c, 7 days, 4th week. **Gross:** $3,000. (Average, 3,000)

St. Paul:

Week Ending Aug. 1:

"CALL OF THE WILD" (U. A.)
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $5,500. (Average, $5,500)

"SANDERS OF THE RIVER" (U. A.)
RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $3,500. (Average, $3,500)

"SHE" (Radio)
ORPHEUM—(2,000), 25c-40c, 4 days. **Gross:** $3,000. (Average, for week, $4,000)

"ALIAS MARY DOW" (Univ.)
ORPHEUM — (2,000), 25c-40c, 3 days. Gross: $2,000. (Average for week, $4,000)

"MEN WITHOUT NAMES" (Para.)
WORLD—(400), 25c-35c, 7 days. **Gross:** $1,500. (Average, 1,500)

Extend Flint Tax Fight

FLINT, Aug. 6.—Successful in their recent campaign against the Industrial Mutual Auditorium, operated by automobile industries, to the extent that they succeeded in having the building placed on the personal property tax rolls, Flint exhibitors are attempting to have the property placed on the real estate and income tax rolls.

New San Mateo Tax Up

SAN MATEO, Cal., Aug. 6.—An ordinance establishing license fees upon all shows and carnivals appearing within San Mateo County has been prepared by District Attorney Gilbert Ferrell and will be submitted to the county supervisors shortly. The amount of the license is not specified, but will be decided upon by the board.

Katzman Buys in Cicero

CHICAGO, Aug. 6.—Ben Katzman is the new owner of the Avenue in Cicero.

Fred Anderson is remodeling the Morris in Morris, Ill. He will reopen soon.

"Little Girl" Gets $3,100 in Lincoln

LINCOLN, Aug. 6. — "Our Little Girl" got the money last week. It had all the advantages, the coolest house in town, the pop priced spot and Shirley Temple. Total ran near $3,100 for the week, which is over average by $900. The Stuart's $3,200 on "No More Ladies," was $100 in the clear.

The Varsity, pulling a fast one by reopening without ads, with "Air Hawks" and "Party Wire" garnered $1,100, about $100 to the good on the new 10c-15c-20c policy. Orpheum's "Folies Bergere" flopped hard in five days and got only $900. The house is average at $1,700 on seven days.

Total first run business was $9,100. Average is $8,850.

Estimated takings:

Week Ending July 31:

"PARADISE VALLEY" (Capitol)
"SILK HAT KID" (Fox)
COLONIAL—(750), 10c-15c, 7 days. **Gross:** $800. (Average, $850)

"FOLIES BERGERE" (U. A.)
ORPHEUM—(1,200), 10c-15c-25c, 5 days. **Gross:** $900. Average for seven days, $1,700)

Week Ending Aug. 1:

"AIR HAWKS" (Col.)
"PARTY WIRE" (Col)
VARSITY—(1,100), 10c-15c-20c, 7 days. **Gross:** $1,100. (Average, $1,000)

"OUR LITTLE GIRL" (Fox)
LINCOLN—(1,600), 10c-20c-25c, 7 days. **Gross:** $3,100. (Average, $2,200)

Week Ending Aug. 2:

"NO MORE LADIES" (M-G-M)
STUART — (2,000), 10c-25c-40c, 7 days. **Gross:** $3,200. (Average, $3,100)

"Curly Top" Grabs Indianapolis Lead

INDIANAPOLIS, Aug. 6. — "Curly Top" was something of a sensation at the Apollo last week. It piled up $6,500, leaving par $2,500 astern.

"Front Page Woman" at the Circle was good for $5,500 and "Don't Bet On Blondes" also was in the money with a take of $8,500 at the Lyric. The only house to fall under par was Loew's which had "Let 'Em Have It" and "Calm Yourself."

Total first run business was $24,500. Average is $19,500.

"CURLY TOP" (Fox)
APOLLO—(1,100), 25c-40c, 7 days. **Gross:** $6,500. (Average, $4,000)

"FRONT PAGE WOMAN" (Warners)
CIRCLE—(2,800), 25c-40c, 7 days. Stage: Gene and Glenn. **Gross:** $5,500. (Average, $4,000)

"LET 'EM HAVE IT" (U. A.)
"CALM YOURSELF" (M-G-M)
LOEW'S—(3,000), 25c-40c, 7 days. **Gross:** $4,000. (Average, $4,500)

"DON'T BET ON BLONDES" (Warners)
LYRIC—(2,000), 25c-40c, 7 days. **Gross:** $8,500. (Average, $7,000)

Buy "Rebel" for Temple

HOLLYWOOD, Aug. 6.—In line with Darryl Zanuck's policy to provide more dramatic stories for Shirley Temple, Twentieth Century-Fox has purchased "The Littlest Rebel," stage play by Edward Peple. The studio also owns "Captain January" and "Poor Little Rich Girl," which will be used as Temple vehicles.

Several months ago, M-G-M, which owned screen rights to "The Littlest Rebel," tried to borrow Shirley from Fox for the role, and at that time declined to sell the property when the loan was refused.

Some Cheering

St. Louis, Aug. 6.—Johnny Perkins, former master of ceremonies at the Ambassador, is visiting with Mrs. Perkins' relatives. He claims full credit for the sensational rise of the St. Louis Cardinals.

Under his cheering, he says, the Cardinals won 12 straight and cut the Giants' lead to four games.

Mexican Unit Lays Out First Program

By JAMES LOCKHART

MEXICO CITY, Aug. 6.—An ambitious production program, comprising six features and 12 shorts, mostly two-reel comedies, travelogs and scenics, has been announced for its first year by the Compañia Cinematografica Latino Americana, S. A. This company intends to start soon on building a studio at Tlalpan, a suburb about 10 miles south of here.

The features, all with Mexican themes, are to be dramas, comedy dramas and tragedies, including "Vamonos con Pancho Villa" ("Let's Go With Pancho Villa") and "Los Bandidos de Rio Frio" ("The Bandits of Cold River"). Contracts have been made with 23 Mexican stage and screen actors and actresses and two directors—Fernando de Fuentes, manager of the Cine Olimpia, and Juan Bustillo Oro, have been signed.

The principal officers of the company are Alberto Ricardo Pani, a son of Engineer Alberto J. Pani, former Minister of Finance, president and managing director: Carlos Arguelles, general supervisor; Alejandro Michel, administrator, and Carlos Puga, studio manager.

* * *

The making of Spanish language animated cartoons in Mexico is under consideration by Alfredo Ximenez, Mexican artist on the staff of Max Fleisher in Hollywood for four years, who has come here to interview native producers.

* * *

Cine Mexico, largest house here, across the Rio Grande from Brownsville, Tex., was destroyed by fire resulting from an explosion of a projection machine. There were no casualties. The loss is estimated at about $25,000.

German Camus Passes

MEXICO CITY, Aug. 6. — German Camus, one of the founders of the Mexican film industry, president and general manager of German Camus & Co., distributors of European pictures and chairman of the board of a local circuit which runs one first run house and eight neighborhoods, died here of a heart attack at the age of 49 years. He was born in Spain and came to Mexico in 1899. In the days of the silents, he did a little producing in this country, but gave it up to concentrate upon distributing and exhibiting.

Ask Bridgeport Shows

BRIDGEPORT, Aug. 6.—Petitions are being circulated here asking for the return of stage shows and will be presented to local managers in the fall.

"Curly Top" At $12,000, Buffalo Top

BUFFALO, Aug. 6. — Considerably cooler weather and "Curly Top" made the past week the best of the season here for first run houses. Playing the Buffalo, "Curly Top" grossed $12,000, compared to an average $10,500, and was moved into the Hippodrome for another week's run.

Also up, was the Lafayette gross, where "The Awakening of Jim Burke" and "Against the Law" pulled $5,000, against an average $5,100.

Total first run business was $29,900. Average is $35,500.

Estimated takings for the week ending Aug. 3:

"CURLY TOP" (Fox)
BUFFALO—(3,500), 30c-50c, 7 days. **Gross:** $12,000. (Average, $10,200)

"SHANGHAI" (Para.)
HIPPODROME—(2,100), 30c-50c, 7 days. **Gross:** $4,000. (Average, $7,000)

"THE MAN ON THE FLYING TRAPEZE" (Para.)
"SANDERS OF THE RIVER" (U. A.)
GREAT LAKES—(3,000), 25c-40c, 7 days. **Gross:** $5,100. (Average, $7,300)

"MAD LOVE" (M-G-M)
"A DOG OF FLANDERS" (Radio)
CENTURY—(3,000), 25c, 7 days. **Gross:** $3,800. (Average, $5,500)

"AWAKENING OF JIM BURKE" (Col.)
"AGAINST THE LAW" (Col.)
LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $5,000. (Average, $5,100)

"Curly Top" Gets $9,000, Portland

PORTLAND, Aug. 6.—"Curly Top" not only broke all records for Shirley Temple offerings, but took $9,000 without the help of a stage show. This is $4,000 over average.

"Call of the Wild" at United Artists rolled up $6,000 in its second week, or $1,000 over normal.

"Love Me Forever" was moved to the Mayfair for its third downtown week and took $4,000.

Total first run business was $31,700. Average is $24,700.

Estimated takings for the week ending Aug. 4:

"THE IRISH IN US" (Warners)
BROADWAY—(1,912), 25c-35c-40c, 7 days. **Gross:** 5,000. (Average, $5,000)

"JEW SUSS" (Powers)
BLUE MOUSE—(700), 15c-25c, 7 days. **Gross:** $1,700. (Average, $1,700)

"LOVE ME FOREVER" (Col.)
MAYFAIR—(1,700), 25c-35c-40c, 7 days, 3rd downtown week. **Gross:** $4,000. (Average, $4,000)

"BECKY SHARP" (Radio)
ORPHEUM—(1,700), 25c-35c-40c, 7 days. **Gross:** $6,000. (Average, $5,000)

"CURLY TOP" (Fox)
PARAMOUNT — (3,008), 25c-35c-40c, 7 days. **Gross:** $9,000. (Average, $5,000)

"CALL OF THE WILD" (U. A.)
UNITED ARTISTS—(945), 25c-35c-40c, 7 days, 2nd week. **Gross:** $6,000. (Average, $5,000)

Masquers Set Outing

HOLLYWOOD, Aug. 6.—The annual Masquers' Mess has been set for Sunday, Aug. 11 at the Uplifter's Ranch, according to President Frank Morgan. Sport events, including the baseball game are now being lined up by the house committee.

Many of Hollywood's players and producers are being tested for spots on the baseball teams.

Openings and New Theatres Gain Widely

Reopenings, new construction and improvements are gaining momentum. In some sections—Wisconsin, the South and in Texas—the larger circles are starting expansion moves.

Installation of cooling systems has spread as a result of the recent heat wave, both in large cities and smaller communities. Renovations are common everywhere.

Connecticut Takes Disappoint

New Haven, Aug. 6.—Summer film business has not come up to expectations in a number of spots in spite of the heavy influx of vacationists, but 21 CCC camps spotted throughout the state are proving a help. Exhibitors are making special concessions to the men in a number of places.

The Community at Kent has been closed. Dave Maglena, manager of the Rialto, Windsor Locks, has leased the house.

Remodeling and installation of sound is under way at the Princess, Rockville, which has been closed for several years.

Warners have renewed their lease on the Strand, Waterbury, with Poli-New England Theatres, owners of the building.

Fox Gets Two in Denver

Denver, Aug. 6.—Rick Ricketson, head of Fox Intermountain Corp., has signed a five-year lease on the Ogden and Hiawatha, in Denver, as part of an expansion policy being carried on by Fox interests. Included in the deal was the Liberty Bell at Leadville, Col.

H. A. Goodridge, who has been manager of the Ogden for eight years, will remain under Fox as will Louis Williams, manager of the Hiawatha. Bob Nelson will manage the Liberty Bell. The Webber, Isis and Mayan are also operated by Fox in Denver.

Set Harris-Alvin Opening

Pittsburgh, Aug. 6.—The Harris-Alvin, which has been closed for several weeks for installation of a cooling plant, will reopen Aug. 23, with "Curly Top." Stage shows, it is expected, will be resumed shortly thereafter.

Also slated to reopen at that time is Mort Shea's Fulton, which shuts down for two months every summer. Although no picture has yet been set, it will more than likely be Will Rogers' "Steamboat Round the Bend."

L. & J. Get Athens Site

Athens, Ga., Aug. 6.—Lucas & Jenkins have added another link in their circuit, with the purchase of the old Y. M. C. A. building here, for remodeling into a theatre. Plans for the new structure are in the hands of Roy A. Benjamin of Jacksonville and call for a seating capacity of 950. The estimated price paid for the Y. M. C. A. building was said to be $26,000.

To Build at Leesburg

Leesburgh, Fla., Aug. 6.—A new theatre will be constructed here soon, according to Earle M. Fain, manager of the Palace. The new playhouse will be built of gray brick and will seat 500.

To Open at St. Louis

St. Louis, Aug. 6.—The Shubert, dark since July 5, will be reopened Aug. 10 with "The Irish in Us."

Negotiations are under way for the opening of the Grand Opera House as a dramatic stock house.

Open at Chipley, Fla.

Chipley, Fla., Aug. 6.—The Manavista has opened here. The theatre is located in the center of the business district, and is easily accessible from all points of the city.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"She Married Her Boss"

(Columbia)

Hollywood, Aug. 6.—Aided by an irritating and likable brat, Edith Fellowes; supported by Melvyn Douglas and using Michael Bartlett for promised romance, Claudette Colbert gives attractive allurement to a familiar story which Gregory LaCava has directed well for laughs and drama.

Miss Colbert, executive secretary to Douglas, department store owner, marries her stoogy boss who continues to treat her as a business associate and housekeeper. When Bartlett lightly intrudes he and Miss Colbert have an innocent fling in the department store window after office hours. Douglas, seeing the Colbert-Bartlett photograph in a tabloid, comes to his senses and together they go window smashing with bricks and racing cops to a steamer.

While Miss Colbert has had more meaty roles, her talent makes the secretary human, gay and intriguing. Douglas looks and acts romantic, but sympathy runs away from him toward the end. Bartlett warbles one song well. Edith Fellowes is a stand-out as a problem child.

Jean Dixon, Raymond Walburn and Katharine Alexander support competently. Clara Kimball Young, in a small part, drew well earned applause.

Sidney Buchman's screen play stresses comedy from Thyra Samter Winslow's story. Production values are all good. After editing, the picture should give a good account of itself with Miss Colbert, laughter and Edith Fellowes highlights for exploitation. Reviewed without production code seal. Running time, 92 minutes. "G."

New London Studio To Use Technicolor

London, July 24.—Charles Boot of Pinewood Studios, Ltd., says his company is planning its plant with a view to extensive production in Technicolor. Two of the three stages to be erected immediately will be available for hire, he said. The other would be occupied by British National Films, Ltd., which plans color features at an early date.

Boot, with J. Arthur Rank of British National Films, is interested financially in the Technicolor London plant, which will be established at Denham, close to the "London" and Pinewood studios.

Boot is a principal of Henry Boot & Sons, Ltd., one of the biggest building firms in England, and the Pinewood Studios, built in the grounds of the Grant Morden mansion, Iver Hall, will probably be part of a big scheme of real estate development.

London Films Prod. studio at Denham will also be equipped for Technicolor and the first British all-color feature will be made there.

New U.S. Move Hits St. Louis Booking

(*Continued from page* 1)

cials in the criminal indictment returned by the Federal Grand Jury last January.

U. S. District Judge Charles A. Dewey from the Southern District of Iowa will come to St. Louis next Thursday and will preside at the hearing to be held on Aug. 19.

The criminal case is to come to trial before District Judge George H. Moore here on Sept. 30.

Closes Hawaiian Deal

J. R. Grainger, general sales manager of Universal, has closed a deal with the Consolidated Amusement Co. of Hawaii for the entire coming Universal line-up. Fred Williams and E. Z. Parker acted for Consolidated, whose chain of houses covers the entire territory of Hawaii.

Quick Action Seen On Copyright Bill

(*Continued from page* 1)

tion of the measure, the Senate adopted an amendment offered by Senator Borah of Idaho under which decision as to the granting of injunctions tying up the distribution of infringing pictures, papers, etc., would rest entirely with the courts. As originally written, the bill provided no injunction could prevent the exhibition of a film already produced, except where the court was satisfied that the infringement was deliberate or the infringer not substantial enough to insure payment of damages.

A strong defense of A. S. C. A. P. by Senator Wagner of New York preluded the presentation of his objections to the bill, which won an agreement that the provisions for the $250 damage minimum would be amended to require the courts to award punitive damages additionally to discourage infringement.

Wagner also complained of the provision giving the buyer the right to produce a picture, the right also to exhibit it, contending that the two rights should be acquired separately, so that, in the case of a play running on Broadway, the holder of the right to produce the film would not be able to show his picture in competition with the original presentation.

Plan Jubilee for Priest

Boston, Aug. 6.—A silver jubilee celebration is under way for Rev. M. J. Ahern, S. J., of Weston College, friend of many New York and Hollywood film men. Film folk attending a preliminary meeting at the Copley Plaza Hotel to discuss plans included: John Ford, Maine and New Hampshire Theatres executive; Joseph DiPesa, exploiter for the local Loew theatres; James Burke, secretary of the operators' union; James Sheeran, Department of Public Safety official; William Kelly, branch manager of Universal; Martha Ferris, New England secretary of the Film Board, and Joseph Brennan, secretary of Allied Theatres of Massachusetts, M. P. T. O. A. affiliate.

Form Myrtle Operating

Albany, Aug. 6.—Myrtle Operating Corp. has been chartered here for the purpose of operating theatres by Ruth Blundell, Veronica Harvey and Catherine R. Muench.

AIR CONDITIONING CHARTS

that represent standard practice in air conditioning for motion picture theatres. Practical advice on how to attain the best atmospheric conditions for your house winter and summer. Devised to be put on the wall for constant reference. Available until the supply is exhausted at 25 cents each, payment with order. Write direct to

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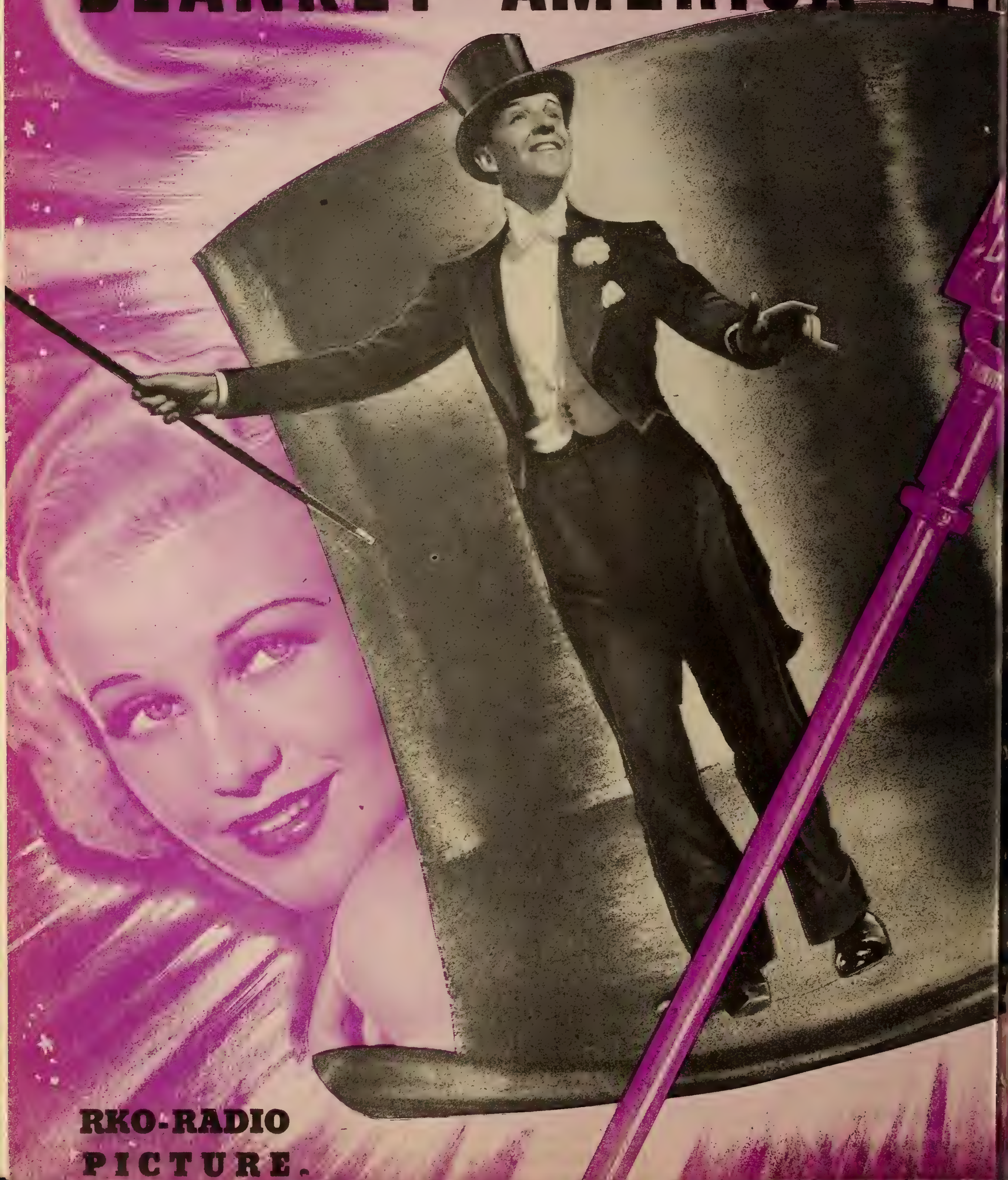
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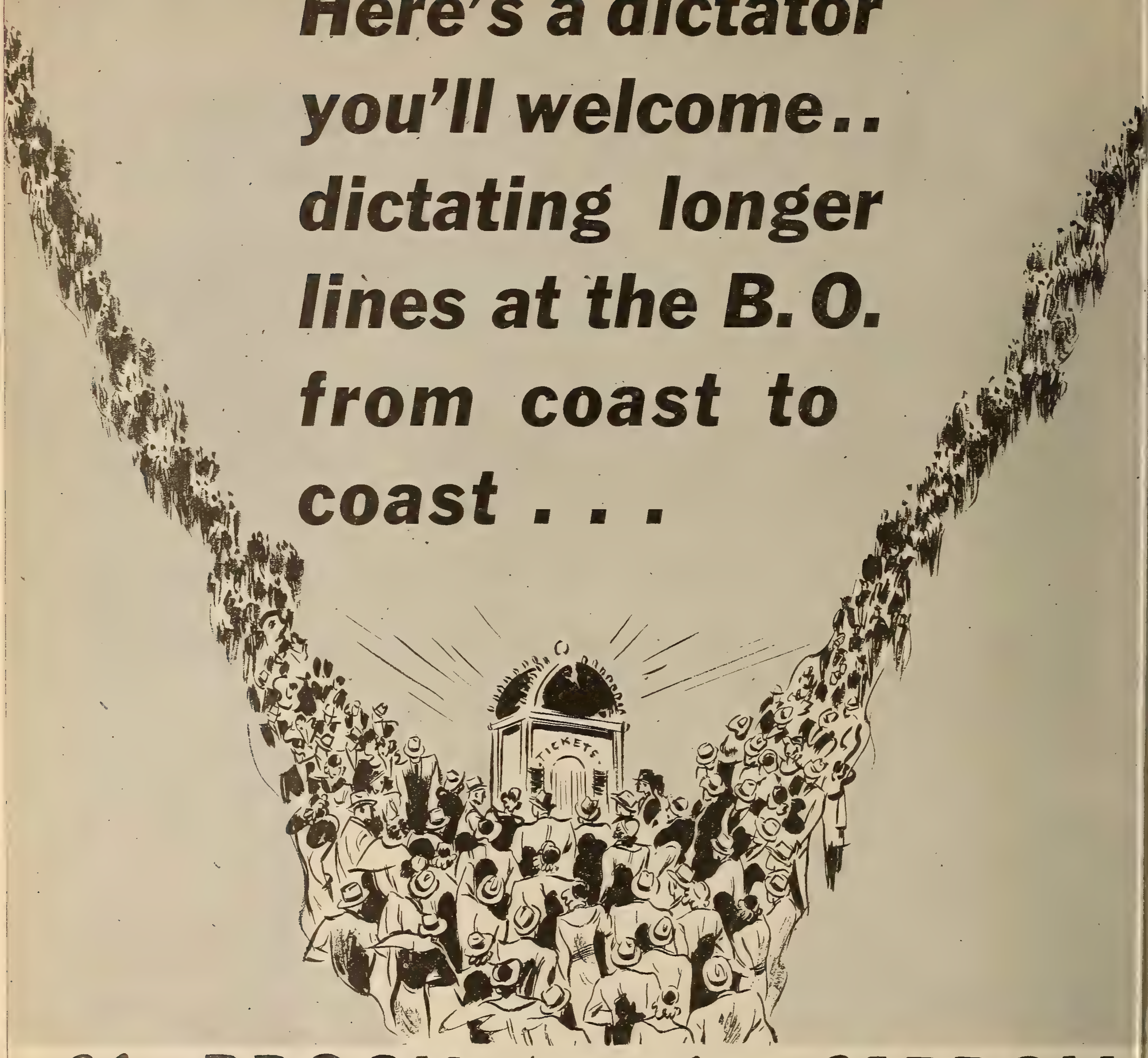

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The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 33 NEW YORK, THURSDAY, AUGUST 8, 1935 TEN CENTS

Strike Voted By Operators For Saturday

Decide on Move Unless Cuts Are Rescinded

With the circuits standing pat on their demands for a 41 per cent cut in operators' wages, Local 306 members yesterday voted to call a general strike Saturday unless the cut is rescinded. More than 1,500 members of the local voted in person or by proxy at the session, held at Odd Fellows' Hall in Brooklyn, and presided over by Joseph D. Basson, head of the local.

Neither side has made any moves to negotiate a new scale. The circuits declare it is up to the union and a spokesman for Basson said that the

(*Continued on page* 2)

Set Seattle Policy Under Merger Pact

SEATTLE, Aug. 7.—Operating policies of the five first runs involved in the Evergreen-Hamrick merger have been tentatively set. The merger becomes effective Aug. 15, with Frank L. Newman retaining presidency of the new group and John Hamrick becoming Seatttle city manager.

Under the present plans, the Fifth Avenue and the Paramount will be the "key" houses. The Fifth Avenue

(*Continued on page* 4)

Schreiber Is Victor In New Prize Battle

DETROIT, Aug. 7.—Another round in his legal battle to use cash prize giveaways in his Colonial and Majestic theatres was won Monday by Jacob Schreiber when Circuit Judge DeWitt E. Merriam refused to hear arguments on the demand for an injunction filed by the Sproat-Temple Theatre Co. The Sproat-Temple company owns the Roxy, a competitive

(*Continued on page* 4)

Independent Circuit Now Up to 75 Total

Three additional theatres yesterday joined the new Independent Theatre Circuit, Inc., making a total of 75 for the organization. At a meeting at the I. T. O. A. headquarters a general discussion of the new unit was held by a number of theatre owners involved.

It was decided to hold off elections indefinitely. There are some members skeptical over the new circuit and the

(*Continued on page* 4)

First Quarter Net for Para. $1,472,000

Stock Application O.K.'d By N. Y. Exchange

Estimated net earnings of Paramount Pictures, Inc., for the first quarter of 1935 were $1,472,000 after all charges, it is disclosed in the company's application for listing of its new securities on the N. Y. Stock Exchange. The application was granted yesterday by the Exchange's committee on stock list.

Net for the first quarter compares with operating earnings of $2,482,000 for the same period last year.

The new Paramount securities for which listing was asked of, and

(*Continued on page* 8)

Meet Friday to Pass On Para. Contracts

Directors of Paramount Prod., Inc. will hold a meeting tomorrow in Jersey City, headquarters of the corporation, to pass on contracts and other production matters.

One of the contracts to be voted upon will be that of Ben Hecht and Charles MacArthur for two pictures and an option on a third. The independent producers have signed the pact

(*Continued on page* 8)

Eastman's 24-Week Net Hits $7,048,951

For the 24 weeks ending June 15, Eastman Kodak Co. earned a net of $7,048.951. This equals $3.05 a share on the common. For the same period in 1934 the net was $6,745,676, equal to $2.91 per share on the common.

(*Continued on page* 8)

No Lotteries

Quigley Publications, effective with this issue of *Motion Picture Daily,* will accept no advertising pertaining to the exploitation of lotteries or cash prize chance schemes.

Move to End Chance Games Is City-Wide

The municipal government, using the Bronx as a testing ground, is seeking to eliminate games of chance and giveaways embodying elements of lottery throughout the greater city. The order designed to rout them out is understood to have been issued through the office of License Commissioner Paul Moss.

The move was launched early in the week when Commissioner Moss sent a request asking enforcement to District Attorney Foley of the Bronx

(*Continued on page* 4)

Springer, Cocalis Expand Separately

Future expansion moves by Jack Springer and Sam Cocalis of the Springer & Cocalis circuit will be made individually, it was learned yesterday. Cocalis has just taken over the Park, formerly the Weequahic, Newark, which he will operate himself.

About two weeks ago, Springer, in conjunction with Harry Brandt, acquired the Monroe and Eagle from William Salkin.

Consolidated reopened the Circle in Columbus Circle last week. The

(*Continued on page* 4)

Senate Passes Copyright Bill; House May Not Act

By CLARENCE LINZ

WASHINGTON, Aug. 7.—With only brief discussion, marked by admission by Senator Copeland of New York that he realized protest would be useless, the Senate today passed the Duffy Copyright Bill and sent it to the House for concurrent action. Little hope for House action is seen at this session.

The bill as passed was changed in but few respects by the Senate, the most important amendment being offered by Senator Borah and providing that the courts may issue injunctions against exhibition of infringing films where the plaintiff can show that the defendant is unable to pay adequate damages for infringement or that production was undertaken with actual knowledge of the existence of copyright or defendant's knowledge that he was infringing.

It is not expected that the measure

(*Continued on page* 4)

Wm. Fox Asks $20,958,333 On Sale Deal

Says Companies and Bank Broke Agreements

William Fox has filed suit for $20,958,333.33, with interest and costs, against Fox Film Corp., Fox Theatres Corp., General Theatres Equipment Co., Chase National Bank and Chase Securities Corp., and directors and officers of all of them on the ground that they have failed to carry out agreements with him and have participated in unlawful acts resulting in the decline of security values of Fox Film, Fox Theatres and General Theatres Equipment.

It is a new maneuver in the kaleidoscopic legal tangle in which he has been both plaintiff and defendant since stepping out of control of his film and theatre companies in April, 1930.

Fox is already a defendant in a suit for an accounting brought by stockholders and creditors of Fox Theatres Corp., in which hearings have been held before former Nassau District Attorney Elvin N. Edwards, sitting as referee at Mineola. Fox is a resident of Nassau County. He had testified that all of his financial records from 1925 to 1929 have disappeared.

In his counter attack, papers in which were served yesterday on Felix

(*Continued on page* 8)

Nazis About Face; Lifts Jewish Edict

BERLIN, Aug. 7.—American and other foreign films, produced, acted or written by Jews, may be exhibited in Germany if not regarded as "harmful" to the German people, Hans Hinkel, new Nazi director of "non-Aryan" art, said today.

Hinkel explained his stand with the statement that the subject of eliminating Jewish influences from Reich culture was "an internal affair which in no case should be connected with the international film business."

He said, however, that if films sent to Germany have been produced, acted or written by Jews "this must be openly and honorably stated."

Republic Goes to Empire in Canada

W. Ray Johnston, president of Republic, and Oscar Hanson of Empire Films, Ltd. of Toronto yesterday signed a deal under which the latter will handle Republic's lineup in Canada for the next four years.

MOTION PICTURE
DAILY

(Registered U. S. Patent Office)

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Grainger in Chicago

Chicago, Aug. 7.—James R. Grainger arrived from New York today in connection with a deal for Universal product with B. & K. and Great States Theatres.

Wall Street

Eastman Gains ½ on Big Board

	High	Low	Close	Net Change
Columbia	75	74	74	—1
Consolidated	4¾	4½	4½	— ¼
Cons., pfd	17	17	17	— ⅛
Eastman, pfd	148¼	147½	147½	+ ½
Fox	16	15¾	15⅞	.....
Loew's	40	39⅝	39⅝	— ¼
Paramount	5⅝	5¼	5½	+ ⅛
Pathe	⅞	⅞	⅞	.....
Pathe "A"	11½	11⅛	11¼	.....
RKO	2¾	2½	2½	— ⅛
Warner Bros.	5¼	5	5	.....
Warner Bros., pfd	37½	36½	36½	— ½

Technicolor Lone Curb Issue

	High	Low	Close	Net Change
Technicolor	20¾	20⅛	20½	— ¼

Bonds Sustain Small Losses

	High	Low	Close	Net Change
General Theatre 6s '40 ctf	13½	13½	13½	— ½
Keith B. F. 6s '46	90⅞	90⅛	90⅛	— ¾
Loew's 6s '41 ww deb rights	104	103⅝	103⅝	— ¼
Paramount F. L. 6s '47	104⅛	103¼	103¼	—1¼
Paramount Publix 5½s '50	105	105	105	—1¼
RKO 6s '41 pp	58	58	58	—3
Warner Bros. 6s '39 wd	79⅞	79	79	—1

(Quotations at close of Aug. 7)

◂ *Purely Personal* ▸

HARRY C. ARTHUR, Jack Partington, Irving Lesser, Abe Montague, Joe McConville, Louis Astor, Jerry Saffron and Jack Cohn seated at one table and being entertained by Arthur; Ed Raftery, Harry D. Buckley, Colvin Brown, Ed Fay, Bruce Gallup, Harry H. Thomas, Al Friedlander, A. H. Schwartz, Al Hovell, Bob Goldstein, Felix A. Jenkins, Truman Talley, Sol Edwards, George Batcheller and Maury Cohen lunching at the Tavern yesterday.

•

Vinton Freedley, co-producer of the musical comedy, "Anything Goes," reaches the coast on the *Virginia* Saturday to confer with Benjamin Glazer, who is to produce it as a Bing Crosby vehicle for Paramount. Freedley will also confer with Henry Duffy, who is to stage the show there before it goes into film production.

•

Robert Wolff, Louis F. Blumenthal, Jack Shapiro, Max Cohen, Joe Hornstein, Jack Springer, William Rodgers, William A. Scully, S. L. Rothafel, Edward Schnitzer, Irving Wormser and Morris Kutinsky convened at the Astor during the lunch hour yesterday.

Quip of the Day

Said a film man who knows his Skourases yesterday:

"Eddie Alperson has been with Spyros and George so long, he speaks Greek although with a slightly Jewish accent. Jack Sullivan ditto, only it's slightly tinged with Gaelic in his case."

Fred Ayer telephoned yesterday to advise this column was three days late; that it was not "The Night of June 16" which was the picture but "The Night of June 13." Ralph Morgan is being sought for a forthcoming stage play by the former title.

•

Toby Wing arrives in Toronto Sunday to work in the Booth Dominion Prod.'s "The King's Plate." Work is scheduled to start Aug. 12 under Sam Neufeld, who arrived from Hollywood last week.

•

Vivian Fay and Virginia Verrill have been signed for several dance sequences in "Sweet Surrender" which is being directed by Monte Brice for William Rowland at the Eastern Service studio on Long Island.

•

Rick Ricketson is due from Denver shortly to talk over contract matters with Spyros Skouras. When he was in town last he left with an unsigned contract. After looking it over, R. R. wants certain changes.

•

Ralph Poucher spends his weekends at Shelter Island. That's where his family is. This week Ray and Mrs. Johnston will be numbered among his guests.

•

James A. FitzPatrick left yesterday for Maryland to look over locations for his coming feature, "David Livingstone." Charles Lipscomb, his assistant, is already there.

•

Sol Rosenblatt is getting to be a regular "21" habitue.

EDGAR B. HATRICK, general manager of Hearst's film interests, arrived recently from the coast. He had been trying to leave Hollywood for several weeks and finally managed to get away.

•

Phil Reisman sails on the *Ile* Saturday. Somewhere on the Continent he has a rendezvous with Louis Nizer who leaves on the *Majestic* at midnight.

•

Bill Pine is due in Sunday from the coast by plane for further pre-opening work on "The Crusades." Henry Wilcoxon is expected to be aboard the same carrier.

•

Jules Levy, vice-president and general sales manager for RKO, is in Canada closing product deals. He will be back the end of the week.

•

Wallace and Mrs. Beery and baby, Carol Ann, Margot Grahame and Rose Davies sail tonight for Europe on the *Majestic.*

•

Ted de Boer, chief auditor and office manager of the Interstate circuit in Texas, is vacationing here with his wife and daughter.

•

Leo Spitz is in town shaking hands with his southpaw as a result of minor injuries on his right encountered in a fishing trip off Cape Vincent.

•

Willard McKay, general counsel for Universal, goes west today or tomorrow. A quick trip and back in a week.

•

Jack Goldstein of Rex Premiums leaves Saturday for Buffalo, Cleveland, Detroit and Chicago. He'll be gone three weeks.

•

Lou Sidney celebrated another birthday Tuesday and Jay Flippen gave him a swell send-off on the WHN amateur show.

•

Al Mendelson, Fox New Jersey exchange booker, and his assistant, John Mazzula, are on a West Indies cruise.

•

Fred Astaire will do a series of broadcasts on a cigarette program over the NBC network starting Aug. 10.

•

Charles Laughton will arrive here Saturday on his way to England. He will sail on the *Ile de France.*

•

Milton Feld of Monarch Theatres is on the coast visiting all the studios while vacationing.

•

Joseph M. Schenck is due in from the coast next week.

•

Rouben Mamoulian is en route from Hollywood.

•

Herb Yates and Arthur Lee were luncheon companions yesterday.

•

Edward Sutherland plans to leave for the coast today.

•

Mary Pickford is due back from the coast early next week.

Strike Voted By Operators For Saturday

(*Continued from page* 1)

next move must be made by the circuits. In voting to support Basson, the membership agreed that no negotiations will be considered by the union until the cut order is withdrawn. The spokesman for the Local 306 head also stated that the unanimous approval of a general strike has brought together the various factions of the union which have been at odds for some time.

It was stated that a war chest of a substantial amount has been pledged for the fight. Twelve affiliated unions are lined up to join Local 306 in the walkout, it was said.

At the Skouras office it was denied that a cut order had been issued to the operators, but at Local 306 headquarters it was stated that this circuit is seeking a 66 per cent reduction in booth scales. The Music Hall is affected by the move, union officials hold, inasmuch as L. E. Thompson, president of RKO, and Gus Eysell, attended the joint conference Monday when the union men walked out.

Several members made speeches at the union meeting yesterday morning and a number of them went on record for picketing if such a move was deemed necessary. The strike vote was in the form of a rising approval.

Justin McCloskey Rites

Funeral services for Justin McCloskey, known for many years in Broadway theatres and also for a long time in production circles in Hollywood, will be held tomorrow morning at the family home on North Jefferson St., Orange, N. J.

McCloskey died in Hollywood. He was connected with George O'Brien's latest feature. His first connection with the industry was with the old Edison Films about 25 years ago.

Granara in RKO Post

John Dowd, head of publicity and advertising of the RKO circuit, yesterday appointed Jack Granara of the *Boston Record* successor to Jack Goldstein, who was in charge of the publicity and advertising for the RKO Boston houses. Granara starts Monday when Goldstein takes up his new duties as exploitation head of United Artists.

Hacker Joins Republic

Sam Hacker, former contract department manager for Columbia, has joined Republic Pictures, according to Edward A. Golden, general sales manager, in the same capacity.

Republic has taken additional space for executive offices on the 22nd floor of the RKO Building, Rockefeller Center.

Reports Fields Better

Hollywood, Aug. 7.—W. C. Fields' physician today stated the comic is making rapid strides toward recovery. Visitors are not permitted as yet, however. At least two more months of rest will be required before the comedian can return to work.

"And now, gentlemen of this great and thriving industry, it seems peculiarly fitting and appropriate that the next number which Warner Bros. will present to exhibitors who have just played "The Irish In Us," "Broadway Gondolier," and "Front Page Woman"–and who are about to receive "Page Miss Glory," "Bright Lights," "Little Big Shot" and "Special Agent"–will be entitled

"WE'RE IN THE MONEY"

which makes the breach-of-promise racket one long roar, thanks to

JOAN BLONDELL • GLENDA FARRELL

Hugh Herbert • Ross Alexander • Phil Regan Hobart Cavanaugh • Man-Mountain Dean in person • and Director Raymond Enright

—and introduces that celebrated Dixon and Wrubel song-hit,

"So Nice Seeing You Again"

Move to End Chance Games Is City-Wide

(*Continued from page* 1)

who, in turn, passed it along to the police headquarters in that borough for action. Yesterday MOTION PICTURE DAILY learned Commissioner Moss had forwarded to Foley the names of four theatres with another request that action be taken to end games of chances which these houses allegedly had been running. Specific detail as to practices as well as the names of the theatres could not be learned either at Moss's office, Foley's or at police headquarters in the Bronx.

Exactly how diligently city officials will pursue the order is understood to revolve around the outcome of the impending action against the four unnamed houses in the Bronx. In the meantime, I. T. O. A. members and distributors of games of chance and giveaways with a lottery slant declare they would welcome a test case.

Set Seattle Policy Under Merger Pact

(*Continued from page* 1)

will show the top attractions from Paramount, M-G-M and Fox, as at present. The Paramount will draw from United Artists, Warner-First National, Universal and Radio. This will replace the present dual feature policy at the Paramount.

Hamrick's Blue Mouse and Music Box will become "extended run" houses, playing attractions after one week at the other key houses. This policy will be varied, with original first runs in from time to time. The Orpheum, originally scheduled as the vaudeville-film house, will probably remain on its current dual feature policy without stage shows.

Independent Circuit Now Up to 75 Total

(*Continued from page* 1)

committee in charge is giving these exhibitors additional time to study the matter.

According to a spokesman for the circuit, "plans are set and the outfit is ready to function, but it takes a little time to get the various exhibitors to make up their minds."

It is understood the organization will not begin functioning for another month.

Springer, Cocalis Expand Separately

(*Continued from page* 1)

house will be in opposition to the Park, which Brandt recently added to his circuit. Both Consolidated and Brandt are planning to build three theatres in the Bronx.

Charles Scmalstig Dead

CINCINNATI, Aug. 7.—Charles Scmalstig, 77, formerly business agent for the Taft and Sinton estates, but since retired, died at the Good Samaritan Hospital yesterday. He supervised the construction of the Grand Opera House, now the RKO Grand, many years ago. One brother survives.

Senate Passes Copyright Bill; House May Not Act

(*Continued from page* 1)

will be acted upon by the House this session. When it does come up for consideration in the Patents Committee, Chairman Sirovich of New York, is expected to be opposed to the State Department's measure, partly in resentment at having been ignored by the department in view of the extensive consideration he has given the subject in the effort to write an acceptable copyright measure.

Schreiber Is Victor In New Prize Battle

(*Continued from page* 1)

house operated by Ben and Lou Cohen.

Judge Merriam, in refusing to hear arguments on the injunction, ordered attorneys to file briefs.

Schreiber resumed cash prizes last week after he received a hearing before Recorder's Judge Christopher E. Stein on charges of violating the state lottery laws. Judge Stein took the matter under advisement until Sept. 2.

On June 28 Judge Clyde I. Webster denied Schreiber a permanent injunction restraining Prosecutor Duncan McCrea from interferring with the giveaways. His arrest on the state charge followed that action.

Charges of discrimination and political wire-pulling have entered the case, Schreiber alleging that the prosecutor singled out the Colonial and Majestic to attack and told him that other theatres had "put the heat on him" to do so. McCrea denied this, at the same time charging that Schreiber has used every political influence possible to get him to permit use of the prizes.

In the meantime, Schreiber is continuing to use them.

U. S. Films Gaining In the Netherlands

WASHINGTON, Aug. 7.—American films gained in the Netherlands during the first half of the year, according to a report from Consul W. M. Chase in Amsterdam to the U. S. Department of Commerce. American features accounted for 52 per cent of those exhibited, compared with 43 per cent in 1934.

The popularity of locally-produced pictures in the Dutch language declined. When these pictures were shown in the first part of 1934, throngs of curious people, eager to support a national film industry, patronized theatres. The end of 1934 and the beginning of 1935, however, brought a waning of the curiosity.

Following the United States, the countries which account for films in the Netherlands are, in the order of their importance: Germany, France, Great Britain, Austria, Czechoslovakia.

"Ecstasy" Destroyed

Samuel Cummins has learned that the film "Ecstasy," banned recently by a jury in U. S. District Court, has been destroyed by the U. S. marshal in spite of the fact that an appeal is pending. He says it will cost $5,300 to import a new print for prosecution of the appeal before the U. S. Circuit Court of Appeals in October.

Randforce Drops Utica

Randforce is dropping the Utica, Brooklyn, which will revert to Louis Blumenthal. RKO had the house on a year's lease, but turned it over to Frisch & Rinzler late last year. Randforce has dropped the Stratford, Brooklyn, and will take over the Tivoli, same borough,

"Roberta" Leading Herald's Champions

"Roberta" heads the list of box-office champions compiled by *Motion Picture Herald* for the past six months. Thirteen pictures are included in the list which is published in the issue out today.

The list of champions is as follows: "Roberta," "David Copperfield," "Les Miserables," "Lives of a Bengal Lancer," "Forsaking All Others," "Naughty Marietta," "Broadway Bill," "Life Begins at 40," "G-Men," "Ruggles of Red Gap," "Goin' to Town," "The Little Minister" and "My Heart Is Calling."

Charter Two Companies

ALBANY, Aug. 7.—George Abbott, Inc., has been formed here to conduct theatrical business. The incorporators are George Abbott, Joseph P. Bickerton, Jr., and Carl Fisher.

The Syracuse Strand Theatre Co., Inc., Buffalo, has filed a certificate in the office of the Secretary of State decreasing the amount of its capital stock from $425,000 to $185,000.

Troy Theatre Pool

TROY, N. Y., Aug. 7.—The American and Troy, Warner operations, have been pooled with the Griswold, a Si Fabian house, with Warners in charge of management. This follows acquisition of the Buckley theatres in nearby Albany by Fabian a couple of weeks ago.

Radio Buys "Lilacs"

HOLLYWOOD, Aug. 7.—Radio has purchased "Green Grow the Lilacs," a play by Lynn Riggs which was done by the Theatre Guild, several years ago. It will be used as a vehicle for Richard Dix. Cliff Reid will supervise. The studio is also preparing "Mother Lode" for Dix.

Buck Suing Restaurant

WILMINGTON, Aug. 7.—Gene Buck, as president of A. S. C. A. P., has filed suit here against the Ritz Restaurant. The restaurant management is accused of infringing on two songs and Buck seeks an injunction and damages of not less than $500.

Para. Has 10 in Work

HOLLYWOOD, Aug. 7.—With "The Virginia Judge" and "Getting Smart" going before the cameras this week, Paramount has 10 productions shooting. Included in the other productions are: "Peter Ibbetson," "So Red the Rose," "The Milky Way" and "Rose of the Rancho."

English Race For Newsreel Theatre Spots

By **BRUCE ALLAN**

LONDON, July 30.—The race for news theatre sites in London is on, following on the recent statement of the formation of a Trans-Lux chain by Lord Beaverbrook and Will Evans. It was announced yesterday that a 450-seater would be built at the corner of Edgware Road and Oxford Street and a 350 capacity house included in Mount Royal, the residential block favored by American film visitors. This makes three news theatres scheduled for erection within the Marble Arch area.

While details of the affiliations of these new enterprises are not officially released a desire on the part of Capital and Provincial News Theatres, Ltd., to get ahead of Trans-Lux activities is being read into some of the new plans. C. & P. recently made a £40,000 public issue.

* * *

Ernest Brown, Minister of Labor, stated in the House of Commons, in a written reply to Sir Ernest Graham Little, that labor permits to "aliens" for the purpose of employment in the British film industry had increased during the last two years. Exact figures were not available, he stated, but careful inquiry was made in each case to insure that a British subject was not available.

This official reply underlines the prevailing policy in England. Permits are obtained without difficulty for artists, directors and technicians. The ban on lower paid routine labor is as strong as ever.

More St. Louis Openings

ST. LOUIS, Aug. 7.—Three reopenings, installation of new seats in another and change of management in a fifth are the latest developments on the theatre map in this territory.

Dubinsky Brothers have opened the new Capitol, a 1,200-seat house at Jefferson City. It is operating on a straight film policy at 25 cents top. The old Miller has been closed.

At Altamount, Ill., Mak Sinowsky has opened the Alta, dark for about a year. Dick Hanser is in charge. The Lincoln at Bunker Hill, Ill., has been reopened by T. A. Baker and Orin Baab, with three changes a week.

New seats are being installed at the New Grand, Mount Olive, Ill. Maury E. Reichman, owner of the Globe, has turned management over to John Vainiko, recently with F. W. C. and before that with Skouras Brothers here.

Take Springfield Pythian

SPRINGFIELD, O., Aug. 7.—The Pythian, Logan, O., built by the K. of P. Lodge, has been taken over under a 10-year lease by the Chakeres Theatres, Inc., which operates the Fairbanks, State and Regent here, the State at Greenville, and another house at Wilmington, O. The local spots are operated in connection with Warners.

The Logan house has been closed for remodeling and will be reopened about Sept. 1.

"Paris" with Cantor Show Coast Smash

Los Angeles, Aug. 7.—"Paris in Spring," Eddie Cantor, Parkyakarkas, Rubinoff and Rube Wolf and his orchestra knocked the depression out of the Paramount last week and set up a new summer record of $32,000. Normal is $18,000.

Apparently all the theatre-goers who came downtown and couldn't get into the Paramount went to the Hillstreet and 4-Star. At the former "Broadway Gondolier" was $4,880 over normal on a take of $12,880 and at the latter "The Scoundrel" was outstanding at $5,300.

Total first run business was $96,680. Average is $87,700.

Estimated takings for the week ending tonight:

"CALL OF THE WILD" (U. A.)
"SILK HAT KID" (Fox)
CHINESE—(2,500), 30c-55c, 6 days, 2nd week. **Gross:** $9,900. (Average, $12,500)

"JAVA HEAD" (First Division)
FILMARTE — (800), 40c-50c, 7 days. **Gross:** $1,000. (Average, $2,750)

"THE SCOUNDREL" (Para.)
4 STAR—(900), 30c-55c, 6 days. 3rd week. **Gross:** $5,300. (Average, $3,250)

"BROADWAY GONDOLIER" (Warners)
HILLSTREET—(2,700), 25c-40c, 6 days. **Gross:** $12,880. (Average, $8,000)

"CALL OF THE WILD" (U. A.)
"SILK HAT KID" (Fox)
LOEW'S STATE—(2,500), 30c-55c, 6 days, 2nd week. **Gross:** $12,800. (Average, $14,000)

"PARIS IN SPRING" (Para.)
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: Eddie Cantor, Rubinoff, Parkyakakas, Rube Wolf and his orchestra. **Gross:** $32,000. (Average, $18,000)

"BROADWAY GONDOLIER" (Warners)
WARNER BROS. (HOLLYWOOD) — (3,000), 25c-40c, 6 days. **Gross:** $12,400. (Average, $14,000)

"OLD MAN RHYTHM" (Radio)
"CHASING YESTERDAY" (Radio)
WARNER BROS. (DOWNTOWN) — (3,400), 25c-40c, 6 days. **Gross:** $7,400. (Average, $12,000)

"WESTWARD HO" (Monogram)
"ALIAS BULLDOG DRUMMOND" (G. B.)
PANTAGES — (3,000), 25c-40c, 7 days. **Gross:** $3,000. (Average, $3,200)

Phila. Has 100,000 On Sunday Petition

Philadelphia, Aug. 7.—A petition with 100,000 signatures for Sunday movies was presented today to the County Commissioners by Joseph Sloane, attorney, representing film interests here. Sloane stated he had 100,000 other names, but turned in only one list because the law required only 17,500 names to put the question on the ballot in the fall. The commissioners will be obligated to put a "yes" or "no" box on ballots in the November election.

Upper Darby and Delaware County Commissioners are for the same referendum.

Two Authors in Search of Show

Howard Dietz and Arthur Schwartz tried to get into the Majestic theatre yesterday afternoon to watch rehearsals of their new show. It was no dice. They did a lot of banging on doors, but to no avail.

Out Hollywood Way

Hollywood, Aug. 7.—Warners start "Captain Blood" with heavy budget and 10-week shooting schedule. . . . Errol Flynn, Olivia de Haviland and Guy Kibbee in cast. . . . Billie Burke and daughter, Patricia Ziegfeld, at Lake Tahoe for a vacation. . . . Astrid Ellwyn won two lamps and 11 goldfish by throwing baseballs at a stuffed pig in an amusement park.

Una Merkel staged a dinner for Helen Hayes' mother, Mrs. Kay Brown. . . . Charles Laughton getting wigs made for "Cyrano de Bergerac," which will be produced in London. . . . Henry Fonda threw a party at his home for members of the casts and crews of "Way Down East" and "The Farmer Takes a Wife." . . . George Burns and Gracie Allen taken off the train at Tucson and brought back to Hollywood for retakes.

Dick Foran and the "Moonlight on the Prairie" crew back at the Warner studio from a location trip. . . . Radio starts Barbara Stanwyck's "Annie Oakley," with Preston Foster in the male lead.

✣

Casting—Oscar Polk, Gabriel in "Green Pastures," to play in "From Little Acorns" for Paramount. . . . Frank McHugh added to "The Frisco Kid," Warners. . . . Morgan Wallace, Dean Benton, Edward Le Saint, William Bailey and George Hayes added to cast of Sol Lesser's "Thunder Mountain," starring George O'Brien. . . . Constance Collier signed for "Elegance," M-G-M.

✣

Writers—Darryl Zanuck signs Nunally Johnson for one-year contract after reading "Thanks a Million" script. . . . Manny Seff and Mildred Cram on the screen play for "Small Town Girl," M-G-M.

Willis Goldbeck adapting "Two O'Clock Courage" for Radio. . . . John Francis Larkin writing "Mother Lode," next starring vehicle for Richard Dix, Radio. . . . Harry Sauber and Benny Markson at work on script for "The Comeback," Warden Lewis E. Lawes' story, for Warners.

✣

Directors—Frank Borzage, having finished "Shipmates Forever" at Warners, goes over to Paramount for the next Marlene Dietrich picture. . . . Roy Del Ruth calls off vacation to get ready for "Thanks a Million," Twentieth Century-Fox.

Bucyrus Sale Confirmed

Bucyrus, O., Aug. 7.—Common Pleas Judge C. U. Ahl has confirmed sale of the Hoover Theatre Building, purchased by the Limo Corp., Ohio Schine subsidiary, at sheriff's sale a few weeks ago for $15,500. The building was started in 1929 by the Moose Lodge which subsequently sold its interests to John Hoover, Cincinnati contractor. Financial difficulties prevented Hoover from carrying the work forward, and only part of the walls are up. Lewis Lazaar, Bellefontaine, O., representing the purchaser, announces that completion of the structure will be begun at once.

Sauter Plans Shorts

Hollywood, Aug. 7.—James E. Sauter, New York broker, plans production of a series of six short subjects on his return here in 10 days from the east. He will use radio and stage talent. In New York, Sauter plans stage presentation of "Four Fathers" by Gertrude Borg, and "Death at the Microphone," by John Archer Carter.

Sheehan Expands Estate

Hollywood, Aug. 7.—Winfield Sheehan has just purchased 1,000 acres in addition to his present ranch in Hidden Valley. Hidden Valley is a choice residential section a little more than an hour's drive from here.

"Curly Top" at $77,000

"Curly Top" at the Music Hall garnered approximately $77,000 for the week ending last night. The gross picked up during the last few days. "The Irish in Us" at the Strand ended its first week at $22,500.

Harding Back in K. C.

Kansas City, Aug. 7.—Lester Harding has returned to the Tower as master of ceremonies, replacing Nat Nazzaro, Jr.

Toronto Pickets Fined

Toronto, Aug. 7.—Four members of labor unions, Jens Jensen, James Norris, Fred Martin and Thomas May, have been found guilty on charges of intimidation arising out of the picketing of the Model Theatre and have been fined $10 each or the alternative of 30 days in jail.

The Model is undergoing alterations. The accused were alleged to have paraded in front of the house with signs declaring that those employed on the reconstruction job were not affiliated with building trades unions of the International Federation of Labor.

Moore to Philadelphia

Pittsburgh, Aug. 7. — Edward Moore, for several years Main Line district manager for Warners, has been transferred to Philadelphia area, where he will be given a larger district. He will take up his new duties immediately.

Instead of appointing a successor to Moore, Zone Manager Harry Kalmine has split Moore's theatres among the three other district managers, Tom Fordham, C. J. Latta and Marshall Taylor.

Form Delaware Concerns

Dover, Del., Aug. 7. — Meridan Film Distributors, Inc., has been chartered here by George S. Gullette, E. G. Wales and David S. Craven.

American Amplifier and Television has been chartered to deal in amplifying systems by M. C. Palmatary, C. O. Layman and H. Kennedy.

Sampson Joins Sterling

Seattle, Aug. 7.—Jack K. Sampson has been appointed advertising and publicity director for John Danz's Sterling circuit. He succeeds Mose Mesher who has joined the Evergreen-Hamrick houses.

Variety Club

Omaha

Omaha, Aug. 7.—Keene Abbott, drama and film critic of the *World Herald* for 32 years, was tendered a farewell at the luncheon of Variety Club.

Charles Schlaifer, A. H. Blank advertising manager, delivered an eulogy which caught Abbott by surprise, as it did most of the membership.

Schlaifer, after reading excerpts from the press in which Abbott's long career had been extolled, said:

"In the six years I've been calling on Abbott no less than twice each week as a press agent, I'll say that never once did he give me anything extra in the way of space or advantage. Because of his insistence on fair play and sportsmanship, he has won the deepest respect any showman could give another man."

The ovation that greeted Schlaifer's talk by the 50 showmen present touched Abbott to the extent he was unable to speak and bowed and murmured quiet thanks.

The regular speaker for the day was Prof. Hugh Gillespie, who talked on social security. Eddie Shafton was chairman for the day.

H. J. Chapman was chairman and Bob Ballantyne was king's jester at the weekly luncheon.

Rabbi David Goldstein, delivered a talk on present-day persecutions from dictator-ruled countries, which was something different in luncheon addresses, showmen agreed afterwards.

Cincinnati

Cincinnati, Aug. 7.—The second annual picnic, held at Stricker's Grove was well attended, especially considering that the temperature was striving for a heat record. A sizable sum was realized which will be turned over to the Film Board relief fund.

Lowell Gilmore, dramatic supervisor of WLW, local radio station, has been accepted as a resident member, and now is a full-fledged barker.

Bill Gerves is vacationing in the east, and expects to be gone for several weeks.

Washington

Washington, Aug. 7.—Nov. 24 has been tentatively set for the second annual banquet and dance of Variety Club. Chief Barker Rudolph Berger is expected to announce general committees soon.

Tickets will be limited to 500, a total which, it is estimated, would break down to 350 for barkers and guests and 150 for outsiders.

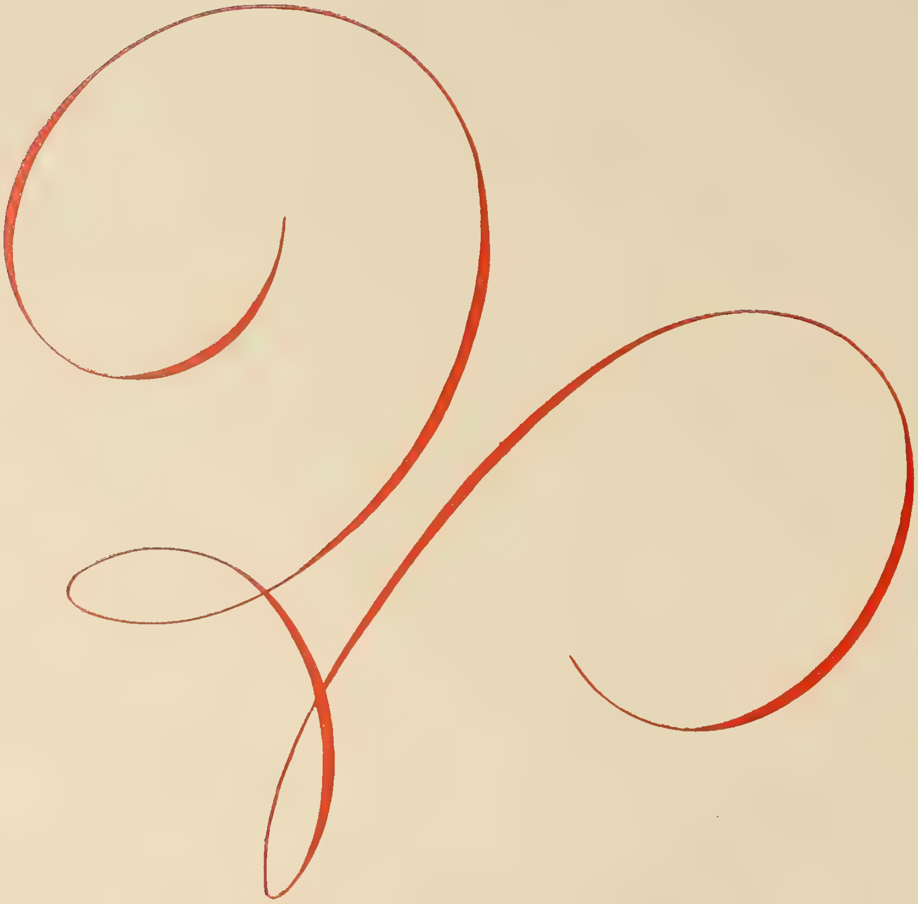
It is felt that last year's tariff will be in effect this year, but no details have been forthcoming.

Wanted Latest News

Hollywood, Aug. 7. — Thieves broke into the Hollywood and gave the boys at one exchange, anyway, a loud laugh.

They passed up the two features; they passed up all of the short subjects and stole the Universal newsreel!

The two features were "Thunder in the East" and "Doubting Thomas."



Martin Quigle

Martin Quigley's twenty years in the service of the motion picture industry, contributing to its world estate of financial, commercial and artistic leadership, will be signalized in a special edition of

Motion Picture Herald

in September.

Wm. Fox Asks $20,958,333 On Sale Deal

(*Continued from page* 1)

A. Jenkins, general counsel of Fox Film, Fox alleges that—

Fox Film and Fox Theatres have failed to carry out an agreement that he be elected and continued as chairman of advisory boards from May 1, 1930, to May 1, 1935.

That the two companies have failed to pay him $500,000 per year in monthly installments from May 1, 1930, for five years in return for assignment of protection on his American Tri-Ergon and Grandeur patents and the assignment of 250 shares of Fox-Hearst Corp.

They failed to supply three-year contracts to 10 employes and to live up to them; to designate the estate of Fox as the beneficiary of $3,500,000 in life insurance policies owned by the companies; to carry out an agreement to repurchase 87,000 shares of Fox Theatres Class A stock from Bankers Securities Corp. and to protect Fox personally from liability in connection with the transaction; refused to protect Fox from liability in connection with any suit or action arising out of any transaction relating to the conduct of the business of Fox Theatres or its subsidiaries.

Hits Chase Control

Fox alleges that, commencing about the time of the transfer of control, Chase National Bank and Chase Securities Corp. assumed control and the film and theatre companies and "connived in the repudiation of these agreements"; cooperated in depleting the assets of the companies, with the result that Fox has been sued in N. Y. Supreme Court by the Chicago Title & Trust Co. and the companies have refused to contribute to the defense. This action presumably grew out of a personal guarantee by Fox for the payment of $1,000,000 to Herbert Lubin in connection with the purchase of securities of Roxy Theatres Corp.

He also charges that the companies have diverted business from the Fox Theatre in San Francisco to the Warfield, and have refused to help defend a suit brought by the Capitol Co. of California in connection with defaults on this theatre.

Cites San Francisco Case

In the San Francisco case Fox says he has been compelled to pay $3,750 as a premium to the United States Fidelity & Guaranty Co. of Maryland; $94,652.91 rental on the theatre and additional expenses totaling $40,000, a total of $138,402.91, and is liable for further sums in excess of $2,000,000 on the unexpired portion of the lease.

Fox alleges, too, that the Chase Bank and its securities affiliated financed syndicates to deal in the stocks of Fox Film, Fox Theatres and General Theatres Equipment and loaned Pynchon & Co. 26,600 shares of Fox Class A stock which was never returned, because Pynchon went into bankruptcy.

In detailing his claim for damages Fox says that he has been damaged to the extent of $1,458,333.33, plus interest, as a result of failure to pay him $500,000 annually in monthly installments from June 30, 1932, to May 1, 1935. He also claims that as a result of declines in securities of Fox Film, Fox Theatres and General Theatre Equipment, due to unlawful acts of the defendants, he has been damaged to the extent of $12,000,000, and that because of repudiation of other obligations to him he has been damaged in the further sum of $7,500,000.

Hirsh, Newman, Reass & Becker are Fox's attorneys.

Says Legion Added To Hays' Influence

OMAHA, Aug. 7.—John Boettiger, assistant to Will H. Hays, passing through here en route to Hollywood, said in an interview today that the recent Legion of Decency drive had entrenched Hays in his position stronger than ever.

"The industry, finding itself a target of attack, gave Mr. Hays greater power of action," he declared.

The middle west is more keenly alive and responsive to the amusement business than the east, Boettiger said. He declared that newspapers and their staffs in this section show more willingness to cooperate and give information than in the east, where he had, practically, "to break into" the news rooms. Because the amount of daily information on films is being increased, motion picture editors tell him that the circulation of fan magazines is growing everywhere, Boettiger said.

Eastman's 24-Week Net Hits $7,048,951

(*Continued from page* 1)

The report says the improvement during the first six months of the year has been continued.

Income from operations was $10,708,488. Interest and dividends totaled $558,933. Deductions totaled $6,851,165. Profits on sale of securities were $197,788.

The company today declared an extra dividend of 25 cents on the common for the first time since 1931. The regular $1.25 a share on the common and $1.50 on the six per cent preferred also were declared.

The extra disbursement is due to increased business that began in 1933 when the common was on an annual $3 dividend basis. In the last two years, the common dividend has been lifted twice until it is now at $5, the same as in boom years. In a letter to stockholders, directors state that business showed new impetus for the first six months of the year.

Technicians' Group Meet

LOS ANGELES, Aug. 7.—The executive committee of the technicians' branch of the Academy of M. P. Arts & Sciences met here today to appoint nominees for the new executive committee, officers for various branch posts and three branch representatives for the new board of governors.

The executive committee comprises seven. On the nominating committee are John Nickolaus, chairman, John Aalberg, Lawrence Aicholtz, Duncan Cramer, Arthur Edeson, John Hughes, Charles B. Lang, Jr., Eugene Milford, Thomas Moulton and Robert O'Dell. The general election is slated for the latter part of the month.

First Quarter Net for Para. $1,472,000

(*Continued from page* 1)

granted by the Exchange yesterday consist of $27,500,000 principal amount of 20-year, six per cent sinking fund debentures, due Jan. 1, 1955; 275,000 shares of first preferred of $100 par value; 644,181 shares of second preferred of $10 par value, and 4,115,214 shares of common of $1 par value.

The company's application notes that, due to seasonal variations in film companies' earnings, an annual earning rate "cannot be inferred from the results for any one quarter." The application adds that further decreases in earnings for the second and third quarters may be expected as a result of "a reorganization of the studio management" which was begun some six months ago "and is still in process."

"This has temporarily slowed down production," the application recites, "which will have an adverese effect upon earnings especially during the low seasonal period. Consequently, it is expected that the company will show reduced earnings for the second quarter and particularly for the third or September quarter."

$370,000 Claims vs. Paramount Allowed

Claims of the Circle and Indiana, Indianapolis, against Paramount were allowed in the amount of $370,000 in a report made yesterday by Special Master John E. Joyce. An additional $35,000 involved in the rent claims is subject to further contesting before the referee. Samuel Spring was attorney for the claimants in the action.

The bonds posted by the Paramount trustees, Charles D. Hilles and Eugene W. Leake, were reduced from $100,000 to $10,000 by Federal Court order yesterday. The reduction is in line with the minor role the trustees will play in Paramount from now on until the time of their final discharge by the court.

Meet Friday to Pass On Para. Contracts

(*Continued from page* 1)

which is now up to the board to pass.

Under the terms of the one-year agreement, Hecht and MacArthur will make two features at Astoria, each to cost $250,000, but subject to revision provided additional finances are needed. The budget on the third film has not yet been set.

Production budget of the first two made by the producers on last season's schedule was $200,000. "Once in a Blue Moon," the third feature with Jimmy Savo cost around $300,000. The deal also provides that two scripts must be completed before the first picture is placed in work so that Hecht and MacArthur can immediately start on the second without delay.

Arthur Cole on Vacation

KANSAS CITY, Aug. 7. — Arthur Cole, office manager for Paramount, left Aug. 2, for a lodge near Laramie, Wyo., for a two weeks' vacation to be spent mostly in fishing.

Short Subjects

"Going Places No. 12-13"

(*Universal*)

The two latest reels of this series maintain the pace set by forerunners of the group. Lowell Thomas does the off-screen explanatory dialogue with his customary personal touch to enhance the entertainment value.

No. 12 takes the audience through Mexico City, the Garden of the Nations at Radio City and then to Brownsville, Tex., where 11-year-old Manuel King shows how he handles a cage of lions.

No. 13 starts off with scenes of the old Spanish missions of Texas, then switches to Dodge City, Kan., with its old Boothill Cemetery and monuments to bad men of the old west. Modern pottery and its manufacture are next seen. The reel closes with shots of the African exhibit in the Museum of Natural History in New York.

Highly recommended. Production Code Seals, Nos. 0494, 0495. Running time, 10 mins. each. "G."

"My Green Fedora"

(*Vitaphone*)

In telling the story of the little rabbit which disobeyed its mother and failed to watch his little brother so that he was kidnapped by a badger, Leon Schlesinger here presents one of his better and more entertaining Merrie Melody cartoons in color. Children will go for this and adults will appreciate the antics of the characters.

Highly recommended. Production Code Seal, No. 741. Running time, 7 mins. "G."

"The Ashton Dog Derby"

(*Harold Austin*)

HOLLYWOOD, Aug. 7. — This is a good, fast, one-reeler depicting the annual dog derby in Ashton, Wyo. Plenty of spills and laughs in this one, which also features a race by kids. Dogs and kids run wild and the carnival spirit is certain to catch any audience. Although there is a goodly portion of excitement in the start and finish of the race, laughs are the main audience appeal in this one. Review without production code seal. Running time, 9 minutes. "G."

"Grampy"

(*Paramount*)

This Betty Boop cartoon has Betty attending a party given by her grandfather. She sings a song in her peculiar style and does several dances. The film is up to the standard of others of the series, and where these cartoons are liked this should go over. Production Code Seal No. 0489. Running time, 4 mins. "G."

"The Bronco Buster"

(*Universal*)

This cartoon has Oswald, a hair tonic salesman, who turns bronco buster in order to eat. His antics are not much, but those of the horse he rides might get a few laughs from audiences. The musical accompaniment, which tells the story in song as it unfolds on the screen, is good. Production Code Seal, No. 939. Running time, 5 mins. "G."

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Court Refuses Quick Hearing In St. Louis

Government Stymied in Injunction Plea

St. Louis, Aug. 8.—The Department of Justice met a setback in court here today in its attempt to secure a temporary injunction to prevent Warners and other major distributors from continuing an alleged agreement not to book first runs for the Missouri, Ambassador and New Grand Central theatres.

U. S. District Judge Charles A. Dewey of Des Moines, summoned here to hear the case, said he could see no emergency involved and refused to set Aug. 19 for a hearing unless specifically ordered to do so by the U. S. Circuit Court of Appeals.

The temporary injunction was sought on the ground that distributors were persisting in a violation of the anti-trust laws.

Defendants, all but one of whom were named in the anti-trust indictments returned last spring, are: War-

(*Continued on page* 3)

Production Falls Slightly on Coast

Hollywood, Aug. 8. — Production dropped a notch last week, although still maintaining a high level. The weekly checkup revealed 42 features and five shorts before the cameras as compared to 45 features and three shorts for the week preceding.

M-G-M continued to head the list with 10 features shooting, one in preparation and slated for cameras within two weeks and 12 in the cutting

(*Continued on page* 2)

FWC Picture Deals Set for the Season

With the setting of a deal with United Artists for 18 features yesterday, Fox West Coast has completed its picture buys for the new season. Deals with other major companies have been set, but details are now being worked out.

George Hickey, western division manager for M-G-M, has been in

(*Continued on page* 2)

Answers in Fox Suit Are Due on Aug. 28

Notice of appearances in the William Fox suit against Fox Film, Chase National Bank, Chase Secur-

(*Continued on page* 2)

River Floods Hit Theatres In a Number of Ohio Spots

Columbus, Aug. 8.—Floods are raging in central and eastern Ohio, hitting many exhibitors. The entire course of the Muskingum River, approximately 50 miles, is overflowed, and the water is rising in the Ohio, Scioto, Hocking and other rivers. Heavy property damage and some loss of life is reported.

Crop damage is estimated in the millions.

Business streets in Coshocton, Cambridge and Massillon are under four feet of water. Caldwell, New Philadelphia, New Comerstown, Millersburg, Dover and several smaller spots are isolated, with railroad tracks washed out and highways blocked.

Distributors are unable to deliver film. In some places electric current

(*Continued on page* 3)

Delay Arbitration, Louis Geller Away

Due to the departure last night of Louis Geller, secretary of the New York Film Board of Trade, on the *Majestic* for a European vacation, all arbitration cases on the calendar have been postponed indefinitely.

One of the complaints was that of United Artists against Geller, who operates the Palace, Jersey City, for refusal to play "Affairs of Cellini." Geller claims that the St. Boniface Rectory had asked him not to show the picture, but the exchange is insisting on payment nevertheless.

See No Real Change In Goldstein Houses

Boston. Aug. 8—Real ownership of the Goldstein Brothers' Theatre Corp. houses is not affected, it is understood, by foreclosure proceedings consummated recently by the National Rockland Bank and Harold Storke, trustees, on $597,039.28 of defaulted bonds.

The new company, Western Massachusetts Theatres, Inc., was organized by the Goldsteins in a partnership

(*Continued on page* 3)

Jersey Allied Meet Off for Convention

No meeting of Allied of New Jersey will be held before the annual convention in Atlantic City on Aug. 21-23, Sidney Samuelson, president, stated yesterday.

Samuelson is working on convention plans and is expected to complete them the latter part of next week.

Up-State Pool

RKO, now operating Keith's on its own and the Paramount for Paramount and the Strand for Warners in Syracuse, are discussing a pool with the Schine circuit, operators of the Eckel in that city. In the conversation stage only, important angles include RKO's decision on renewal of the Paramount and Strand leases, both of which expire Sept. 1.

Syracuse, N. Y., Aug. 8.—Local reports have it the Schine interests would operate the discussed pool with RKO.

K.C. Talking Film Setback On Giveaways

Kansas City, Aug. 8.—The question of setting back runs in houses using giveaways may be an issue here soon. The matter probably will come up before exhibitors buy new season product, although up to the present nothing definite has been done.

Two possible policies are being evolved—inclusion in contracts by producers of a rider along the lines suggested by Ed Kuykendall of the M.P.T.O.A., and a voluntary agreement among exhibitors. One barrier to the first is distributors' fear of court action; one to the latter is the problem of securing an agreement among exhibitors. A partial survey indicates a majority of exhibitors

(*Continued on page* 3)

Warners-RKO Again Talk Product Deal

Negotiations between Warners and the RKO circuit covering the distributor's new lineup of 60 pictures were resumed yesterday, following an impasse reached earlier in the week over terms. It was at that juncture that A. W. Smith, Jr., vice-president in charge of Warner eastern sales, announced he had launched dealings to sell away from RKO and to independents.

Deadline Near On Operators' Strike Threat

Prediction Made of Last Minute Compromise

With the deadline drawing near for Local 306 men to strike as a result of an unanimous vote last Wednesday, circuits are showing no concern. Several circuit heads contacted yesterday stated they did not care what Local 306 will do tomorrow. The theatre officials emphasized the fact that they would not withdraw the 41 per cent cut notices as demanded by the operators' union before the local would participate in negotiations for a new wage scale.

The RKO and Skouras notice is effective tomorrow, while the Loew order starts Aug. 12. However, sentiment in union headquarters leans to a general walkout tomorrow, regardless of the date in the notices.

While theatre men declare they are prepared to meet any emergency which may arise, the consensus of opinion in the trade is that there will be no walkout and an agreement will be reached between the two factions by tomorrow. Both union and circuit heads declare no meetings are set for a general discussion of differences.

RKO Deal Made on Arbitration Award

RKO yesterday completed a settlement arrangement of the recent $45,000 arbitration award returned against its subsidiary, Greater N. Y. Vaudeville Theatres, in a breach of lease case brought by Clinton-Apollo Theatres.

Involved in the settlement, which is reported to have been for about $25,-

(*Continued on page* 3)

Report Suit Coming On Shorts Forcing

Milton C. Weisman is understood to be preparing to start a test suit against local exchanges in connection with forcing of shorts.

The move is said to be sponsored by Maurice Fleischman, Long Island ex-

(*Continued on page* 3)

"Lab" Men to Make M-G-M Quota Films

Two laboratory men, Arthur Gottlieb and Jack Goetz of Du-Art Film Laboratories, Inc,, on Monday enter

(*Continued on page* 3)

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Wall Street

Universal Gains 1½ on Big Board

	High	Low	Close	Net Change
Columbia	74	74	74	.....
Consolidated	4⅝	4½	4½	.....
Cons., pfd	17⅛	16⅞	16⅞	— ⅛
Eastman	148	147	147	— ½
Fox	16	15¾	16	+ ⅛
Loew's	39¾	39⅜	39⅜	— ¼
Paramount	5⅜	4⅞	5	— ½
Pathe	⅞	¾	⅞	.....
Pathe "A"	11	10⅝	10¾	— ½
RKO	2⅝	2½	2½	.....
Universal, pfd	30½	30	30½	+1½
Warner	5⅛	5	5	.....
Warner, pfd	37	37	37	+ ½

Trans-Lux Up ⅛ on Curb

	High	Low	Close	Net Change
Technicolor	20¼	20¼	20¼	— ⅛
Trans-Lux	2¼	2⅜	2¼	+ ⅛

Bond Issues Steady

	High	Low	Close	Net Change
Keith B. F. 6s '46	91	90¼	91	+ ⅞
Loew's 6s '41 ww deb rights	103⅞	103⅞	103⅞	+ ¼
Paramount F. L. 6s '47	102⅞	102½	102½	— ¾
Paramount Publix 5½s '50	105	104	104¾	— ¼
PWarner Bros. 6s '39 wd	79	78¼	78¼	— ¾

(Quotations at close of Aug. 8)

Two 'Crusades' Openings

Paramount will stage a twin opening for "The Crusades" on Aug. 21. In New York the Cecil B. DeMille picture will open at the Astor on a two-a-day policy and on the same day the Carleton, London, will start a long run engagement.

Insiders' Outlook

By RED KANN

IT is a lengthy and largely familiar brief which William Fox's attorneys prepared in connection with their client's suit for $20,958,333.33 against Fox Film, Fox Theatres, Chase National, General Theatres Equipment, Inc., and a long array of officials, past and present, of both Fox corporations. One point which arrested these eyes and impressed as an historic tidbit not hitherto known or, if known, certainly not generally so, discusses the patents listed in the name of the American Tri-Ergon Corp., the stock of which reputedly was ninety per cent owned by Fox, the man. As part of the transaction made on April 5, 1930, between Fox and G.T.E. by which the latter company, then actively in the hands of Harley L. Clarke, bought control was a clause granting American Tri-Ergon patents to the Fox enterprises for twenty-five years on a royalty-free basis. . . .

The summons and complaint, among other documents, reproduces the text of the contract of sale. The interesting patent proviso, heavily laden with legal phraseology, follows:

▼

That, on or before April 30, 1930, he will deliver or cause to be delivered unto [*Fox*] Film and [*Fox*] Theatres an agreement between American Tri-Ergon Corp. as licensor and Fox Film Corp., Fox Theatres Corp., and their subsidiary or controlled corporations, as Licensees under the terms of which any and all of said Licensees shall be granted non-exclusive, non-assignable, royalty-free licenses under all patents or patent rights now owned or controlled by American Tri-Ergon Corp., its successors and subsidiaries, and under all patents and patents rights useful in connection with recording or reproducing sound in connection with pictures which at any time within 25 years shall be owned or controlled by said American Tri-Ergon Corp., its successors and subsidiaries, provided, however, and (if it shall be necessary for the purpose of providing for the holders of the remaining 10 per cent of the stock of American Tri-Ergon Corp.) Film and Theatres, their successors and subsidiary or controlled corporations may be required to pay royalties at a rate not exceeding 10 per cent of the lowest rate, from time to time charged by American Tri-Ergon Corp. to any other licensee; and provided, further, in the event that the Vendor shall be unable, on or before the 30th day of April, 1930, to procure the consent of the 10 per cent minority common stock interest in said American Tri-Ergon Corp., or of the director representing said 10 per cent interest, to the execution and delivery by American Tri-Ergon Corp. of the license agreement aforesaid, then, and in such event the Vendor shall, in lieu of the delivery unto the Purchaser of said license agreement, on or before said 30th day of April, 1930, dispose of his 90 per cent common stock interest in American Tri-Ergon Corp. in a similar manner and upon similar terms and conditions as those hereinafter prescribed in respect to the 50 per cent common stock interest of the Vendor in Grandeur, Inc., [*the wide screen process of that day*] except that wherever 50 per cent is referred to in respect to said Grandeur, Inc., 90 per cent shall be provided in respect to American Tri-Ergon Corp.

▼

Fox, the man, bases his current action, or one phase of it, on the charge he was to receive $500,000 a year for five years as head of an advisory board and that payments were cut off on May 31, 1932. The supposition to the layman's mind, therefore, is the patent litigation which gave this business sensational spinal shivers some months back until the United States Supreme Court sent Fox, the man, down to defeat was predicated on the claim the arrangement did not hold partially because the half million yearly payments which were provided in the original sale were reputedly not met. Legally, what follows may be blown skyhigh, but it seems logical to assume that, since Fox, the corporation, won out over Fox, the man, the twenty-five year protective period on the once hotly disputed patents continues to prevail. . . .

▼

That the Purchaser will procure the name "Fox" to remain on all theatres of Film and Theatres and their respective subsidiaries and controlled corporations now using said name for a period of two (2) years from May 1, 1930, with the right to said corporation respectively to use said name for a further three (3) year period beyond said two-year period.

This clause, too, is from the Fox complaint which credits its genesis to the selfsame, five-year old contract which vested control of the Fox companies in Clarke. It is on the record, of course, that the Fox companies saw fit to exercise the three-year right to the original name beyond the first two-year period and up to, as well as beyond, May 1, 1935. It is interesting as well to remind of next week and August 15 as the day on which Twentieth Century is to take its precedence in billing over Fox and to recall stories, widely circulated by now, that the grafting job is merely the opening step in a process which ultimately will fade Fox Film completely out of the corporate monicker of the organization. . . .

▼

Dates in connection with all of this which may convey something or nothing:

July 2. — The summons and complaint in the William Fox action were drawn and notarized.

August 7.—The summons and complaint were served on Felix A. Jenkins for the Fox companies.

August 15.—Stockholders are to meet to approve the merger of Twentieth Century with Fox Film.

▼

Excitement Note: Coast reports Twentieth Century and Fox which have not completed their own merger will combine with M-G-M. It kept news associations busy yesterday trying to check.

Social Note: Nick Schenck at Saratoga for the races and a good time which he usually manages to have.

Production Falls Slightly on Coast

(*Continued from page* 1)

room for editing. Universal had seven, one and one; Fox, six, three and three; Paramount, five, three and seven; Radio, five, nine and two; Columbia, three, two and two; Warners, three, one and 11; Goldwyn, one, zero and one; Roach, zero, zero and one, with the independents totaling two, zero and two.

Short subject production gained slightly with M-G-M registering two shorts in work, two in preparation and six editing. Columbia had one, two and zero; Radio, one, four and four; Roach, zero, zero and four; Universal, zero, one and zero; Warners, zero, one and two. The independent group checked up with one, one and one.

FWC Picture Deals Set for the Season

(*Continued from page* 1)

town from Los Angeles several weeks on the deal. Jack Milstein, Los Angeles branch manager, arrived yesterday. Harry Cohen of RKO Radio, Jerry Saffron of Columbia and Jack Brower of Warners have been in town for some time on the deal. William Heineman of Universal has been in twice from the coast. Charles Reagan of Paramount makes his headquarters here. The Fox deal was set on the coast.

Answers in Fox Suit Are Due on Aug. 28

(*Continued from page* 1)

ities and General Theatres Equipment must be made in the Supreme Court, New York County, by Aug. 28.

The former head of Fox is suing for $20,958,333.33. He alleges failure to carry out contracts with him.

Felix A. Jenkins, general counsel of Fox Film, was served with the papers Wednesday afternoon. Appearances must be made 20 days after service, exclusive of the day of service.

K.C. Talking Film Setback On Giveaways

(Continued from page 1)

favor setting back pictures played with giveaways as much as 28 days.

Elmer C. Rhoden would like to see premiums set back. He believes the solution lies in the use of the M.P.T.O.A. contract rider. He said he believed producers would use it if first run houses ask for it.

"We want to move up, not back," commented W. D. Fulton, operator of five independent houses. "It is better the way it is."

A number of showmen would like to see less giving away and more showmanship, but are using various kinds of promotions for competitive reasons. These would like to see pictures with which exhibitors use giveaways set back.

At present distributors follow no definite policy in differentiating between houses which use giveaways and those which do not. Even on double bills the policy is not uniform.

River Floods Hit Theatres in Ohio

(Continued from page 1)

has been turned off and exhibitors generally are hard hit.

In northern Ohio, however, no dark houses are reported and film service has been maintained by detours.

Samuel Dallas Drowned

DEFIANCE, O., Aug. 8.—Samuel Dallas, 27, manager of the Valentine, independent house, was drowned in the Maumee River today when his motorboat capsized while trying to navigate in the flood. G. A. Weible, a friend, who was returning with him from a fishing trip, also was drowned.

Rains Hit Texas Houses

DALLAS, Aug. 8.—Heavy rains recently and plant infections of various kinds have injured crop prospects with the result that box-offices are beginning to feel the pinch.

See No Real Change In Goldstein Houses

(Continued from page 1)

with Paramount. Court confirmation of the transfer is expected late this month.

The houses involved are: Broadway, Springfield; Victory, Holyoke; Calvin and Plaza, Northampton Palace and Colonial, Pittsfield; Strand, Westfield; Garden, Greenfield; Strand, Palmer; Casino, Ware; Rivoli, Chicopee, and State, Utica, N. Y. The last three are leased by another corporation.

Report Suit Coming On Shorts Forcing

(Continued from page 1)

hibitor, and member of the I.T.O.A., which has Weisman on an annual retainer. Weisman's charges, it is understood, will also attack the weekly payment plan for shorts.

Exchanges assert the suit will not be a surprise.

Clifford Resigns Post with Quigley Co.; O'Neill Succeeds

Edwin S. Clifford, who has been associated with the Quigley Publishing Co. since 1919, has resigned as manager of the Chicago office and will be succeeded in that position, effective Aug. 15, by C. B. O'Neill, formerly advertising manager of *Better Theatres.* O'Neill has been associated with the company for the past 10 years.

Clifford for several years was managing editor of *Exhibitors Herald* and secretary of the company, and later general manager of *Exhibitors Herald-World.*

The management of Quigley Publications extends to Clifford its best wishes for continued success in his new work.

Purely Personal

JERRY SAFFRON and HARRY C. ARTHUR walked into the Tavern the other day to discuss a deal. As the meal progressed, ARTHUR got stronger. JOE MCCONVILLE then joined the group and he wilted in short order. LOUIS ASTOR dropped in weak from his negotiations with the F.W.C. group and didn't last long. Then ABE MONTAGUE was called in and when he found he could not cope with the situation JACK COHN was brought in. After a two-hour battle ARTHUR finally capitulated.

•

LILLIAN HELLMAN, author of "The Children's Hour," leaves today for Hollywood to complete an assignment for SAMUEL GOLDWYN. She also will do an original story to serve as an introductory vehicle for MERLE OBERON in this country.

•

ED FINNEY is busier than a housewife at her spring cleaning. He and his staff have moved two floors higher in the RKO Building and are fixing up the new quarters.

•

ADOLPH ZUKOR is planning a two-day golf tournament at his private course up at New City. Several of the country's leading professionals will play.

JOE MOSKOWITZ, BOB GOLDSTEIN, ARNOLD VAN LEER, IRWIN ZELTNER, LOUIS NIZER, BOB BENJAMIN, HARRY H. THOMAS, AL FRIEDLANDER, WILLIAM FEITELSON, SAM RINZLER, MITCHELL KLUPT, AL HOVELL, JACK GOETZ and ED FAY grouped at various tables at the Tavern during the mid-day hour yesterday.

•

E. C. MILLS, Ascap general manager, will be in Chicago and other middle western cities on business for the next two weeks.

•

ED KUYKENDALL heads for Jacksonville, Fla., today to attend the southeastern exhibitors' meeting there on Sunday and Monday.

•

DAVE GOULD, manager of the M-G-M Puerto Rico office, is in town on a number of deals.

•

IRWIN ZELTNER of Loew's starts on his second week's vacation today. He's going to the Jersey shore.

•

GEORGE BATCHELLER and MAURY COHEN plan to leave for Hollywood next week.

•

DAVE PALFREYMAN postcards from Moosehead Lake, Me., that he took the local course for a hole in one.

"Lab" Men to Make M-G-M Quota Films

(Continued from page 1)

production when, as officers of Booth Dominion Prod., they will see launched in Toronto "The King's Plate," first of a series of six features that company will make as British Empire-made quota pictures for M-G-M. Toby Wing will play the feminine and Kenneth Duncan, an English actor, the male lead. Sam Neufeld will direct.

G. R. Booth of Toronto is president of the corporation; Goetz is vice-president and Gottlieb, secretary and treasurer. The arrangement with M-G-M gives that company distribution in England and the Dominions, but Booth Dominion Prod. will retain the rights for the United States and the remainder of the world. A former ice-skating rink and swimming pool in Toronto have been converted into a studio and Blue Seal sound installed. Burt Kelly, formerly the "K" in K. B. S. Prod., has been organizing for three months and will handle production.

Goetz leaves for the Canadian city tonight.

Schenck, Anger in East

HOLLYWOOD, Aug. 8.—Joseph M. Schenck and Lou Anger are in New York, having left secretly by plane the other day. Schenck is in the east to attend the Fox stockholders' meeting in connection with ratification of the Twentieth Century-Fox merger on Aug. 15.

Court Refuses Quick Hearing In St. Louis

(Continued from page 1)

ner Brothers, Inc., Vitaphone Corp., First National Pictures, Inc., Vitagraph, Inc., Warner Brothers Circuit Management Corp., General Theatrical Enterprises, Inc., Paramount Pictures Distributing Co., Inc., RKO Distributing Corp. Vitagraph was not named in the anti-trust indictments.

The present proceedings are in the equity division of the court.

RKO Deal Made on Arbitration Award

(Continued from page 1)

000 in cash, is a contingent release of RKO from its leases on the Apollo and Hollywood. Both houses are to be taken over by Loew's under new leases now awaiting official approval.

In the breach of lease case RKO was charged with failing to play the same product at the Apollo and Hollywood that was played in other RKO houses, as required under the lease. The arbitration award, in addition to the financial damages, directed RKO to make specific performance of the leases at both houses in the future. This was described as "impossible" by RKO attorneys at the time of the award.

Also involved in the case was the release by Loew's last year of certain product it had contracted for, which it permitted RKO to play in houses not in competition with Loew's. This release aided RKO in avoiding a product shortage in the metropolitan area. The Apollo and Hollywood, however, competed with Loew's Avenue B and Delancey.

The case was heard over a period of several months before a board of three arbitrators, and the litigation costs were estimated at more than $50,000. The award was confirmed by the county court over RKO's objections. Both parties were to bear the cost of the arbitration equally. The reported amount of the settlement suggests that RKO's payment will be sufficient to cover Clinton-Apollo's share of the arbitration costs.

I. E. Lambert of the RKO legal department could not be reached for comment on the settlement.

AIR CONDITIONING CHARTS

that represent standard practice in air conditioning for motion picture theatres. Practical advice on how to attain the best atmospheric conditions for your house winter and summer. Devised to be put on the wall for constant reference. Available until the supply is exhausted at 25 cents each, payment with order. Write direct to

QUIGLEY BOOKSHOP

1790 BROADWAY NEW YORK CITY

THE *Big* NEWS ON

THE WORLD'S

DANTE'S INFERNO
THE VARSITY CASINO
DANTE'S INFERNO
DANTE'S INFERNO

DANTE'S

SPENCER TRACY
HENRY B. WALTHALL
Produced by Sol M. Wurtzel
Directed by Harry Lachman
Screen play by Philip Klein and
Robert M. Yost

THE *Big* STREET OF *Biggest* CITY

S. R. O. Waiting lines a block long . . . braving the blistering sun of New York's heat wave. As the showmanship drama of a decade . . . backed by a showman's campaign . . . proves that great pictures pull em' . . . weather or no!

THE *Film* DAILY

• • • IT LOOKS like a pippo for the ole Exploitation Stuff . . . . this Fox special, "Dante's Inferno" . . . . . . for it has everything in the way of the Sensational and Spectacular and the Novel for any showman to go to work on . . . . and that's about all a real showman needs to put it over . . . . IF the pix backs him up . . . . and you can take it from us that this modern version of Hell as Dante visualized it centuries ago will more than justify any ballyhoo you want to launch on it . . . . . .

MOTION PICTURE DAILY

▼

The first concrete results of the fruits of much laboring at the Waldorf a few weeks ago are on display at the Rivoli, where Wednesday's box-office returns indicate the decision reached was the proper one.

▼

The Rivoli is the opening testing ground. Facts in the incident: Attendance up to one o'clock on Wednesday, the opening day, established a five-year record

INFERNO

CLAIRE TREVOR
ALAN DINEHART
and a Cast of 2500

YOU HAVEN'T A SHOW WITHOUT FOX

THEY'RE KNOCKING

BALTIMORE: 2nd smash week indicates 3rd week hold-over; **SEATTLE:** Twice as big as last Temple...biggest opening in history of house; **PROVIDENCE:** Biggest in town...hold over assured; **BIRMINGHAM:** Socko ... hailed as Temple's best yet; **OMAHA:** Hitting toward record despite record heat; **WASHINGTON:** Cops town's top honors; **INDIANAPOLIS:** Sizzling toward holdover; **DENVER:** Biggest Temple yet ... headed for record; **BUFFALO:** Town standout; **ATLANTIC CITY:** Biggest business in four years; **NEW YORK:** SRO at Radio City Music Hall!

SHIRLEY TEMPLE

in *'Curly Top'*

with JOHN BOLES
ROCHELLE HUDSON
JANE DARWELL
Produced by Winfield Sheehan

Directed by Irving Cummings. Screen play by Patterson McNutt and Arthur Beckhard. Music by Ray Henderson. Lyrics by Ted Koehler, Edward Heyman and Irving Caesar.

YOU HAVEN'T A SHOW WITHOUT FOX

THE HOT SPELL COLD!

Pre-release run in Philadelphia more than justified critic's ecstatic raves. Despite an almost incessant rain and Turkish-bath temperature which played havoc with all other grosses, "Farmer Takes a Wife" smashed through to a tremendous gross necessitating an extended run . . . Just the beginning of a parade of highs that will stretch from coast to coast!

JANET GAYNOR and HENRY FONDA

IN

"The FARMER TAKES a WIFE"

Charles Bickford • Jane Withers
Slim Summerville • Andy Devine
Roger Imhof • Margaret Hamilton

Produced by Winfield Sheehan. *Directed by* Victor Fleming. *Screen Play by* Edwin Burke

From Max Gordon's Stage Play. Authors, Frank B. Elser and Marc Connelly. Based on the novel "Rome Haul" by Walter D. Edmonds

YOU HAVEN'T A SHOW WITHOUT FOX

Sydney Sees General and Fuller Split

By CLIFF HOLT

Sydney, Australia, July 16.—(*By Airmail Via London*)—General Theatres Corp. will terminate its contract with Fuller's Theatres, Ltd., on Dec. 31, 1936, unless a new agreement is reached before that date. Six months' formal notice has been served. The agreement was originally drawn up for five years, embracing the Hoyt's Greater Union and Fuller's Theatre groups, in an arrangement whereby G. T. C. bought product for all Fuller's houses and split the pooled profits of certain Melbourne and West Australian theatres with Fuller's. A clause in the agreement gave either party leave to cancel the arrangement after three years, with a stipulated six months' notice. Cancellation of the contract does not end business relationship between the corporation and Fuller's. A. Ben Fuller, on behalf of Fuller's, indicates negotiations were pending for renewal of the contract.

* * *

"Hoyt's will cut out free gifts if competitive exhibitors will do the same. We want to give a lead. If any exhibitor operating in competition with us in any centre at all wants to discontinue the gift stunt, he only has to say the word and we will stop immediately in that centre."

Charles E. Munro, head of Hoyt's, thus described his company's attitude toward the free-gift racket which is assuming alarming proportions in the Sydney suburbs.

Although a meeting of the N. S. W. Exhibitors' Ass'n was called last week to stem the racket, no agreement was reached and present indications are that no limit will be set by some exhibitors, who believe that gifts build business. The latest on the giveaway list is the Sydney Lyric, a city house operating as a first run. In some cases, suburban theatres have extended the gift nights from mid-week showings to Saturday, their strongest night.

Polish Film Bank to Finance Production

Warsaw, Aug. 8.—Because Polish production is not able to provide the home market with sufficient domestic films, a film bank will be organized.

Producers who have not enough cash at hand will pay a certain percentage of the capital necessary to the bank which will then finance the whole production, receiving rights in the finished film. The bank will equally hand credits at low rates for the construction of new theatres throughout the country. The newly-built theatres will be organized in a trust thereby guaranteeing for the film bank a safe outlet for the productions financed.

A co-operative society of players also will be formed.

Charter Dalton Corp.

Albany, Aug. 6.—Dalton Operating Corp. has been chartered to exhibit films by Harold J. Cleary, Matt J. Madden and Matie Hammerstein.

Variety Club Chatter

Detroit

Detroit, Aug. 8.—About 60 barkers and their guests attended the second monthly Variety Club golf tournament at the Birmingham Country Club.

Chet Bell, who with Otto Bolle composed the committee in charge, emerged the winner, with an 86 gross. Jack Morgan and Harold Sandelman, winner of last month's play at Meadowbrook, were second and third with 88 and 89.

Al Mertz, RKO branch manager, captured low net with 110-40-70, while Jack Saxe, Republic office manager, and Louis Giffels, manager of Olympia, tied for second and third nets of 71. H. M. Richey won the approach and putt contest with Carl Newman and Giffels second and third. The driving contest was won by Alex Schreiber, who beat Joe Lenahan by three inches. Saxe was third in this event. Bell, Newman and Jack Stewart were one, two, three in the low score contest.

Attendance prizes were won by Milton Cohen, Eddie Murphy, Wade Allen, Harry Lush, Jack Schmitzer, Alex Schreiber, I. H. Pollard, Carl Shalit, Adolph Goldberg, Stewart, Bell and Eddie Loye.

It was announced that the final tourney of the season would be held at Franklin Hills August 28 with Max Smitt as chairman.

Indianapolis

Indianapolis, Aug. 8.—Robert Stevens, booker for Paramount, won the Variety Club cup for the best score at the annual golf tournament. It was held at the Hillcrest Country Club.

John Howard, manager for Paramount and chairman of the golf committee, presented the cup. A dinner followed the tournament.

Omaha

Omaha, Aug. 8.—George Givot back in the home town with a tentative engagement with an outdoor night club, was principal speaker at the Monday luncheon. In addition to giving off some jokes and some of his garbled talk, Givot made a few straightforward remarks.

John Gillin, Jr., was king; Bill Foley, Sam Epstein and S. J. Francis were jesters.

Philadelphia

Philadelphia, Aug. 8.—The Tent No. 13 social season resumes August 15 when an outing, golf, dinner, etc., will be held at Cranmoor Country Club, Toms River, N. J. Kings for the day will be Iz Hirschblond, Traco Theatre, Toms River, N. J., and Ben Blumberg, National Theatre Supply Co. A pleasant afternoon and evening, with a clambake in addition, head the schedule. It is expected that several hundred will attend.

First Variety Club golf tournament will be held Sept. 20 at a place not yet determined. A committee is soon to be appointed.

The club will keep the Rittenhouse Square quarters open all summer. Sunday night trade shows continue.

Lachman Suffers

Hollywood, Aug. 8.—Harry Lachman says he suffered and suffered and suffered from the heat, the dust, the roads and the food all the way to Yellowstone on his fishing trip. But the thing that sent him back to Hollywood was the suspicion of the natives.

He bought a shirt for 49c, a hat for 25c and a pair of gloves for 10c, and immediately found himself in the Idaho Falls jug. The local cop thought he was buying a disguise for some obscure but unlawfud enterprise. So he came back wishing he hadn't finished the directing of "Dante's Inferno." So many new ideas for the inferno end!

Popularity of the Showmen's Jubilee Week in Atlantic City is attested by the fact that 142 houses throughout the country have tied up.

Pool tournament is nearing its completion.

The club lost a valued member this week when Barker J. A. Kraker was transferred to New York for Ross Federal Service, Inc.

Washington

Washingon, Aug. 8.—Club quietude reigned at the semi-monthly smoker of Tent No. 11. In charge of proceedings were A. E. Lichtman and J. William Cleveland, as kings for a day. At the last minute Lichtman was called to New York, and Cleveland carried on alone, but with Clark M. Davis, Lichtman's aide, on hand to render what assistance His Highness might need.

For entertainment the kings presented Jimmie Mullings, who "preached from the book of numbers," after the fashion of Slim Timblin. The monologist was introduced by J. Louis Rome.

Chief Barker Rudolph Berger has been appointed by National Chief Barker John H. Harris a member of the national publicity committee, of which Jay Emanuel is chairman.

Canvasman Carter T. Barron has been named chairman of the charter committee of the national organization.

In August, Sidney B. Lust and Orangelo J. Ratto will be kings for a day on the 12th, while Nathan A. Steifel and George J. Gill will officiate on the 23rd.

The first luncheon of the new season will be tossed on Sept. 9, when Norman Pyle and Frank Boucher officially inaugurate the fall festivities.

Labor Day will be a day of rest for the local tent, no official function being slated.

The board of governors held a special meeting today.

John Eberson, New York architect, has been elected to non-resident membership.

Short Subjects

"Keystone Hotel"

(*Vitaphone*)

All of the old Keystone characters of the silent days are reunited again to go through the antics that made them so famous in the early days. Ford Sterling, Ben Turpin, Chester Conklin, Marie Prevost, Hank Mann and Vivian Oakland are included in the cast in roles similar to those they played years ago. Even the old Keystone cops with their patrol wagon have been resurrected. The story isn't much, merely a means of reviving the comic sequences of the silent days. The film winds up with an old fashioned pie-throwing fight that should not only please audiences but start them reminiscing. Exhibitors can't miss by playing this. Highly recommended. Production Code Seal, No. 901. Running time, 20 minutes. "G."

"White Sea Bass"

(*Harold Austin*)

Hollywood, Aug. 8.—Here's an interesting one-reeler dealing with the angling for a fighting specie of white sea bass off the coast of Lower California. This should be particularly appealing to sportsmen. The short shows the dynamiting of several feet of ocean to get rid of the small fish and bring the hungry bass within range. Any dull spots that might possibly occur during the subsequent landing of the giant fish are remedied by a good line of running comment by Lou Yaconelli. Interesting shots of stingaree catches off the Florida coast are included. Reviewed without production code seal. Running time, 9 minutes. "G."

"The Vodka Boatmen"

(*Vitaphone*)

The Yacht Club Boys, aided by Fred Harper, Tommy Mack and Gertrude Mudge, are much more entertaining in this short than in previous efforts. Their songs are particularly good and it is only in their comic antics that they fall slightly flat. Posing as Russian emigrants on Ellis Island, the boys go through a series of situations that finally get them into the country by way of a police patrol wagon. Audiences should like this one, particularly because of the musical numbers. Reviewed without production code seal. Running time, 20 minutes. "G."

"Music Hall"

(*Vitaphone*)

This is the latest of the series that is using onetime standard vaudeville acts and presents Ray Huling & Seal, Harry Burns and Co. and the Honey Boys. The seal is by far the most amusing performer and his tricks are numerous and amazing. Burns hands out some rather flat comedy and the Honey Boys harmonize two songs. Fairly amusing. Running time, 10 minutes. "G."

Cincy Shubert to Reopen

Cincinnati, Aug. 8.—The RKO Shubert will reopen August 30, instead of August 23, as previously announced. The house is being extensively improved throughout, and will resume a vaudefilm policy when ready.

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MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 35 NEW YORK, SATURDAY, AUGUST 10, 1935 TEN CENTS

Seek Listing Of 11 Million GTE Deposits

Committee Applies for SEC Registration

By BERTRAM F. LINZ

WASHINGTON, Aug. 9.—Application for registration on the New York Stock Exchange of $11,917,500 worth of certificates of deposit of General Theatres Equipment bonds has been asked of the Securities and Exchange Commission by the consolidated committee for six per cent gold debentures of which Arthur W. Loasby is chairman.

The application showed that the committee is not paying any compensation for soliciting deposits of outstanding securities, but has called for deposit $29,493,000 worth of G.T.E. bonds, of which $11,922,500, or 40 per cent, have been pledged.

Members of the committee holding 10 per cent or more of securities in-

(Continued on page 4)

Buck Admits Ascap Is Facing Trouble

LOS ANGELES, Aug. 9.—Troublesome situations are facing Ascap in many places about the country, Gene Buck, president, admitted last night in a speech before the Songwriters' Protective Assn but he urged all members to sign new five-year contracts in order to present a united front in future battles.

(Continued on page 4)

Phila. Combine Up Again Next Tuesday

PHILADELPHIA, Aug. 9.—Having held district meetings in West Philadelphia and South Philadelphia, the I.E.P.A. will meet Tuesday at the Broadwood Hotel to formulate further plans for its buying combine. The meeting will probably result in the first definite step toward the association's aims.

Coast ITO Starting Work on Clearances

LOS ANGELES, Aug. 9.—The I.T.O. of Southern California today began work on clearance and zoning by appointment of a committee which includes Lou Bard, Jack Berman, Nate Sheinberg, David Rector and Harry Popkin. A meeting for a discussion

(Continued on page 2)

Atlas Holds Only 25% of Para. Stocks

Other Banking Groups Get Remaining 75%

The Atlas Corp., large investing organization, retained only 25 per cent of the $6,442,000 of Paramount second preferred and common stock which it agreed to underwrite, an Atlas report to its stockholders made public yesterday discloses. This is Atlas's first venture into reorganization financing.

Hallgarten & Co. and Lehman Bros. each took 25 per cent of the Paramount issue from Atlas and the remaining 25 per cent went in smaller amounts to a group of investment houses which included Goldman Sachs & Co., White, Weldon & Co. and Frederick H. Cassatt of Philadelphia.

Commenting on its Paramount investment in the letter to stockholders, Atlas says—"In previous reports your management has stated its opinion that larger profits could be realized in special transactions and opera-

(Continued on page 4)

Special Session on Ohio Taxes Looming

COLUMBUS, Aug. 9. — Governor Davey is considering calling a special session of the Legislature about Sept. 1 to provide funds for old-age pensions, and to take up two or three other matters demanding immediate attention, he told members of the joint school committee.

It is believed the question of reinstatement of the 10 per cent admission tax will come up during the session. This tax was suspended for one year on Jan. 1, when the three per cent sales tax went into effect.

The Governor did not indicate what the "two or three other matters" were.

"U" Lineup Goes to Five More Circuits

Universal has closed five product deals within the last few days. James R. Grainger, general sales manager, has signed 88 theatres in Texas: R. J. O'Connell of Interstate, with 32 theatres; Robb & Rowley with 28 theatres and the Hall circuit in 31 towns have all taken the entire Universal lineup for next season. Edward Olsmith of the Universal Dallas office worked with Grainger on the deals.

In Chicago Grainger closed yesterday with the Publix Great States circuit for the showing of Universal

(Continued on page 4)

Lucky Joe

Joe Moskowitz had an experience the other day.

He lost a key to a valuable filing cabinet, checked every place he had visited since the loss was first discovered without luck. That evening he picked up a taxi on the west side. There on the seat was the key.

The answer: He must have dropped it in the same cab earlier in the day.

Zanuck Films to Get "Personal" Credits

HOLLYWOOD, Aug. 9.—Through instructions from Sidney R. Kent, the publicity department at Twentieth Century-Fox has been ordered to use the words "personally produced by Darryl F. Zanuck," in all copy pertaining to some dozen pictures. The instructions also stated that on other titles, except "Way Down East," Zanuck is to be referred to as "vice-president in charge of production, Twentieth Century-Fox Pictures." Sol Wurtzel is to be credited as associate producer on all pictures produced at the Western Ave. plant. Others to receive credit as associate producers will be designated from time to time by Zanuck and Wurtzel.

Winfield Sheehan will receive all production credits on "Way Down East."

Derr Loses Move to Probe Pathe Books

The application of E. B. Derr, former Pathe president, for authority to inspect the company's books in connection with stockholders' actions against officers and directors of Pathe was denied yesterday by Justice Louis Valente in state supreme court.

Derr is associated with Pat Casey in the current Pathe litigation. Their applications for injunctions to restrain Pathe from putting its plan of reorganization into effect and from selling part of its Du Pont Film Mfg. Co. stock were also denied by the court recently. New moves in the

(Continued on page 4)

F. & M. Opening Two St. Louis Theatres

ST. LOUIS, Aug. 9. — Fanchon & Marco will reopen the Ambassador and Grand Central on Aug. 30, putting four of the five houses controlled here by the circuit in operation. Both units have been closed for the summer. The former house will be first run

(Continued on page 2)

U. S. Move in Operator Row Reported Here

Step Said Begun to Avert Projection Walkout

Reports were current last night that the U. S. Dep't of Labor had stepped into the local circuit-operators' wage squabble in an effort to avert a general walkout threatened for tonight by Local 306 and affiliated unions.

A mediator was said to have been assigned by the Labor Department in Washington to confer with both sides. In this event, it is likely the circuits may delay the 41 per cent cut until negotiations are resumed on a new basic scale. Efforts to check at the Capital were unavailing last night.

Circuit heads, in the meantime, maintained the pay cut order would not be rescinded. Union officials, likewise, hold to their position that they will not talk business with the theatre executives until the cut order was rescinded.

Although the Loew order is not effective until Monday, union officials said last night that a general walkout in RKO, Loew's and Skouras houses would take place tonight. Local 306 men are sticking by their guns, union officials assert, and are determined to start a mass picketing campaign immediately.

The union contends that it is now up to the circuits to make a move. Circuit heads declare they will not budge from their stand.

Milwaukee Foresees Operator Wage Row

MILWAUKEE, Aug. 9. — Rumblings of a battle between the operators' union and exhibitors over new wage contracts is seen in a survey being made by the local among allied or affiliated unions here.

Approximately 40,000 letters are being mailed by the union to determine how many people attend theatres, how

(Continued on page 3)

Loew's Takes Over Apollo, Hollywood

Loew's yesterday assumed operation of the Apollo and Hollywood on the lower east side, making a new total of 71 theatres in Greater New York. The two houses were purchased outright from M. & S.

Alex Frey, formerly assistant manager at the Mayfair, has been transferred to the Hollywood as manager. Morris Seidlitz, who has been in

(Continued on page 3)

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DAILY
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Lazarus Here on Deals

Henry Lazarus, president of the new booking combine in New Orleans, is in town on product buys.

"Alice" to Music Hall

"Alice Adams" opens at the Music Hall Aug. 15 following "The Farmer Takes a Wife." "Jalna" is penciled in to follow.

"Fauntleroy" to Selznick

Hollywood, Aug. 9. — David O. Selznick has purchased "Little Lord Fauntleroy" from Mary Pickford and will produce it as his first U. A. release with Freddie Bartholomew starring and George Cukor directing.

Brandt Opens Colonial

Harry Brandt opened the Colonial, Jackson Heights, Thursday night. Many exhibitors and exchange executives attended.

David Kahn, who formerly operated the Llewellyn, West Orange, has taken the Iselin, Iselin, N. J. He will reopen it shortly after making a number of alterations.

Al Steffes Has Another

Minneapolis, Aug. 9—.Al Steffes apparently has another one of those things in "Escape Me Never," which is now in its fifth week at his World here. Steffes ran one picture a year or so ago for nearly six months and has been looking since for one that would repeat. Several went for good runs, but the Bergner opus is holding up about the best of any so far.

Purely Personal

FREDDIE MEYER, of Meyer's Flats and RKO; Johnny O'Connor, Harry M. Goetz, Bob Goldstein, Neil Agnew, Milt Kusell, Abe Schwartz, James A. FitzPatrick, Charlie Rugoff, Frank McCarthy, Leo Abrams, Eddie Dowling, Bert Mayers and Charlie Moses—among the lunch time crowd at The Tavern.

•

Austin C. Keough, Jack Connolly, A. J. Richard, Mike Clofine, Louis Phillips, Willam Rodgers, William Scully, Tom Connors, Tom Gerety, Howard Dietz, William Ferguson, Barrett Kiesling, Joe Hornstein and Chester Erskine kept the waiters in the Astor Hunting Room quite busy during yesterday's lunch hour.

•

Grace Poggi, musical comedy and dance star, just back from Europe, has been signed by Reliance to do the "Carmen" sequences in "The Melody Lingers On." She will appear opposite George Houston, who was recently signed to a long term contract.

•

Leon J. Bamberger, vacationing Down East, writes:

> "Enjoying a great vacation, mostly on Cape Cod. The Cape Cinema at Dennis is a revelation and should be seen by every exhibitor."

•

Fred and Mrs. Astaire are spending the month at Saratoga as house guests of the C. V. Whitneys. Astaire is picking up a few yearlings at the Fasig-Tipton sales, plans to abolish his English stable and concentrate on the American turf in the future.

•

Eddie Dowling gave a birthday party Thursday night for Jack Bergen at the St. James Theatre. Guests included the members of the road company of "Thumbs Up" and a few of Bergen's friends.

•

Mrs. Sewell Haggard, head of the book and script department of the William Morris offices, leaves for the coast Monday for conferences on James J. Braddock's picture.

•

Sidney Samuelson took Dave Levy of M-G-M to lunch at the Astor the other day, paid for the repast and then hiked over to the exchange to sign a contract.

•

Lupe Velez flew in from the coast yesterday morning. She is on her way to South America for personal appearances, sailing on the *Eastern Prince* this morning.

•

Barrett Kiesling of the M-G-M coast publicity department and now in New York leaves over the week-end for the south, making a number of stop-overs en route to the coast.

•

Norman Westwood, Universal's manager in China, has ended his conferences with N. L. Manheim in the home office and has left for a visit to the studios.

•

Rutgers Neilson is spending a few days in the New Jersey Hills. He is taking his vacation a few days at a time and is expected back at his desk Monday.

•

Gary Cooper and Mrs. Cooper arrived by plane from the coast yesterday for a 10-day visit with Mrs. Cooper's mother, Mrs. Paul Shields, of New York and Southampton.

•

Miriam Dunn of the Ritchey Corp. threw a party the other afternoon for her co-workers in celebration of her winning a consolation prize in a recent sweepstakes.

•

Don Hancock is back from Washington where he was directing a short of various sights around the capital that tourists seldom see.

•

Charles Laughton, Alfred J. and Mrs. McCosker, Margot Grahame and Phil Reisman sail for Europe today on the *Ile de France.*

•

Irving Berlin will sing one of his new songs from "Top Hat" Sunday evening on the program presented over WABC at 8:30 o'clock.

Quip of the Day

"A collaborator is the second half of a team with one idea," spaketh Bob Goldstein yesterday. If it's old, blame him.

Eddie Sutherland is another commuter between here and Saratoga now that the racing season is in full swing at the up-state Spa.

•

Mike Naify of the T. & D. circuit, partners with F.W.C. in the San Francisco territory, is in town on film buys.

•

Joe Cook has completed "Mr. Widget Makes Good" at the Astoria Studios.

•

Ruth Weston leaves for the coast Sunday to begin work in "Splendor" for Samuel Goldwyn.

•

Ben Rosenberg of National Screen left for the Shelburne, Atlantic City, yesterday for a two weeks' rest.

•

Edward Golden has been home with a bad cold the past two days. Nothing serious.

•

Harry Brandt, Joseph Bernhard and Mort Blumenstock quit the city early yesterday for a week-end vacation.

•

Bill Powers starts as a summer bachelor today when Mrs. Powers leaves for a Massachusetts vacation.

•

Margaret Henneberry of the Republic office is up in Vermont on her holiday.

•

Gertrude Niessen leaves for the coast next week for a two weeks' engagement at the Cocoanut Grove.

•

Ed Finney is still conducting those fishing trips, but from now on all cameras are barred.

•

Red Nichols and his Famous Pennies Orchestra start work today on a Vitaphone short.

•

Harry Rathner flies to the coast today.

•

S. A. Lynch of Paramount is in Boston for the week-end.

F. & M. Opening Two St. Louis Theatres

(*Continued from page* 1)

with a possibility of stage shows, while the Grand Central will play duals on a second run policy.

Harry C. Arthur has made a deal with the stagehands' union guaranteeing the men a minimum of 12 weeks and a maximum of 20 weeks' work. Arthur has made the musicians' local a similar offer. Unless the union accepts, stage entertainment will be out of the Ambassador. F. & M. have lined up Olsen & Johnson, Fred Waring and his Pennsylvanians, the Fred Allen amateur show, the Texas Mustangs and several other top line acts. If the musicians agree to the deal, Olsen & Johnson will open at the Ambassador with "Diamond Jim" on Aug. 30. If a deal is not struck, the Universal film will be the lone attraction.

With the reopening of the Ambassador, the Missouri, which has been first run all summer, will revert to a second run policy. The Fox will continue first run, making two first and two second runs for F. & M. The St. Louis will remain closed until Arthur can make another deal assuring the Missouri first run product. Films lined up include Twentieth Century-Fox, United Artists and Universal.

On Sept. 15, Arthur will move from New York to make his headquarters here. He plans to make trips to the east every other week. While his main office was in New York, Arthur made trips here every two weeks. Charles Kurtzman and Harry Greenman will round out the triumvirate operating the F. & M. units. Kurtzman will also manage the Ambassador in addition to his other duties.

With the switch of Arthur to St. Louis, the New York office will be guided by Jack Partington. Mike Marco will handle the west out of Los Angeles.

Coast ITO Starting Work on Clearance

(*Continued from page* 1)

of plans will be held Monday and a report will be made to the board of directors the following Friday.

Irving Callin resigned as second vice-president and treasurer, and Irving Chotiner tendered his resignation as a member of the organization because of outside activities. His successor will be named at the next directors' meeting.

Schenck Due Monday

Joseph M. Schenck, chairman of the board of Fox, is not in New York, as reported yesterday from Hollywood, but is due in Monday. He takes the airline from the coast Sunday. Lou Anger is expected to accompany him.

DeWaal to Foreign Post

Jack DeWaal, formerly RKO treasurer's field representative covering the middle west, has been transferred to a foreign post in the export department and will sail on the *Berengaria* Aug. 16.

DeWaal will work under E. D. Leishman. Emmett Cashman, manager of RKO's Washington exchange, will fill the vacancy caused by DeWaal's transfer.

"Shanghai," Vallee Lead Chicago Loop

CHICAGO, Aug. 9.—"Shanghai" on the screen and Rudy Vallee and his orchestra on the stage of the Chicago garnered the big money here last week by piling up $41,600. This is $7,000 over normal.

Cooler weather helped all along the line. "The Glass Key" was strong with $16,400 at the Oriental, the arrest of a dancer and the resultant publicity helping. "Front Page Woman" went to $7,100, over the line by $600, at the Garrick.

Total first run business was $112,-$800. Average is $122,100.

Estimated takings:

Week Ending Aug. 8:

"SHANGHAI" (Para.)

CHICAGO—(4,000), 25c-50c-68c, 7 days. Stage: Rudy Vallee and his orchestra with Variety show. **Gross:** $41,600. (Average, $34.600)

"THE GLASS KEY" (Para.)

ORIENTAL—(3,940), 25c-40c, 7 days. Stage: Renee Villon and International Girl Revue, Mark Fisher. **Gross:** $16,400. (Average, $15,000)

"JAVA HEAD" (First Division)

PALACE—(2,509), 25c-35c-50c, 7 days. Stage: Anna May Wong in person, Al Trahan and vaudeville. **Gross:** $11,500. (Average, $19,000)

"LOVE ME FOREVER" (Col.)

ROOSEVELT—(1,591), 25c-35c-50c, 5 days. **Gross:** $5,100. (Average, $11,000)

"CALL OF THE WILD" (U. A.)

UNITED ARTISTS—(1,700), 30c-40c-50c, 2nd week, 7 days. **Gross:** $13,400. (Average, $17,000)

"ESCAPADE" (M-G-M)

APOLLO—(1,400), 25c-35c-50c, 7 days. **Gross:** $5,200. (Average, $6,000)

"FRONT PAGE WOMAN" (Warners)

GARRICK—(900), 25c-35c-40c, 7 days. **Gross:** $7,100. (Average, $6,500)

Week Ending Aug. 9:

"BREAK OF HEARTS" (Radio)

STATE-LAKE—(2,776), 20c-30c-35c, 7 days. Stage: Tom Patricola, Frank Wallace and stage revue. **Gross:** $12,500. (Average, $13,000)

Publicity Staff Is Reorganized at U.A.

Promotions and additions were the order of the day at United Artists yesterday. Louis Berg, for the past year engaged in special assignments, has been added to the permanent writing staff. Myer P. Beck shifts from exploitation and campaigns to the publicity department. In his new job Beck will be contact man with the press and syndicates.

Burt Champion was promoted into the radio publicity department from exploitation and Morton Freed, having served an apprenticeship of a year as junior clerk, is now in a publicity writing job.

Berke Lines Up Program

HOLLYWOOD, Aug. 9.—William Berke, independent producer, has announced his program for the coming season. It will include eight westerns starring Harry Carey, six features starring David Sharpe, six features starring Fred Kohler, J., and four westerns starring Jack Perrin. In addition, he will produce a serial and feature based on the story of Wild Bill Hickock. The first of the Harry Carey series, entitled "The Last of the Clintons," is already in production.

Milwaukee Foresees Operator Wage Row

(*Continued from page* 1)

often they attend and whether they patronize the downtown or neighborhood houses.

The present wage agreement expires Aug. 31 and it is expected that operators will ask a raise. Exhibitors, however, maintain that they cannot afford an increase and many contend the present scale is too steep.

Southwest Holds Code Wages

KANSAS CITY, Aug. 9.—Wage and hour conditions are being maintained by exhibitors in this area at code levels, according to Felix Show, I.A.T.S.E. representative in Oklahoma, Kansas, Texas, Arkansas, Nebraska, Missouri and Iowa.

So far as this territory is concerned, there has been no change in wages and hours," he commented.

Union Issues Ultimatum

ST. LOUIS, Aug. 9.—Latest angle on the row over the non-employment of colored operators in three colored theatres, the Criterion, Star and Strand, is an ultimatum from Clyde Weston, official of the I.A.T.S.E., that the colored operators must join the I.A.T.S.E. union. They have a union of their own.

Paris Operators Strike

PARIS, Aug. 9.—Projectionists interrupted shows in the Champs-Elysee amusement area last night by going on strike in protest against the Government decree reducing wages.

No Coast Operator Cuts

LOS ANGELES, Aug. 9.—No echo of the New York operators' wage row has been heard here. No reductions have been made by circuits or independents.

Loew's Takes Over Apollo, Hollywood

(*Continued from page* 1)

charge of the Canal, is now piloting the Apollo. Jack Weinstein, assistant manager of the Pitkin, Brooklyn, has taken over Seidlitz's former duties at the Canal.

Coincident with the transfer in management of the Apollo and Hollywood, RKO and M. & S. settled a recent arbitration award of $45,000.

Shifts Runs in Boston

BOSTON, Aug. 9.—A realignment of first runs will take place Aug. 16 when the downtown Loew's Orpheum will quit second runs to play day and date with Loew's State in the Back Bay. The Orpheum generally has been playing M-G-M, United Artists and Columbia features after the State. The move also means that the Orpheum will discontinue vaudeville which has featured the house for years. That makes the de luxe Metropolitan the only Boston house still on a film and vaudeville standard.

Capitol Now All-Sound

The Capitol yesterday started its new all-sound policy with "China Seas."

Hornstein Remodeling

Joe Hornstein is rejuvenating the Pelham, Pelham, and Proctor's Grand, Albany.

Wall Street

Loew's Off on Big Board

	High	Low	Close	Net Change
Columbia	76½	74½	76½	+2½
Consolidated	4⅝	4½	4½	.....
Cons., pfd	17⅛	16⅞	16⅞	.....
Eastman	148	147¾	148	+1
Eastman, pfd	157	157	157	—2
Fox	16⅛	15⅝	16	.....
Loew's, Inc.	39⅞	39	39	— ⅜
Loew's, Inc., pfd..	105⅛	105	105	— ½
Paramount Publix	5⅛	4⅝	4⅜	— ¼
Pathe "A"	10⅞	10⅝	10⅝	— ⅛
RKO	2⅝	2½	2½	.....
Universal, pfd ..	32½	32½	32½	+2
Warner Bros.	5	4¾	4⅞	— ⅛
Warner Bros. pfd	36	33	35	—2

Technicolor's Slight Gain on Curb

	High	Low	Close	Net Change
Technicolor	20⅞	20⅝	20⅝	+ ⅜

Keith Bonds Up ¾

	High	Low	Close	Net Change
General Theatre 6s '40 ctf	13⅞	13⅝	13⅞	+ ⅜
Keith B. F. 6s '46	92½	91¾	91¾	+ ¾
Loew's 6s '41 ww deb rights	103⅞	103¾	103⅞	.....
Paramount Publix 5½s '50	104½	104½	104½	— ¼
Warner Bros. 6s '39 wd	78½	77	78½	— ¾

(Quotations at close of Aug. 9)

Special Book for "Seas"

The M-G-M publicity and advertising department under Howard Dietz has compiled a striking press book on "China Seas." The book, 20 in. long by 16 in. wide, has a five color jacket of heavy stock and the first of the 20 pages of material is devoted to a message to exhibitors.

It contains 11 pages of publicity ideas dealing chiefly with the three stars of the picture, Clark Gable, Jean Harlow and Wallace Beery; a page of prepared reviews, a double page illustration of advertisements and five other full pages of additional advertisements.

An additional supplement to the book is a three-color exploitation section devised by W. R. Ferguson, manager of exploitation, and his staff. It contains angles for tieups and various other hints that might prove helpful in exploiting the picture. Among the latter is the suggestion that trade reviews of the film, such as the one that appeared in MOTION PICTURE DAILY, be blown up and set in lobbies.

Rosenblatt in New Post

Sol A. Rosenblatt has a new job. It is impartial chairman of the coat and suit industry. He succeeds George W. Alger.

Rosenblatt was welcomed by a committee including Isidore Nagler, manager of the joint board of cloakmakers' unions; Samuel Klein, executive director of the Industrial Council of Cloak, Suit and Skirt Manufacturers; J. Louis Dubow, executive director of the Merchants Ladies' Garment Association; Harry Uviller, executive director of the American Cloak and Suit Manufacturers Association, and Charles Baker, executive director of the Infants' and Children's Coat Manufacturers Association.

He was appointed by Gov. Lehman at an annual retainer of $12,000.

Fox Midwest to Meet

KANSAS CITY, Aug. 9.—Fox Midwest managers and executives will hold their annual convention at the Elms Hotel, Excelsior Springs, Mo., Aug. 13 and 14.

Berlin's Sister Suicide

Mrs. Sarah Baylin Henkin, 48, sister of Irving Berlin, committed suicide by leaping off the roof of her apartment house in Brooklyn yesterday. Mrs. Henkin, who has been suffering from asthma for some time, has been despondent because of ill health and yesterday went up on the roof of her four-story building with her husband for relief. She sent her husband below for a chair and jumped while he was away.

Berlin is on the coast at present writing music under contract to Radio.

W. A. Gerves Passes

CINCINNATI, Aug. 9.—William A. Gerves, 51, operator of the Fairview, Uptown, Marvel and other suburbans, died suddenly last night at the Good Samaritan Hospital. He suffered a relapse from an appendicitis operation.

Gerves was stricken while motoring to Atlantic City. He returned here for the operation. He was a member of Variety Club. A widow and two sons survive. Funeral services will be held Saturday.

Monroe Salisbury Dead

SAN BERNARDINO, Cal., Aug. 9.—Monroe Salisbury, 59, veteran actor of the stage and silent pictures, is dead here from injuries sustained in a fall Monday night. He had been a patient in the Paton State Hospital for the Insane and his death occurred Wednesday, but authorities did not reveal his identity until today.

Morris Engel Dead

ST. LOUIS, Aug. 9.—Morris Engel, former newspaper and exploitation man, is dead at his home here. He had been ill for a long time. He had worked for Universal and other companies.

CLASSIFIED

HELP WANTED

MANAGER FOR NEW THEATRE. Must be expert at exploitation and ballyhoo fronts. Send samples of work, if any. SCHREIBER, SMILAY & LONDON, Loop Theatre, 418 Michigan Avenue, Detroit, Mich.

BOOKS

ORDER NOW! RICHARDSON'S NEW Blue Book of Projection—6th edition, complete in one volume, more than 600 pages, over 100 illustrations. Full text on projection and sound combined with troubleshooter. $5.25. Mr. Richardson will autograph the first two hundred copies ordered. QUIGLEY BOOKSHOP, 1790 Broadway, New York.

10,000 SHORT, PRECISE BIOGRAPHIES of motion picture personalities—thousands of pertinent facts about every phase of the motion picture industry—the book to have at your hand every minute of the day—Motion Picture Almanac, the industry's book of facts. 1935-36 edition now available Order you copy early, $3.00. QUIGLEY PUBLISHING CO., 1790 Broadway, New York.

ACCOUNTING SYSTEMS

A TIME-SAVING, SIMPLIFIED, totally accurate system of accounts-keeping for theatres. Full explanatory text combined with blank record pages for a 12 months' service, $3, postage prepaid. Order Morris Theatre Accounting, direct from QUIGLEY BOOKSHOP, 1790 Broadway, New York.

Seek Listing Of 11 Million GTE Deposits

(Continued from page 1)

clude Seton Porter, one share of record and 1,000 shares beneficially of Fox Film A, and Loasby, one share of record and 500 shares beneficially of Fox A. Both Porter and Loasby are directors of Fox Film Corp.

Membership of the committee includes Conrad H. Poppenhusen, a member of the law firm which has represented Harley L. Clarke in other matters of G.T.E. financing and is also owner of voting certificates of 2,000 shares of G.T.E. common.

The committee has borrowed $35,000 from the City Bank and Farmers Trust Co., of New York, pledging deposited debentures with it, the statement showed. Committee expenses included $11,500 to the City Bank to Feb. 10; $1,712 to the Continental Illinois Bank and Trust, Chicago; $24 to the Fidelity Philadelphia Trust for services as depositaries; $2,069 to Chemical Bank and Trust as registrar for its certificates and $1,317 to Manufacturers Trust.

The application showed that the articles of agreement provide that the committee shall be entitled to "reasonable compensation for its services." Assets of the committee on June 30 were $36,164, of which $36,122 represented expectations of collections of assessments on deposit of debentures.

Buck Admits Ascap Is Facing Trouble

(Continued from page 1)

Buck referred to the copyright bill which has just passed the U. S. Senate and is now before the House and also called attention to an injunction issued at Olympia, Wash., preventing the society from entering into any new contracts in that state until the court is satisfied the organization is not violating the monopoly laws.

The talk lasted nearly three hours following a dinner at Victor Hugo's. Buck also reported on wired broadcast experiments now being conducted in Cleveland. He said Ascap was working with an operating company and he hoped further experiments would be made in New York. The system calls for rented receivers and no advertising, he said.

There will be no immediate change in the system of ratings, Buck said. He also declared that no system for copyright protection had been suggested which looked like an improvement over the present one.

N. E. Allied to Meet

Boston, Aug. 9.—The next meeting of Independent Exhibitors of Massachusetts, Inc., local Allied unit, is scheduled for Aug. 13. The recent trip of Nathan Yamins, Edward Ansin, Walter B. Littlefield, Harold Stoneman and Arthur K. Howard through Maine, New Hampshire and Vermont for the purpose of strengthening Allied outposts there will be discussed.

The music tax bill, the local move against high utility rates and sales policies will also come up.

Out Hollywood Way

Hollywood, Aug. 9. — Karl Hoblitzelle, head of Interstate, vacationing here. . . . Mrs. Paul de Outo, wife of the G. B. exchange manager, back from a visit to her family in Garden City, Kan. . . . Harry Lustig, Warner exchange manager, still in a sanitarium. . . . J. J. Milstein, branch manager for M-G-M, postpones New York trip indefinitely.

Bert Catley, talent scout for the Orpheum theatre, San Francisco, signing vaudeville acts here. . . . Ray Blank, son of A. H., here from the Des Moines office. . . . Dean Hyskell, F.W.C., back to work with one leg in a cast. . . . Motor accident.

William Wyler rides to work on a motorcycle. . . . Present from his wife, Margaret Sullavan. . . . Frank Lloyd to spend month in New York when he finishes "Mutiny on the Bounty" for M-G-M.

Vincent Freedley, headed this way on the *Virginia*, to confer with Benjamin Glazer on "Anything Goes," Paramount.

✣

Casting—Rudolph Cameron in "This is the Life," Twentieth Century-Fox; Ross Alexander gets second lead in "Captain Blood." . . . John Halliday cast in "The Pearl Necklace," Paramount. . . . Wallace Beery and Lionel Barrymore set for "Ah, Wilderness," M-G-M. . . . Most of the cast has gone to Massachusetts, with Director Clarence Brown to follow by plane. . . . Freddie Bartholomew borrowed by Twentieth Century-Fox from M-G-M for "Professional Soldier."

Claire Trevor gets lead in "The Song and Dance Girl," Twentieth Century-Fox. . . . Warner Oland's next "Charlie Chan in San Francisco." . . . Rita Cansino in romantic lead of "Immigrant," starring Jane Withers, Twentieth Century-Fox. . . . Alice Brady to do comedy song in "Metropolitan," Lawrence Tibbett starring vehicle. . . . Harry Stubbs, Huntley Gordon and Frank Sheridan added to "The Spanish Cape Mystery," Republic. . . . Grant Mitchell in M-G-M's "Let Freedom Ring."

✣

Writers—Norman Houston doing screen play for "Frisco Waterfront," Republic. . . . Lindsley Parsons sells "Custer's Last Ride" to Republic for John Wayne. . . . Percy Pembroke sells "G-Men of the Nineties" to the same company for the same star. . . . Sam Mintz to adapt "Long Ago Ladies" for Radio.

Director—Raoul Walsh to direct "Klondike Lou," Mae West's next for Paramount.

Roxy Leads League

The Roxy baseball team took the lead in the Tri-Boro Theatre League by winning its final game of the season from the team representing the Paradise Theatre.

End Akron Giveaways

Akron, Aug. 9. — Bank nights screeno and other giveaways have been ordered stopped here by Vice Squad Chief H. J. Heffernan on the ground that they are violations of the Ohio lottery law.

Going on High

Hollywood, Aug. 9.—James Cruze has his system working again.

He quits work at 4 P. M. daily at Paramount where he is directing "Gettin' Smart." After two days' work he was three days ahead of schedule.

West Indies Circuit Is Signed by M-G-M

M-G-M yesterday closed with United Theatres, Inc., the largest circuit in the West Indies, for 100 per cent of its new season product for 14 theatres. Rafael Ramos Cobin, president, and Eduardo Gonzalez, vice-president, signed for the circuit, while David Gould, branch manager of the M-G-M Puerto Rico territory, signed for the distributor.

The United circuit has built three new theatres in Puerto Rico in the last year.

Discussing conditions generally in his territory, Gould yesterday stated that things are picking up and as soon as the $103,000,000 relief money from the U. S. arrives, a lot more business is expected. There is no change in the theatre situation, the number of closings and openings fluctuating at an even balance.

Carewe Picks First

Hollywood, Aug. 9. — Edwin Carewe's first production for church and school consumption will be "Pilgrimage" or "The Life of Christ," a story written by Christine Wetherell Stevenson. The film will be in color, of feature length and recorded in four languages. The play is now running locally at an outdoor amphitheatre.

Coast House on Triples

Los Angeles, Aug. 9.—The Town, grind house on Hill St. here has gone triple bill, currently showing "Red Hot Tires," "McFadden's Flats" and "Call of the Klondike," an independent production. Heretofore, there have been no triple bills except for one or two houses on Main St. The Town is operated by Carl Drane. Admission at all times is 15 cents.

Szemere Visiting Here

Arpad Szemere, director of the Film-Kredit Und Kontroll-Gesellschaft, Lucerne, Switzerland, and director of IFKO-International Film-Kipier Cos. in Germany, Austria, Hungary and Roumania, is in town prior to his departure for China and Japan to look over product for his territories.

Arbitrate in St. Louis

St. Louis, Aug. 9.—Mayor Bernard F. Dickmann has named a committee to arbitrate the dispute between the Urban League, colored organization, and the operators' union over the league's demand that colored operators be employed at the Star, Strand and Criterion theatres.

Atlas Holds Only 25% of Para. Stocks

(Continued from page 1)

tions other than mere dealing in a diversified portfolio of listed securities. Last April, as a first venture in reorganization financing, your group agreed to underwrite an issue of approximately $6,442,000 of second preferred and common stock of the new Paramount Pictures, Inc.

"Other interests," the report adds, "are participating to the extent of about 75 per cent with your group in this underwriting, which will be closed early in September."

Directors of Atlas have declared a dividend of 30 cents a share on the company's 4,259,616 shares of common stock, the first since Atlas was organized in 1929. Regular dividends have been paid on the preferred stock, however, without interruption. Total assets of the company were estimated at $110,713,250. Net assets were equal to $11.08 a share on the common on June 30, and had risen to $12.05 a share on Aug. 6, the report states.

Floyd B. Odlum, president of Atlas, is a member of the Paramount board.

St. Louis Payment Ordered

An order authorizing the settlement for $270,000 of the $443,832 claim filed against Paramount by the Missouri, St. Louis, was signed yesterday by Federal Judge Alfred C. Coxe. The settlement is payable in new Paramount securities, subject to proof of title to the theatre by the claimant. Litigation involving a foreclosure sale of the Missouri held some time ago is still pending.

Delay Paramount Meet

Directors of Paramount Prod., Inc., which has headquarters in Jersey City, yesterday delayed their regular meeting indefinitely.

Derr Loses Move to Probe Pathe Books

(Continued from page 1)

way of appeals are planned.

In denying Derr's application the court observed that Derr "shows enough knowledge of alleged irregularities to bring an action, if he desires," without an inspection of the Pathe books. The court added that by joining Casey's pending action against officers and directors of Pathe, Derr might apply again for leave to inspect the books, but added that "he should not be given a roving commission at this stage."

Martin King, attorney for Casey and Derr, said yesterday that Derr would join in Casey's action and make the new application to the court.

"U" Lineup Goes to Five More Circuits

(Continued from page 1)

product in the 63 houses of the chain located in Illinois and Indiana. Jules Ruben of the Chicago office worked with Grainger on these contracts.

The Essaness Circuit has also signed the Universal product for its 23 subsequent run houses in the Chicago territory.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 36 NEW YORK, MONDAY, AUGUST 12, 1935 TEN CENTS

Admissions Up In Many Areas As West Gains

Tendency Not Strong in Eastern Sections

A national tendency to increase admissions beginning with the new season is reported at distributors' headquarters, with higher scales actually in effect in widespread sections of the west and Pacific Coast.

California, in particular, reports a more or less general upping of prices throughout the state, the prevailing average scale being estimated to be about 20 per cent higher than at the same time last season. Widespread increases throughout the west have also followed upon Fox West Coast's action in boosting admissions throughout its circuit. The success of the policy for this large organization influenced competing houses and subsequent runs in the affected territories to follow suit, it is reported.

The middle west and many sections of the east evidence the tendency to

(Continued on page 3)

Police Warning All Theatres on Games

Theatre managers in all parts of the city have been approached by policemen during the past few days with a warning to stop chance games "within a reasonable time."

No arrests have been made, but managers receiving the warning have been calling I. T. O. A. headquarters for advice. Officials of the exhibitor unit are telling members not to do anything until an arrest is made.

Officers visiting local theatres are in possession of an order signed by Deputy Police Commissioner Bruckman and it is expected that the first arrest will be made some time this week, probably today.

Loew's, which is playing screeno in

(Continued on page 8)

Two Local Circuits Reported in Hookup

Two local independent circuits are reported joining forces in another move to strengthen their positions.

Harry Harris, who last week took over the New 14th St. and Sunshine from Jack Schwartz, is understood to be negotiating a merger with Belle Theatres which operates about 15 houses.

Belle Theatres last week turned over the Hollywood and Apollo on the lower east side to Loew's. RKO had been operating the houses for about a year.

SEC Silent on Rumors of Probe Of Alleged Columbia Stock Pool

By BERTRAM F. LINZ

Washington, Aug. 11.—Officials of the Securities and Exchange Commission refuse to affirm or deny rumors that they were investigating alleged pool operations in Columbia Pictures stock.

It was explained that such investigations, of which several hundred have been made, are conducted secretly in order to safeguard the interests of stockholders, it being pointed out that the mere announcement of an inquiry might break the market in a stock.

While the commission has studied a number of complaints of alleged improper relations, formal proceedings have been initiated in only one or two cases. Under the Exchange Act, the commission may secure the indictment of pool operators, who are subject to a jail sentence if convicted.

Finds Upswing Gaining in 3 Wheat States

Kansas City, Aug. 11.—Following a business trip through Iowa, Nebraska and Kansas, E. C. Leeves, sales representative for Erpi, reports that he "has never seen exhibitors so optimistic or doing so much to improve their theatres. This is especially true right now of sound.

"General business conditions and theatre conditions in Iowa, Nebraska and Kansas are very good. Even in western Kansas, distributors are willing to talk sound and are making im-

(Continued on page 7)

N. Y. Lawyers Busy On St. Louis Case

Bruce Bromley, Louis Phillips and I. Levinson are preparing to leave for St. Louis on Aug. 28 to appear before Federal Judge Moore in connection with a hearing on an application filed by William Denham, Department of

(Continued on page 6)

Ascap to Keep Present Fees Another Year

No increase in music licensing rates is contemplated when the current one-year contracts expire on Oct. 1, a spokesman for Ascap said Saturday.

The contracts, although for one year, carry automatic renewal clauses for the succeeding years and these will be operative except in cases of cancellation of contracts by exhibitors.

Ascap's former licensing rate of 10 cents per seat per year was abandoned a year ago and a new schedule an-

(Continued on page 3)

Kuykendall to Talk At Florida Session

Jacksonville, Aug. 11.—Ed Kuykendall, president of the M.P.T.O.A., will be the principal speaker tomorrow at the general meeting of all southern exhibitors, which opened here today at the Carling Hotel. Any

(Continued on page 6)

Fox and RKO May Arbitrate Circuit Product Buys Here

Fox and the RKO circuit are having difficulty over terms under which the distributor's product is to play the chain's theatres during the new season and may determine the point by arbitration which is provided under the franchise agreement between the two companies.

It is understood Al Lichtman, president of United Artists, was asked by John D. Clark, general sales manager of Fox, to represent the latter company, but declined because of pressure of business. Neil F. Agnew, general sales manager of Paramount, probably will be the Fox selection if the impasse continues. David M. Loew, vice-president in charge of film buys for the Loew circuit, is in line to sit as impartial judge for RKO.

The possibility is not remote, however, that the price differential will be worked out without the use of arbitrators.

Resume Booth Scale Confab This Morning

Strike Delayed Week—Truce Temporary

Following temporary withdrawal by the circuits of their 41 per cent cut order early Saturday, negotiations will be resumed this morning between Leslie E. Thompson, chairman of the exhibitors' committee, C. C. Moskowitz and George Skouras, and Joseph D. Basson, president of Local 306. Rescinding of the cut notice marks the first victory for the operators' union in its fight to maintain the current wage schedule under its new administration.

Two conciliators from the Dep't of Labor in Washington arrived Saturday in an effort to straighten out the union matter. Thomas J. Williams and William C. Liller are the government men assigned to the union-circuit conference beginning today. Before the men left the Capital, the Labor Dep't had secured acceptance by both parties that they would sit down and talk over the wage trouble.

Motion Picture Daily on Saturday exclusively reported that the government had stepped into the local situation.

Thompson and Basson held a session late Friday night that wound up

(Continued on page 8)

High Court Test of Ohio Sales Tax Seen

Columbus, Aug. 11.—A Supreme Court test of the constitutionality of Ohio's sales tax is expected ultimately as a result of a decision handed down by Municipal Judge B. Virgil E. Rogers of Akron, ruling the law, which has been in effect since Jan. 1, invalid.

The judge cited Article II of the state constitution as his premise for declaring that the law is not operating

(Continued on page 8)

Detroit Co-Operative Books for 64 There

Detroit, Aug. 11.—Checkup of the theatres being booked by Co-operative Theatres of Michigan, Inc., shows that 64 of the 155 now in operation in the metropolitan area, excluding the first runs, are being booked by the combine, 91 buying and booking independently. In addition, "Co-Op" has a number of out-state theatres on its list. These figures indicate that the booking combine is now at the greatest strength it has ever attained.

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Plane Victim Recovers

Hollywood, Aug. 11.—William Kaplan, young Paramount executive, has reported for work for the first time since the plane in which he was travelling with other members of the "Annapolis Farewell" unit crashed in Kansas several months ago.

"Inferno" Strong in Chi.

Chicago, Aug. 11.—Given a heavy break in the newspapers and with excellent exploitation, "Dante's Inferno" opened strong at the Roosevelt.

Wall Street

Eastman Up 1½ on Big Board

	High	Low	Close	Net Change
Columbia Pictures	77	76¾	76¾	+ ¼
Consolidated Film	4⅝	4½	4½	.....
Consolidated, pfd.	17	16¾	16¾	— ⅛
Eastman	158½	158½	158½	+1½
Fox	16⅛	15⅞	16	.....
Loew's Inc.	39½	39⅛	39⅜	+ ⅜
Paramount Publix	4⅞	4¾	4¾	.....
Pathe	¾	¾	¾	— ⅛
Pathe "A"	11	10¾	10¾	+ ⅛
RKO	2⅝	2½	2½	.....
Warner Bros.	4¾	4¾	4¾	— ⅛
Warner Bros. pfd.	35	33	35	.....

Little Change on Curb

	High	Low	Close	Net Change
Technicolor	20⅜	20⅛	20⅛	— ¼
Trans Lux	2½	2½	2½	.....

Little Activity on Bonds

	High	Low	Close	Net Change
General Theatre Equip. 6s '40 ctf	13¼	13¼	13¼	— ⅝
Warner Bros 6s '39 wd	77	77	77	— ½

(Quotations at close of Aug. 10)

Insiders' Outlook

By RED KANN

WHEN a buyer and a seller are $190,000 apart on a deal, they're plenty apart. Between the RKO circuit, which is the buyer maybe, and Warners, who are the sellers perhaps, it is this difference, plus the usual variance in ideas about big halves of the week and the like, which has kept pens which affix signatures off the necessary dotted lines. Gripped in a none too friendly deadlock a few days back, Andy Smith, as a consequence, went for a statement that Warners were at once launching negotiations with New York independents. The RKO attitude, officially passed on, was one of indifference embroidered with a yawn. . . .

▼

The situation on both sides reminds of shadow-boxing. Because there is no genuinely profitable escape from a product sale to either Loew's or RKO in this area, a Warner deal with the latter chain seems like an inevitable piece of business particularly when the former has rounded out its buy for the new season. Sales to the independents, circuits and solo operators, largely are "natural business" following in the trail of major circuit transactions anyway. That means Warners would get its slice of revenue from subsequents under any circumstances. A sleuthing foray into the mathematical intricacies of the territory, on the other hand, lead to the observation that any major product which does not play Loew or RKO time means a loss to the producer of approximately $6,000 to $8,000 per release. In round figures, mind you. No major, therefore, is apt to like being faced with a circumstance such as that. . . .

▼

Now a glance at the matter from the RKO angle. That circuit needs more product than it now has signed. The only major line of film which continues to be available is Warners. This fortifies the basis of a deal with credibility and considerable mutuality. That, in turn, leads this space to go seer, usually an unsatisfactory procedure, by forecasting that Warners and RKO will get together. On what terms and on what basis is another story and their business. Interesting to note before going on to other things is that more calm has entered the picture already. Negotiations were resumed the other day. . . .

SNAP judgment reporting by a United Press man from Hollywood:

> The [*Fox*] stockholders are scheduled to meet in New York next week to ratify the [*Twentieth Century-Fox*] merger and the minority shareholders will base their fight on the fact that control appears to be placed directly in the hands of a rival studio—Metro-Goldwyn-Mayer, of which Nicholas M. Schenck is president and Louis B. Mayer resident production head. . . .
>
> As Hollywood executives view it, the interest of M-G-M executives in the rival studio is not only viewed with alarm by some of the shareholders of Loew's, Inc., but by the freelance players, writers and directors who see the possibility of a monopoly and the resultant lowering and stabilization of salaries for all creative talent, once big business has positive control.

What minority stockholders when Chase National owns between 72 and 80 per cent of the Fox stock?

Who are the "Hollywood executives" and who are the Loew shareholders who view the merger "with alarm"?

Suppose salaries are stabilized which they will not? It's not a bad idea.

The worry over "monopoly." Every effort headed that way in the past has ended in failure. This business always refuses to stay put long enough.

The facts, Mr. United Press, where are the facts? . . .

▼

The Essanness circuit, Chicago standout in M-G-M's fight for percentage pictures and designated playing time, is about to sign a product deal on terms described as amicable and acceptable to buyer and seller. The Oak Park theatre, which Metro is committed to build, will be built and equipped but Essanness will operate under a five-year franchise. This, with other deals previously closed, will ring down the curtain on Leo's theatre invasion plans for the Windy City. Thus, a condition which would have festered and angered into costly warfare is sidestepped by conference of the give-and-take calibre. It was a delicate job, but the final rivet is poised for its drive home. . . .

▼

City rooms of eastern newspapers won't enthuse over the statement made by John Boettiger, a Hays assistant, in Omaha late last week that Middle Western dailies are more keenly alive and responsive to the amusement business. In the open spaces, newspapers and staffs show more willingness to cooperate and give information than in the east where Boettiger has had practically "to break into" the news rooms, so he asserted. He may continue to fail to "break in" by talking too much. . . .

Purely Personal

MRS. THOMAS N. HEPBURN and her two daughters, Marion H. and Margaret H., arrive from England today on the *American Skipper.* Katharine Hepburn is busy at the Radio lot in Hollywood and won't be on hand to meet her mother and sisters as she had planned.

●

Nat Shilkret has gone to Honolulu from Hollywood, where he will work on the musical score of "David Livingstone" for FitzPatrick Pictures. Shilkret is due in New York Sept. 6.

●

Armida, Tito Coral, the Three Marshalls, Sunny O'Dea and Harris, Claire and Shannon all start work in a Vitaphone short tomorrow in Brooklyn.

●

Ruth Morrow, secretary to the purchasing head at G. B., made her radio debut on WHOM the other night. As a result she has been set for 7:30 P. M. on Thursdays hereafter.

●

Chester Erskine says he won't make any pictures in the east in the future until he has a release set. He plans to concentrate on a number of plays in the fall.

●

William Raynor, who recently left Parco, is now eastern division manager for Sweepstakes. Du-Art Laboratories' executives are behind Sweepstakes.

●

J. Robert Rubin is due back from Europe in two weeks. He's now in England on a combined business and pleasure visit.

●

Maxwell Weinberg, Little Theatre manager, and I. David Hurwitz, have returned from a trip to Havana.

●

Joe Feldman and Sam Stern have put out a swell campaign book for next season's Warner product.

●

Joe Traub, Warner writer, arrived yesterday from the coast. Helen Morgan accompanied him.

●

Eddie Burke, manager of the Roxy, returns today from a Saratoga vacation.

●

James and Mrs. FitzPatrick spent the week-end in Vermont.

●

Fred Quimby hasn't decided when he'll take off for the coast.

Admissions Up In Many Areas As West Gains

(*Continued from page* 1)

increase tariffs at this time, with action on the policy being considered for early fall and simultaneously with the better releases of new season pictures, sales executives report. Detroit has evolved a definite plan for boosting scales this fall. Pre-release houses will take the lead there and subsequent runs have indicated a willingness to cooperate in the move by following suit.

Little or no discussion so far this season has been held on the subject by large New York circuits. Some distributors account for this on the theory that Federal relief has not been appreciable enough in New York to better the spending ability of large sections of the population. It is pointed out that the city still has more than 1,500,000 on relief, and that this mass group, nominally theatre customers, is almost wholly shut off from film entertainment.

Other sections of the country, distribution executives believe, have been more directly benefited by employment on Federal projects instead of being the recipients of a dole. Also, they state, industrial recovery in smaller cities brings immediate and direct benefits to large sections of the local population, whereas the revival of a single factory or even an entire industry in New York may result in no noticeable improvement in the spending power of the city's populace.

Warner Men Here to Discuss "Dream" Ads

Zone advertising managers of Warner theatres meet today and tomorrow at headquarters to discuss advertising and publicity campaigns for "A Midsummer Night's Dream." Plans include a luncheon at the Advertising Club today, followed by a screening of the picture in the afternoon. Comments will be withheld until a second meeting tomorrow, when the round table discussion will be followed by talks from Joseph Bernhard, S. Charles Einfeld, Mort Blumenstock and members of the home office.

Here for the parleys are L. S. Stein, Chicago; Sydney Dannenberg, Cleveland; Dan Finn, New Haven; Bob Paskow, Newark; Charles Smakwitz, Albany; Harry Goldberg, Philadelphia; Joe Feldman, Pittsburgh; Frank La Falce, Washington; Sid Blumenstock, Atlantic City, and Ben Hendricks, Memphis, who happens to be in New York on vacation.

David ("Skip") Weshner, first run zone manager in Philadelphia, likewise will attend.

Zeisler to London

BERLIN, Aug. 11.—Alfred Zeisler, for a long time supervisor of Ufa films, is going to England to produce "The Amazing Quest of Ernest Bliss" for the new Garrett Klement Pictures, Ltd., in London. Author of the film is Phillip Oppenheim. It will be released by General Film Distributors, which will also handle the first English-made film of Anna Sten. This is "A Woman Alone" to be made at Elstree, also by Garrett Klement.

Bing Doesn't Reply

Bing Crosby has turned turfman in a big way and has brought six horses on from California to race at Saratoga. When Billy Rose heard of this he wired Crosby at the upstate Spa offering him $2,000 a week to appear with the bangtails in "Jubilee" and $2,500 per week for the horses alone.

Crosby didn't answer.

Ontario Tax Bears Down on Exhibitors

TORONTO, Aug. 11.—Exhibitors of Ontario are taking a terrific trimming in the amusements tax regulations instituted last June by Premier M. F. Hepburn. For July, the second month of operation of the new levy, the revenue was five times greater than for the corresponding month one year ago. That the situation is steadily getting worse is indicated by the fact that the tax returns for June were three times greater than for the same month last year.

The Government collected $265,000 in the amusements tax during the past month, as against only $54,000 for July of 1934. Total tax revenue for June was $239,000, as compared with $80,000 during June, 1934. For the first two months under the new Hepburn impost, the Government has collected $504,000, despite the fact that this is the off-season for theatre patronage. Judging by the trend in business, the drastic levy is providing a permanent off-season for all exhibitors.

The province collected $900,000 all told in the amusements tax for the whole 12 months of 1934 under the previous scale of taxation, so that the Hepburn Government has gained much more than half of last year's total take in the first two months alone under the new act.

Allied Getting Set For Shore Confabs

National and eastern regional officers of Allied will attend the annual convention of the New Jersey unit to be held Aug. 21-23 at the Ritz, Atlantic City.

Officers of the eastern regional group will hold a special session on the first day of the three-day meeting. Re-election of Sidney Samuelson and other officers of the New Jersey unit will take place on the last day.

Among those expected are Abram F. Myers, Aaron Saperstein, Herman Blum, Walter B. Littlefield, Nathan Yamins and Abe Stone.

Schine's Expansion Plan Is Confirmed

CANTON, O., Aug. 11.—Louis Lazara, Ohio zone manager for Schine Enterprises, has confirmed the report that the circuit is expanding generally in Ohio. He says he is looking for theatres in all parts of the state.

Recent acquistions have been the Forum, Norwalk, and houses in Bucyrus, Van Wert and Wooster. The Vine at Mt. Vernon has been enlarged.

The Soisson at Connellsville, Pa., is to be opened soon by John Bixler of the Scottdale Amusement Co.

Ascap to Keep Present Fees Another Year

(*Continued from page* 1)

nounced which, exhibitors estimated at the time, represented increases of from 300 to 1,000 per cent, being based on the highest adult admission charge of the individual theatre. After vigorous protests from exhibitors and several months of negotiations a compromise schedule was agreed upon and placed in effect. It is this schedule which will be continued for another year.

Ascap's present rates are 10 cents per seat for theatres of less than 800 seats and charging not more than a 15-cent adult evening admission; 15 cents per seat for theatres of 801 to 1,599 seats, and 20 cents per seat for all theatres over 1,600 seats.

Announcement of Ascap's new schedule was followed closely by the filing of an anti-trust suit against the organization by the Attorney General's office. The suit charged Ascap and other organizations licensing copyrighted music for public performance with being monopolies and alleged that their price schedules were arbitrarily fixed. Trial of the suit was begun late last spring and adjourned for the summer. It is scheduled to be resumed Nov. 4.

Uphold Marathons Ban

MADISON, Wis., Aug. 11.. — The Senate has killed the Phillips bill permitting marathon contests under regulations. The bill was introduced after Gov. Phil La Follette had signed the Mulder bill outlawing marathons. It was declared that running of a marathon in the Eagles' Club, Milwaukee, was dependent on passage of the Phillips measure, restrictions of which included requiring presence of the hall manager at all times and physical examinations for the contestants.

Lasky Signs Martini

HOLLYWOOD, Aug. 11.—Jesse Lasky has signed Nino Martini to a five-year personal contract, calling for two pictures a year from the singer. After the preview of "Here's to Romance," Martini will go east for a vacation, and will later resume his radio, opera and concert work. He will return here in February to make his next picture for Lasky, regardless of whom Lasky may be associated with at that time.

Arbitrate "Cellini" Case Here Aug. 15

United Artists' complaint against Louis Geller of the Palace, Jersey City, for not playing "Affairs of Cellini," will be arbitrated at the New York Film Board on Aug. 15. Robert Benjamin, Louis Nizer's assistant, will represent the exchange in the absence of the secretary of the board, who is now on the high seas bound for a vacation in Europe.

Edward Bell, Paramount, and Harry Hummel of Warners have been chosen by U. A. as arbitrators, while Geller has picked Tom Murray and Henry Suchman.

Korda Signs Air Expert

LONDON, Aug. 11.—Alexander Korda has signed Charles Dollfus, an authority on lighter-than-air craft, as advisor and to appear in "The Conquest of the Air." Dollfus has been a regular contender in the Gordon Bennett balloon races and is a curator at the Air Ministry Museum in Paris.

To Confer with Army

HOLLYWOOD, Aug. 11.—Gordon Mitchell, manager of the Technical Research Council of the Academy, is planning a trip to Washington next month for conferences with U. S. Signal Corps officers. This branch of the Army and the Academy have collaborated closely for some time on technical aspects of instructive films for officers.

Nickolaus on Committee

HOLLYWOOD, Aug. 11.—The executive committee of the Academy Technicians' Branch has appointed J. M. Nickolaus, M-G-M laboratory superintendent, chairman of a committee to choose a slate of nominees for various branch offices to be elected shortly.

To Resume Day and Date

HOLLYWOOD, Aug. 11.—L. J. Halper, Warner Theatre west coast zone manager, has arrived back here from lengthy home office conferences and has revealed that the day and date policy would be resumed at Warners' downtown local houses effective Aug. 29 with no change of prices.

To Drop Hollywood Duals

HOLLYWOOD, Aug. 11.—Loew's State and the Chinese will abandon dual bills the first week in September, and will play single features day and date. The first single bill, starting Aug. 29, is to be "China Seas."

AIR CONDITIONING CHARTS

that represent standard practice in air conditioning for motion picture theatres. Practical advice on how to attain the best atmospheric conditions for your house winter and summer. Devised to be put on the wall for constant reference. Available until the supply is exhausted at 25 cents each, payment with order. Write direct to

QUIGLEY BOOKSHOP
1790 BROADWAY NEW YORK CITY

LISTEN! HE'S SINGING! "MY TI-I

A thrilling ballad especially arranged for the cash register with full house accompaniment, by those eminent hit-composers
WARNER BROS.

JOE
"BRI

JOE THE DAN

And ANN DVORA

JOSEPH CAW

And these nation

"You're An Eyeful of Heaven

An

ME IS A TI-I-ME"

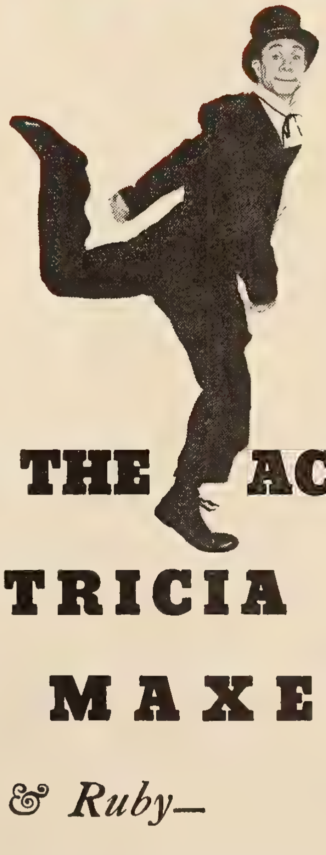
And who could ask for anything less for a show that has Joe Brown's sure-as-shootin' draw, plus four other top star names, three song hits, Busby Berkeley chorus numbers, and Joe himself as a one-man vaudeville show!

NO WONDER THE BROADWAY STRAND HAS BOOKED IT FOR AN INDEFINITE RUN FOLLOWING THE RECORD ENGAGEMENT OF "THE IRISH IN US"

E. BROWN

in

HT LIGHTS"



With All These Stars—

R • JOE THE CROONER • JOE THE ACROBAT

• WILLIAM GARGAN • PATRICIA ELLIS

HORN • And THE FIVE MAXELLOS

ly exploited songs by Dixon & Wrubel and Kalmar & Ruby—

. "Toddlin' Along With You" . . . "She Was An Acrobat's Daughter"

he famous beauty chorus and smart direction of

BUSBY BERKELEY

Myrt & Marge Lead Seattle; Films So - So

Seattle, Aug. 11.—Myrt and Marge in person on the stage of the Orpheum captured top honors here last week with an $8,300 gross, or $2,300 ahead of normal business. "Front Page Woman" was on the screen at the same time.

Elsewhere, little went on. Holdovers prevailed virtually in all other first runs, including "Call of the Wild" in its third week at the Blue Mouse, "Curly Top" in its second at the Fifth Avenue, and "Becky Sharp" in its second at the Music Box.

Estimated takings, $30,100. Average, $30,000.

For the week ending Aug. 9, here is the dope sheet:

"CALL OF THE WILD" (U.A.)
BLUE MOUSE—(950), 25c-40c-55c, 7 days. (3rd week. Extended run from Orpheum.) **Gross:** $4,150. (Average, $4,000)

"CURLY TOP" (Fox)
FIFTH AVENUE—(2,500), 25c-40c-55c, 7 days. (2nd week.) **Gross:** $5,400. (Average, 1st week, $7,000)

"LOVE ME FOREVER" (Col.)
LIBERTY—(1,800), 15c-25c-35c-50c, 7 days. (3rd week.) **Gross:** $4,250. (Average, 1st week, $4,000)

"BECKY SHARP" (RKO)
MUSIC BOX—(950), 25c-40c-55c, 7 days. (2nd week.) **Gross:** $3,800. (Average, 1st week, $4,000)

"FRONT PAGE WOMAN" (War.)
ORPHEUM—(2,450), 25c-35c-50c, 7 days. Myrt & Marge on stage in person. **Gross:** $8,300. (Average, $6,000)

"COLLEGE SCANDAL" (Para.)
"SILK HAT KID" (Fox)
PARAMOUNT — (3,050), 25c-35c-40c, 7 days. **Gross:** $4,200. (Average, $5,000)

Capitol Ends Week With $47,000 Take

The Capitol, with "The Man on the Flying Trapeze" and a stage show headed by Lou Holtz, Belle Baker, Block & Sully and Moore & Revel, wound up with a $47,000 take last week. The stage show was a holdover from the previous week.

"Mad Love" at the Roxy was good for $24,850, while the Paramount, with "Every Night at Eight," garnered $19,500. The Palace grossed about $10,000 with "Doubting Thomas" and the Rivoli ended its first week of "Dante's Inferno" with $19,500.

Lesser Heads East; New Fox Deal Looms

Hollywood, Aug. 11.—Sol Lesser left by air for New York today with Joseph M. Schenck on a business trip the nature of which was not divulged, although it is believed he will negotiate a new releasing deal with Fox.

Lesser currently is set with four George O'Brien westerns through Fox and two Harold Bell Wright stories through Columbia. Distribution of a planned feature dealing with the business itself and another feature starring Bobby Breen, singing child actor, are not yet set. The story of the film industry is being held in abeyance pending a serialized novel version by Rupert Hughes which is to run in *The Saturday Evening Post.*

To Be Named Loew's

Loew's will shortly add the circuit name to the Apollo and Hollywood, purchased last week from M. & S.

Out Hollywood Way

Hollywood, Aug. 11.—Louise Henry's father, Dr. Jesse Strauss Heimann, New York physician, leaves after two months' visit here. . . . Mrs. Heimann stays. . . . Neil Hamilton, now in Paris making "La Vie Parisienne" for Nero Films, going to London soon to make one for G. B. . . . Clay Hake, Japanese manager for Twentieth Century-Fox, sails. . . . "Little Old New York" probably will be Marion Davies' next for Warners. . . . Script by Mary McCall, Jr., is ready. . . . Marie Wilson signed to term contract by Warners.

George Jessel and Barbara Blane open at the Warfield, San Francisco. . . . Marta Eggerth sails from Europe on the *Normandie* Aug. 28, and is due here Sept. 10 to start "Song of Joy" for Universal. . . . . Madelyn Batson, "Miss Kentucky 1935," checks in at Republic. . . . Adrian, M-G-M costume designer, back from New York vacation.

Rufus LeMaire proud father of a boy. . . . Henry B. Walthall soon to observe 20th anniversary as a film actor. . . . Buddy Ebsen's option lifted by M-G-M.

Gwen Wakeling, costume designer for Twentieth Century, signed to new one-year contract by Darryl F. Zanuck. . . . Marie Wilson, 18-year-old Little Theatre graduate, signed by Warners. . . . Kay Francis to report Sept. 1 at Warners for "I Found Stella Parrish."

Wendy Barrie postpones London trip. . . . Going to Mexico instead. . . . Henry Arthur, vaudeville singer, signed by Paramount.

Casting—Harvey Parry, Chic Collins, Bert Bracken and J. P. McGowan added to cast of "This Is the Life," Fox. . . . Kathleen Burke joins "Beauty's Daughter" cast, Twentieth Century-Fox. . . . June Travis gets feminine lead in Warners' two-reel Technicolor novelty, "Si, Si, Senorita". . . . Ann Rutherford, Charles C. Wilson, Ward Bond, Frank Albertson, Wally Albright and Kane Richmond cast in "Waterfront Lady," Mascot. . . . Bobby Watson, eight; Billy Watson, 12, and Billy Graton, two, in "Freckles" cast, Radio. . . . Slim Summerville in "Captain January," Twentieth Century-Fox. . . . Clark Gable and Jeanette MacDonald teamed in "San Francisco," M-G-M. . . . Sol Lesser signs Richard Arlen for "The Calling of Dan Matthews."

Directors—Gordon Wiles, former art director at Fox, gets "Charlie Chan in San Francisco" as first directorial assignment, Twentieth Century-Fox. . . . E. H. Griffith to direct Margaret Sullavan in "Next Time We Love," Universal.

Writers—Rowland Leigh assigned by Warners to write screen play for "The Charge of the Light Brigade." . . . Edna Ferber, finished on Samuel Goldwyn's "Come and Get It," motoring back to New York by easy stages. . . . Eddie Moran and Jack Mintz finish assignments at Paramount. . . . James Gruen signed by Mascot to do a treatment on "The Leathernecks Have Landed."

Titles—"His Family Tree" final title for Radio's "Old Man Murphy." . . . "To Beat the Band" final title for Radio's "If You Were Mine."

Song Writers—Lew Brown and Harold Arlen do four songs for Eddie Cantor's next, "Shoot the Chutes."

N. Y. Lawyers Busy On St. Louis Case

(*Continued from page 1*)

Justice representative, for a temporary injunction.

Denham, in his application, seeks to prevent Warners and other major distributors from continuing alleged agreements not to sell F. & M.'s five theatres in St. Louis. Harry C. Arthur has lined up Twentieth Century-Fox, United Artists and Universal second run. He also is getting Universal first run for the Ambassador and Fox.

Bromley is representing RKO, Phillips, Paramount; and Levinson, Warners. They will fight the injunction moves on the ground that this is a move to get testimony to be used for criminal action, it was stated yesterday.

A meeting of the three attorneys with a number of downtown lawyers was held secretly last week when the St. Louis action was discussed.

U. S. District Judge Charles A. Dewey of Des Moines, who has been summoned to hear the case, has refused to grant a temporary stay.

Mannon Plans Eight

Chicago, Aug. 11.—Al Mannon, independent producer, is here arranging distribution for his new product. He will make a series of eight six-reel outdoor musicals starring Rex Bell in color. Mannon has closed a deal with Henri Ellman for this territory.

Kuykendall to Talk At Florida Session

(*Continued from page 1*)

exhibitor with a grievance will be given the floor. The three-day meet ends Tuesday night.

The social schedule includes deep sea fishing, a banquet, golf, bathing, fish fries and a dance. The committee in charge of the session comprises R. B. Wilby, Sam Borisky, Oscar Lam, M. C. Moore, Nat Williams, Mitchell Wolfson.

G. T. P. Sues on Contract

Columbus, O., Aug. 11.—General Talking Pictures Corp., New York, has filed suit here in the Federal Court against M. M. Dorsey, operator of the Dorsey, Johnstown, for $3,593.47 and interest representing the amount claimed to be due as an unpaid balance under a contract for equipment leased and licensed to the defendant in 1930.

Stebbins on the Mend

Hollywood, Aug. 11.—Arthur W. Stebbins, formerly of the agency firm of Berg, Stebbins, Allenberg & Blum, and now with Cosgrove & Co., brokers, has left the Cedars of Lebanon Hospital where he was receiving treatment for a leg infection, and has returned to his home. He goes to his desk for an hour or so each day, but does not plan to resume active work until his recuperation is complete.

"Front Page," Carrillo Big In Capital

Washington, Aug. 11.—"Front Page Woman" and Leo Carrillo joined forces to bring to the Earle top money, $17,900. This is $500 under par.

Loew's Fox, with "Shanghai" and Leon Belasco's Orchestra slumped to $3,000 under average. The week, however, was an improvement over previous ones.

The Metropolitan took $5,000 with "Going Highbrow," $700 over average.

Other first runs, including a second week of "Curly Top" at Loew's Palace, continued in summer doldrums.

Total first run business was $57,300. Average is $73,700.

Estimated takings, exclusive of tax:

Week Ending Aug. 6:

"LADY TUBBS" (Univ.)
RKO-KEITH'S—(1,836), 25c-55c, 7 days. **Gross:** $7,400. (Average, $10,600)

Week Ending Aug. 8:

"FRONT PAGE WOMAN" (Warners)
EARLE—(2,218), 25c-77c, 7 days. Stage: Leo Carrillo; Irene Vermillion, with Dart Ensemble; Five Jewels; Mason & Yvonne. **Gross:** $17,900. (Average, $18,400)

"BLACK SHEEP" (Fox)
LOEW'S COLUMBIA—(1,264), 25c-40c, 7 days. **Gross:** $2,300. (Average, $3,600)

"SHANGHAI" (Para.)
LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage: Leon Belasco & Orchestra, with Peggy Healy, Roy Tracy, Clifford Hall & Sidney Marion, with Ruth Urban, Lou Ash; James Evans; Sylvia & Clemence. **Gross:** $17,900. (Average, $20,900)

"CURLY TOP" (Fox)
LOEW'S PALACE — (2,370), 35c-77c, 7 days, 2nd week. **Gross:** $6,800. (Average, first week, $15,900)

"GOING HIGHBROW" (Warners)
METROPOLITAN — (1,591), 25c-40c, 7 days. **Gross:** $5,000. (Average, $4,300)

"Curly" is $9,100 High in Providence

Providence, Aug. 11.—Shirley Temple's "Curly Top," in its second week at the Majestic, copped the prize take of the week, catching $9,100, which is $2,000 over average, phenomenal for a holdover here. Most of the houses, too, had better-than-average weeks.

"Clairvoyant," with Fred Allen's radio amateurs on the stage, brought in $9,000 to the RKO Albee; "Man on the Flying Trapeze" and "Honeymoon Limited" caught $7,200 at the Strand, but Loew's was under, with "Woman Wanted" and "The Black Room."

Total first run business was $34,500. Average is $40,500.

Estimated takings for the week ending Aug. 8:

"CURLY TOP" (Fox)
"SILK HAT KID" (Fox)
MAJESTIC — (2,400), 15c-40c, 7 days. **Gross:** $9,100. (Average, $7,000)

"CLAIRVOYANT" (G. B.)
RKO-ALBEE—(2,300), 15c-40c, 7 days. Stage: Fred Allen's Radio Amateurs. **Gross:** $9,000. (Average, $7,000)

"WOMAN WANTED" (M-G-M)
"BLACK ROOM" (Col.)
LOEW'S STATE—(3,800), 15c-40c, 7 days. **Gross:** $8,000. (Average, $12,000)

"MAN ON THE FLYING TRAPEZE" (Para.)
"HONEYMOON LIMITED" (Monogram)
STRAND—(2,300), 15c-40c, 7 days. **Gross:** $7,200. (Average, $6,500)

"OUTLAWED GUNS" (Univ.)
"LAST WILDERNESS" (Du World)
RKO VICTORY—(1,600), 10c25c, 4 days. **Gross:** $1,200. (Average, $1,000)

Finds Upswing Gaining in 3 Wheat States

(Continued from page 1)

provements," he said, "Iowa is especially good.

"This picture of conditions was given me by exhibitors—and their box-office receipts show it."

Leeves has just completed deals for sound equipment in the Rivoli, Mrs. Mary Valentine's house at Girard, Kans.; A. H. Blank's new $40,000 Uptown at Des Moines, Ia., a suburban house, and the new State at Algona, Ia., being built by Gail Pettit, former Arizona exhibitor at a cost of about $50,000.

Changes in Missouri

St. Louis, Aug. 11.—Two houses in the local zone are scheduled to open shortly and one will close for the rest of the summer. The Hamilton Theatre here will open about Sept. 1 under Adrian Colona, and the Gem Theatre Corp. is building a new house at St. Johns, Mo., for operation by Henry Holloway.

The Gem, owned by A. M. Beare, at Chester, Ill., has been closed since Aug. 1 for enlargements and redecoration. The theatre is scheduled to reopen in September.

More Changes in N. E.

Boston, Aug. 11.—The New England theatre map has been further changed within the past few days. The Ralph Snider circuit has taken over the Community in Dedham, formerly controlled by the Stanley Sumner circuit. E. M. Loew has closed his Music Hall, Pawtucket, R. I. John Peters has opened and closed his theatre in Old Lyme, Conn. The Peacedale in Providence is back on the active list.

Work that will cost in the vicinity of $2,000 has been started by the Hall Realty Co. on the Imperial, Pawtucket, which was damaged by fire a few weeks ago.

Films in Cincy Music Hall

Cincinnati, Aug. 11.—Music Hall, with a 4,000-seat auditorium, the largest in the city, heretofore used for civic and industrial exhibitions, trade showings and similar attractions, will in the future play films, legitimate shows, vaudeville, symphony concerts and other forms of entertainment. Admiral Richard E. Byrd will show 20,000 feet of film in connection with a lecture on his South Pole expedition as the initial attraction under the new policy.

Add Three in the West

Oklahoma City, Aug. 11.—Tom Dyer, supply salesman, just returned from a 1,600-mile trip around Arkansas towns, reports one new and two reopened houses.

At Roosevelt, Okla., the Rex, seating 325, has reopened, and O. D. Herron has reopened a theatre seating 400 in Lone Wolf, Okla. At Russellville, Ark., R. V. McGinnis has opened a new house, seating 400.

Remodel in Connecticut

New Haven, Aug. 11.—Seven Connecticut houses are closed, some of them for remodeling.

Among the closed spots are the Cameo, Hartford, the owner of which, Leonard O'Neil has gone on a five-week fishing trip to Maine. Another is John Peters' Old Lyme experiment. Jack Fay has closed the Kent and the Palace at Hartford is dark.

The Fine Arts, Westport, is being redecorated; the Lyric, Waterbury, is being remodeled, as is the Stratford, and new sound is being installed by the Paramount here.

The Sound View Casino is open four days a week, with dancing after the shows.

Resumes Her Name

Hollywood, Aug. 11.—Recently Warners changed Kay Linaker's name to Lynn Aker, after she had been given program credit under her own name for work in "From This Dark Stairway." After seeing her part, it was decided that the impression she makes is so good that she had better continue under her own name.

Two Houses Transferred

St. Louis, Aug. 11.—McBraun & Vance have transferred the Odeon to Oscar Dane. He may switch the house to burlesque.

The Bijou at Waverly, Ill., formerly operated by J. Earling is now under the management of Hall & Hart.

Another for Vancouver

Vancouver, Aug. 11. — A second new suburban house for Vancouver is planned by Donald Sutherland, at present manager of the Carleton. It will be called the New Carleton. It will cost $23,000, $10,000 being for equipment, and will have 50-foot frontage and 115-foot depth.

Leases Toledo Teon

Toledo, Aug. 11.—Jack O'Connell, executive head of Teon Theatres, Inc., has taken a lease on the Colonial, 1,700-seat downtown house, which he will renovate before reopening early in August with vaudeville and pictures.

Build at Salt Lake

Salt Lake City, Aug. 11. — Construction will be started here this week on a new neighborhood house by the Hansen brothers, local market operators. The house, which will be a combination market and theatre, will be opened in the fall. Milburn Kenworthy, local operator, also plans a new house in Moscow, Idaho, for fall opening.

Danz Sells Seattle House

Seattle, Aug. 11.—John Danz has sold the Capitol to Benjamin Zukor of New York. The purchase price was reported to be $325,000. The house will be remodeled into a store

New House for Eaton, O.

Eaton, O., Aug. 11.—A new theatre will be erected on North Barron St., upon which work is expected to be started soon. Names of those behind the venture, and other details, are being withheld for the present.

Balaban Gets Another

Chicago, Aug. 11.—Harry Balaban has added the Des Plaines, in Des Plaines to his rapidly growing circuit.

Short Subjects

"Romance of the West"

(Vitaphone)

Hollywood, Aug. 11. — Word-of-mouth advertising may build this short to feature importance, for it seems certain to be discussed at length as a splendid example of Technicolor in outdoor photography. With Yosemite National Park and the Grand Canyon as a background, the picture serves as a canvas that is always interesting and at times awe-inspiring. Included in the scenes shown are shots of Yosemite water falls, Mirror Lake and the Canyon as it probably has never been shown before. A slight story about a grounded airplane runs through the two reels, but serves mainly as a means for providing comedy by Henry Armetta and Mary Treen and romance between Dorothy Dare and Phil Regan. It also serves to introduce two numbers which Regan sings and a specialty dance by Miss Dare. Bows may be taken by Ralph Staub, the producer; Joe Traub, who wrote the story; Natalie Kalmus, color director; William Skall, photographer, and the entire cast for a first rate job. No production code seal. Running time, 15 mins. "G."

"Inside the Ropes"

(Van Beuren-Radio)

Bill Corum, famous sports columnist, here reviews professional boxing in the first of the series he is making for Van Beuren. Jack Dempsey assists him in going back over the careers of James J. Braddock, Max Baer, Primo Carnera, Benny Leonard, Mickey Walker, Leach Cross and Little Jack Sharkey. Joe Louis is shown knocking out a sparring partner and relaxing in his training camp. The reel is packed with entertainment for sport lovers and with the present interest in boxing it should do very well. Highly recommended. Production Code Seal, No. 0499. Running time, 10 mins. "G."

"The Hunting Season"

(Van Beuren-Radio)

This cartoon in color opens with shots of the woods in spring with the animals and birds enjoying themselves. A cow joins two ducks in swimming and everyone is having a swell time until a hunter comes on the scene and starts firing away. The animals then get together and give the hunter a dose of his own medicine with his own guns. Very amusing. Production Code Seal, No. 0417. Running time, 8 mins. "G."

"Phil Spitalny"

(Vitaphone)

Phil Spitalny and his girl band are again featured, but this time the rotund leader allows his girls to do more singing. Because of their vocalizing this short surpasses many of his earlier efforts. "Runnin' Wild," "Lullaby of Broadway," "Forty Second Street" and "Sweet Adeline" are played and sung. The final number is "La Paloma," during which Maurine and Norva dance a bolero. Recommended. Reviewed without production code seal. Running time, 10 minutes. "G."

Hurford to Minneapolis

Minneapolis, Aug. 11.—Jack Hurford, formerly manager of the Fox in Detroit, supplants Emil Franke as manager of the Orpheum here.

ALLIED
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YOU! The independent exhibitor who's looking for action, for militant leadership, for sincere ALLIES in his fight against the forces that seek to monopolize this business

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ANNUAL
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ATLANTIC
CITY
RITZ CARLTON HOTEL

•

where work and play can be mingled in proper proportion. Special attractive rates and privileges are offered to all who attend the convention.

•

Remember the date ! ! !
WED., THURS., FRI.
AUG. 21, 22, 23

Plan to attend! The business of the convention this year is extremely vital to the interests of the independent exhibitor. Come and help formulate a fighting platform and course of action!

BRING BACK the "FORGOTTEN AUDIENCE"

RCA now announces the RCA Sonotone Hearing Aid for use in theatres*. This enables the hard-of-hearing to enjoy motion pictures, giving them the sound with perfect clarity and purity of tone. These people have been unable to attend motion pictures since they became the "talkies".

About 10% of the population have defective hearing. This is a vast "forgotten audience" that you can now bring back, and with them their families and friends who have been indirectly influenced to stay away—the millions of hard-of-hearing have an even greater influence on the box office than the huge revenue they directly represent.

What this means in money, in goodwill, and publicity, has been definitely shown in numerous theatres. The Sonotone Theatre, Chicago, has every seat wired. Others have 10 or more seats equipped. All show that the original cost is quickly repaid. Original installations are being expanded.

You have a perfect check on results, for these new customers ask at the box office for the RCA Sonotone Oscillator. Many simple, inexpensive and very effective promotion plans are available for your use...Write for information on adding to your attendance by bringing back these lost customers.

*Regardless of the make of sound equipment installed.

RCA SONOTONE
PHOTOPHONE DIVISION
RCA Manufacturing Co., Inc.
Camden . . New Jersey

Police Warning All Theatres on Games

(*Continued from page* 1)

four Bronx houses, states it has not received any notice. Three other houses are playing screeno and two bank night.

The I. T. O. A. is anxious to have a test case made on chance games so that it knows where it stands. Milton C. Weisman, attorney for the unit, will represent member exhibitors when the showdown comes.

Refuses Injunction In Cash Night Case

DETROIT, Aug. 11.—Judge DeWitt H. Merriam has dismissed the petition of Ben and Lou Cohen, Roxy theatre, for a permanent injunction restraining Jacob Schreiber from using Cash Nights at the Colonial. Judge Merriam said his action was taken because outcome of the criminal case against Schreiber, now pending before Judge Christopher E. Stein, who will return a verdict on Sept. 2, would properly dispose of the matter. Judge Stein has indicated that his finding will be in favor of Schreiber, who is again using Cash Nights while waiting for the decision.

Chance Games Boom Grosses in Chicago

CHICAGO, Aug. 11.—Running unmolested Bank Nights and Screeno are doing big business in more than 250 neighborhood theatres here. Houses having Bank Night awards that have built to a considerable sum are using squads of police to keep traffic moving in front of theatres. Screeno fans are on increase, according to reports from various managers who expected idea to lose interest after first few weeks.

With Gift Nights several times a week exhibitors here show no interest at present time in returning to double bills.

Carewe On Way Here To Arrange Release

HOLLYWOOD, Aug. 11.—Edwin Carewe is en route to New York seeking distribution for the church and school pictures he plans to produce. He is sailing for Rome, Paris, Barcelona and London on Aug. 16 on the *Conte di Savoia* to close deals for European distribution.

Carewe, who claims he has unlimited financial backing, although he refuses to state just who his backers are, plans to produce as features "Daniel Boone" and "LaFitte, the Pirate," besides "Pilgrimage."

His short subject program includes 10 scientific one-reelers, 10 travelogue two-reelers titled "How the Rest of the World Lives," 10 one-reelers titled "See America First" and 10 one-reel humorous cartoons.

The pictures will be produced on 16 mm. and 35 mm. stock.

New Detroit 1st Run

DETROIT, Aug. 11.—Definite date selected for the opening of the Lafayette, former "legit" house, as a first run picture house by Lou Wasserman, who operates several Cleveland theatres, is Aug. 29. "My Heart Is Calling" will be the opening feature. The house is now being remodelled and sound equipment installed.

After 303 Years

Lewes, Del., Aug. 11.—This 303-year-old village has reared and kicked over the traces of the old blue laws and legalized Sunday baseball by a referendum among its 268 voters. The vote showed only 61 favored retention of the statute drawn up in 1740.

Writers Call July's Films Year's Worst

HOLLYWOOD, Aug. 11.—July releases represented the poorest efforts of the studios for any month this year, it will be pointed out in the *Screen Guild's Magazine,* out Monday. The reason is blamed on the end of the production year and producers' greater concern with next season's work.

Miriam Hopkins was awarded the honor of giving the best performance of the month for "Becky Sharp." Noel Coward and Julie Hayden were also voted honorable mention for their work in "The Scoundrel" and Luise Rainer rated a second honorable mention for her performance in "Escapade."

Ben Hecht and Charles MacArthur were chosen for having written the best screen play in "The Scoundrel" and honorable mention went to Herman Mankiewicz for "Escapade" with second honorable mention to Francis Faragoh for "Becky Sharp."

In the balloting for the best performance only 12 players from six pictures received one or more votes. Almost three times as many players received votes last month

High Court Test of Ohio Sales Tax Seen

(*Continued from page* 1)

uniformly and is, therefore, discriminatory. He cited as exemptions farm products at the source of supply as one instance to fortify his decision and expressed an opinion that the Legislature abused its privileges in enacting the statute originally.

The judge had sustained a demurrer filed on behalf of an Akron restaurant owner who had been arrested on a tax violation charge and had ruled the method of obtaining the evidence was an "entrapment" method.

Carlton Dargusch, chairman of the state tax commission, deprecates the decision and states he will refer it to the attorney general to determine the state's future course with the Supreme Court test heading up on the horizon. Exhibitors have been collecting the sales tax in lieu of the 10 per cent admission tax previously in effect, but which was suspended for one year when the sales levy swung into operation.

The Castle Passes On

CHICAGO, Aug. 11.—The Castle, which for more than 20 years has been prominent among the Loop houses, has closed and is being converted into a women's ready-to-wear store. Clarence Beck, owner-manager of the house, will take over the Casino on Madison St., opening this house about Sept. 1. The Casino was operated by Universal for many years.

Resume Booth Scale Confab This Morning

(*Continued from page* 1)

at 1 A. M. Saturday. When the meeting broke up, operators had gained a point they had fought for since last Monday when union representatives walked out of a meeting with circuit heads. The circuits had refused to rescind the cut order, and unless such a move was made Local 306 declined to enter into negotiations and a strike, therefore, had loomed as a possibility by Saturday midnight.

The withdrawal notice by circuits is for one week. Unless a compromise is reached, the unions will walk out again, it was stated. It is understood certain modifications in the present wage scale will be made.

Union officials and members have been riled at the circuits for instituting arbitrary reductions. They declare the theatre heads went about the matter in "a childish way." The new union administration is backed 100 per cent by the members who were ready to picket Loew's, RKO and Skouras houses yesterday in the event the strike was not called off.

Circuits Wanted Union to Budge

For the past week circuit heads maintained they would not budge from their stand and that the union would have to make the first move. It was stated Saturday at union headquarters that Thompson called Basson late Friday night for an immediate conference which resulted in the week's truce.

Provided both sides get together in the negotiations, a new contract will be drawn for a number of years effective Sept. 1. None of the three formulas drafted by Local 306, Charles L. O'Reilly and Harry Brandt during the NRA fact-finding committee negotiations will be considered during present confabs. The circuits are aware of the fact that the union has made considerable concessions to independents and are demanding relief in a number of theatres. According to Local 306, plans are under way to increase wages in a number of unaffiliated theatres. A number of exhibitors who were given concessions during the NRA fact-finding conferences will have them revoked, it was stated.

Thompson on Saturday afternoon issued a statement in which he verified the entrance of state and federal labor men into the situation. He said he looked for a favorable outcome on the scale.

Cincinnati Houses Will Escape Flood

CINCINNATI, Aug. 11.—Although one or two subsequent run houses are located contiguous to the Ohio River and have suffered more or less damage from previous floods, no trouble of this kind is anticipated in the immediate future by reason of the upper tributaries pouring their excess waters into the Ohio.

According to prediction of W. B. Schlomer, acting U. S. Meteorologist, the river will reach a crest of 40 or 42 feet within a few days.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 37 NEW YORK, TUESDAY, AUGUST 13, 1935 TEN CENTS

Para. Dropped 700 Theatres In Revamping

Still Has the Largest Group, 1092 Houses

Approximately 700 theatres were eliminated from the Paramount circuit during the two and one-half years of the company's bankruptcy, it is disclosed by a recently completed report of Paramount's theatre interests.

With 1,092 theatres still remaining under the Paramount banner as compared with the 1932 peak of 1,800 houses, that company's theatre interests continue to be by far the most extensive of all, despite the amputation of 700 units.

The theatres that went into the discard in Paramount's rehabilitating

(Continued on page 6)

Mrs. Skirball Dies In Crash; Son Hurt

Mrs. Sarah Skirball, mother of J. H. Skirball, Educational sales manager, was killed and Joseph Skirball, her son, and Grace and Mildred, two daughters, were seriously injured in an automobile accident at Sewickley, Pa., on Sunday, according to brief information received here yesterday by Earle W. Hammons, president of Educational. Details of the accident was unknown here yesterday afternoon.

Funeral arrangements for Mrs.

(Continued on page 7)

Cocalis Personally After Chain of 25

Sam Cocalis, who operates 14 theatres in Greater New York in addition to his interest in the Springer & Cocalis circuit, states he has a number of other deals pending which will bring the total to around 25. The deals, in some instances, are for one, two and three houses. Cocalis recently took over the Park, Newark, N. J., in a foreclosure sale. He is reopening the house Friday.

Admitting he has a dispute on with Jack Springer, Cocalis denies the Springer & Cocalis circuit will split.

Sheehan Weds Maria Jeritza in a Mission

SANTA BARBARA, Calif., Aug. 12. — Maria Jeritza, noted opera diva, and Winfield Sheehan, former vice-president and general manager of production for Fox, married this afternoon at the historic Santa Barbara Mission.

(Continued on page 7)

Major Companies' Advances Keep NVA Sanitarium Going

The major companies have advanced sufficient funds to the N.V.A. Sanitarium at Saranac Lake to keep its doors open for 30 days and will meet at date undetermined at present to discuss plans for arranging sufficient finances to permit the institution for the theatrical tubercular to continue without suspension.

The meeting will be set after the return from Hollywood of Will H. Hays, Harry M. Warner and John E. Otterson.

The sanitarium has been in the red for some time and requires from $90,000 to $150,000 to make its financial position secure.

Kansas May Tax Admissions To Share in Social Security

KANSAS CITY, Aug. 12.—With approval by Congress of the social security bill, the Kansas legislature is expected to go into a special session to provide for state participation in the program.

The legislative council has been considering ways and means of raising money to participate in the program off and on since the legislature adjourned this spring. One plan it has suggested for raising funds is a 10 per cent amusement tax. Whether this will appear in its final recommendations to the governor and the legislature is not known.

The session has been planned since the adjournments of the regular meeting late this spring, but Governor Landon has been waiting upon this action by Congress before calling it. The governor has indicated he would summon the legislature probably late in September.

In order to participate in the social

(Continued on page 7)

K. C. Zoning Plan Evolved; Hits Premiums

KANSAS CITY, Aug. 12.—A clearance schedule has been worked out by independents and is to be presented to distributors within the next few days. In the form of a petition, the proposed plan has been signed by practically all local independent exhibitors except those out of town, among whom are J. F. Rigney of the Westport and Jay Means, president of the ITO, who operates the Oak Park and Bagdad.

The schedule is almost identical with that in effect two or three years before the NRA came into the picture, except that giveaways are penal-

(Continued on page 6)

Studios Maintain Their Record Pace

HOLLYWOOD, Aug. 12.—Production showed little fluctuation over former checkup figures last week with activity continuing at a record pace. The

(Continued on page 7)

All Writers Re-Sign, Buck Of Ascap Says

A 100 per cent renewal of Ascap music writers' memberships on five-year contracts was concluded recently, Gene Buck, president of Ascap, said yesterday on his arrival here from the coast.

He added that music publishers' membership renewals likewise were being made on an encouraging scale and expressed confidence that Warner's music publishing subsidiaries would renew their Ascap membership contracts. Buck admitted, however, that the Warner disagreement has not yet been cleared up.

The Ascap president, who flew to

(Continued on page 2)

One Italian to 3 Imports, New Law

WASHINGTON, Aug. 12.—One domestic picture of not less than 1,500 meters (about 5,000 feet) must be shown in all Italian theatres for every

(Continued on page 8)

Union Renews Picketing As Talks Resume

Circuits Make Charge Of Discrimination

With resumption of negotiations between Local 306 and major circuits on a new wage scale, the operators' union yesterday renewed its picketing campaign on independent houses in Brooklyn and Manhattan.

In Brooklyn, a number of independent exhibitors who have refused to do business with Local 306 are being picketed while several Brandt houses on 42nd St. were the scene of Manhattan activity. By early afternoon 10 had been arrested.

A spokesman for Joseph D. Basson, president of the projectionist's unit, stated yesterday that he believed Harry Brandt was behind the move of the circuits to cut wages. Brandt denied being the instigator. He said, "If Local 306 credits me with being the instigator I can't help it. I've

(Continued on page 2)

RKO Circuit Buys 18 From "U," GB's 16

Deals closed with Universal for the 18 pictures left on that company's split after its original deal with Loew's and a second contract for GB.'s 16 send RKO's film buys to 150 for the new season. This total is numerically six short of the New York circuit's requirements.

James R. Grainger, Leo Abrams and Sig Wittman represented "U" in the transaction which closes out that company's lineup with major circuits

(Continued on page 6)

Cochran Figures in 20th Cent.-Fox Plan

By BRUCE ALLAN

LONDON, Aug. 12.—Charles B. Cochran, English revue producer; Dr. Paul Czinner, Dixon Boardman, Oswald Balfour, F. J. Chart and F. M. Guedalla are associated as directors with Joseph M. Schenck in Inter-Allied Film Producers, Ltd., formed here as a private company to make, as

(Continued on page 6)

Berman to Imperial As Its Sales Head

Louis Berman, former head of Popular Pictures, has joined Imperial Dist. Corp. as national sales manager. The company will show "Manhattan Butterfly," its first today.

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Mrs. Skouras Operated

GREENWICH, Conn., Aug. 12.—Mrs. Spyros Skouras was resting comfortably tonight following an operation at the Greenwich Hospital. A late report gave her condition as "fine." It was expected she would be able to return to her home in Mamaroneck shortly.

Pioneer Signs Jones

HOLLYWOOD, Aug. 12.—Pioneer Pictures, Inc., has signed Robert Edmund Jones as color director as a result of his work on "Becky Sharp" and "La Cucuracha." He is now in New York and due here in September.

Marco Says Deal Not Set

HOLLYWOOD, Aug. 12.—Mike Marco said today that the production headquarters for F. & M. are still uncertain, but that two deals are pending for features.

"39 Steps" Run Set

CLEVELAND, Aug. 12.—"39 Steps" goes into the Allen for a first run engagement starting Aug. 24.

WANTED

Used Bell and Howell positive splicer and four-way Moviola synchronizing machine with rewinders. Box 666, Motion Picture Daily, 1790 Broadway, N. Y.

Union Renews Picketing As Talks Resume

(*Continued from page* 1)

been blamed for a lot of things I know nothing about."

He asserted Local 306 has been trying to get him to make a deal, which "I will never do."

In addition to Basson, Charles C. Moskowitz, Loew's and Leslie E. Thompson, RKO, attending the wage conference are Thomas J. Williams and William C. Liller, from the Dep't. of Labor, Washington, and Col. Ruddick of the N. Y. State Labor Dept. Negotiations are expected to last several days.

The circuits, in seeking a reduction in the present scale, contend that hundred of theatres in New York are paying as low as $1 an hour for the same work which the union is demanding $2.12½ from them.

Loew's, RKO and Skouras also hold that the A.F.L. firmly stands for a definite and uniform scale in each locality, but Local 306 has no such scale and sets up different hourly wages and conditions for various type theatres.

Circuit heads assert they are willing to pay a fair wage, but not more than the union extends to other theatres.

Cleveland Parleys This Week

CLEVELAND, Aug. 12.—First run operators will start negotiations this week with local unions on 1935-36 wage scales. The present agreement expires Aug. 31. It is reported that operators are asking a 15 per cent increase and stage hands an increase of 25 per cent.

Bailey, Greve Served In Prudence Probing

Frank Bailey, former Paramount director, and William Greve, member of the bondholders' committee of Fox Metropolitan Playhouses, are among the officers and former directors of the Prudence Corp., realty investment organization for whom 52 subpoenas were issued yesterday to appear for examination under Section 21-A of the bankruptcy laws in a probe of the company's dealings.

The Prudence Corp., and its subsidiary, Allied Owners Corp., were identified with the financing and construction of a number of theatres for Paramount, some of which in this territory were subsequently taken over by Loew's. Federal Judge Grover Moskowitz of Brooklyn appointed Adolph C. Kiendl, Brooklyn attorney, special master to preside at the examinations.

Connors Takes Over More MGM Branches

Supervision of M-G-M branches in Chicago, Indianapolis, Milwaukee and Minneapolis, for which S. A. Shirley is district manager, will switch from E. M. Saunders, western division manager, to T. J. Connors, southern division head.

The shift in the geographical setup will not take place until a number of pending deals are consummated.

Their Last Yacht?

Boston, Aug. 12.—Yachting apparel is now the vogue at M. and P.-Publix headquarters. The "Discovery 2nd," a new 42-foot cruiser, slid down the runways of Hollers' Boat Yard at Savin Hill the other evening to the plaudits of theatre folk. Rose Falk swung the champagne bottle.

Members of the M. and P.-Publix staff are taking the craft to Buzzards Bay and thence to Bar Harbor, Me., on her maiden cruise. The boat is being manned by John J. Hanley, Capt. R. L. Silva, First Officer Leo J. Levenson, Engineers George T. McAleenan, John T. Loftus, and Joseph Rosen, all of the M. and P. staff.

Gov't to Back N. Y. Theatrical Projects

WASHINGTON, Aug. 12.—The Division of Applications and Information of the works program today announced President Roosevelt has approved allocations totaling $3,227,946 for circus and other amusement projects in New York City.

Included in the allocations were $906,960 for the formation of road companies of professional and vaudeville actors to tour CCC camps in the second and third corps areas; $1,521,764 to provide professional dramatic performances for the public in parks, schools, settlement houses, institutions and playgrounds; $333,260 to provide circus units in the parks and playgrounds during the summer and in armories and in other suitable places during the winter; and $1,465,962 for orchestral, band and vocal ensemble units to give free concerts for the public at schools, museums, armories, parks and over the municipal broadcasting station.

Kuykendall Deplores Demise of NRA Code

JACKSONVILLE, Fla., Aug. 12.—Ed Kuykendall, national M. P. T. O. A. president, today described the loss of the NRA code as "a calamity" and expressed little faith in plans for a voluntary code which have been discussed in industry councils. He also declared it was too early to discuss the practicability of the reinstating of the Film Boards which, he continued, also has been discussed, thereby verifying a MOTION PICTURE DAILY exclusive to that effect a few weeks ago.

Kuykendall spoke before the convention of the Southeastern Theatre Owners Ass'n.

May Restrict Billboards

STRATFORD, Conn., Aug. 12.—The planning board has before it a bill prohibiting construction of billboards within the town limits. Pending action, the building department is withholding all permits. Bridgeport and Milford theatres advertise in the town in competition with the local theatre.

Novarro Here on Deal

Ramon Novarro is in from the coast to arrange release for "Against the Current," Spanish talker which he produced.

All Writers Re-Sign, Buck Of Ascap Says

(*Continued from page* 1)

the coast three weeks ago, said he believed that the recent Washington State court order restraining Ascap from making new licensing agreements until the court was certain the organization did not constitute a monopoly would be set aside on appeal to a higher court. He reported there had been no noticeable increase in unlicensed performances of Ascap's copyrighted music since the Federal government's anti-trust suit was filed against the organization here.

Buck said he would remain here for a rest and then proceed to Washington on Ascap affairs.

Washington Deals Held Up

OLYMPIA, WASH., Aug. 12.—Ascap has been enjoined from entering into any further contracts in this state on the charge that it has built up a monopoly. All existing contracts are to be held in status quo until Ascap satisfies the court it is complying with the law.

The action was taken by Superior Judge D. G. Wright.

Bank Night Owners File More Actions

DALLAS, Aug. 12.—Suits have been filed in Judge William H. Atwell's U. S. district court for the Northern District of Texas by Affiliated Enterprises, Inc., owners and distributors of Bank Night against O. K. Theatres, Inc. (Oscar Korn), and P. Q. Rockett, alleging infringements of copyright.

O. K. Theatres operates in about 12 Texas towns, mainly in the west. It is alleged to have evolved a give-away plan of its own adaptation and for its own use in its theatres with no outside sales involved. The same conditions are claimed to apply for Rockett who operates three small towns in Dallas environs.

The office of C. C. Ezell, national sales manager for Bank Night, advises other cases are in preparation for filing. Names mentioned include only exhibitors who operate in multiple stands.

The cases are being handled for Affiliated by Eldon J. Dick, attorney of Tulsa.

In 36 of Ohio's Towns

CLEVELAND, Aug. 12.—Bank Night, sold locally by J. S. Jossey, is now playing in 36 Ohio towns. Only in Cleveland, Youngstown and Akron has the legal status of the stunt been attacked. In Youngstown, the common pleas court refused to grant an injunction to stop it. In Akron, the complaint has not yet been heard. In Cleveland, an injunction to stop Bank Night was refused by Judge Frederick Walther of Common Pleas Court. The case is now before the Court of Appeals and a decision, claimed to be the first issued by one of the higher courts, is expected this month.

BOB O'DONNELL BREAKS LONG SILENCE!

Blames It On The Irish In Him

19NY K 190 DL

DALLAS TEX AUG 8

GRAD SEARS NY

ONE OF THE FIRST RULES OF THE AMALGAMATED ASSOCIATION OF FILM BUYERS IS TO MAINTAIN A STRICT SILENCE DURING THE BUYING PERIOD HOWEVER HAVING BEEN DELUGED WITH SUCH GOOD PICTURES AS CALIENTE G MEN FRONT PAGE WOMAN AND BROADWAY GONDOLIER HAVE BECOME RATHER BLASE AND ACCEPTED **THE IRISH IN US** AS MATTER OF FACT DESPITE FINEST AUDIENCE REACTION IN LAST FIVE YEARS AT MIDNIGHT SHOW LAST SATURDAY DALLAS STOP THE TITLE ALONE INTRIGUES ME AS YOU MUST REALIZE BUT AM VERY HAPPY TO ADVISE YOU THAT I THINK IT WILL PUT CAGNEY AND OBRIEN IN THE PLACE THEY SO JUSTLY DESERVE AS THEY HAVE BEEN JUMPING AHEAD BY LEAPS AND BOUNDS SINCE HERE COMES NAVY AND AM LOOKING FORWARD TO TERRIFIC RESULTS ON IRISH IN US STOP KIND REGARDS DEEPEST AFFECTION AND A CERTAIN AMOUNT OF SINCERITY

BOB O'DONNELL
INTERSTATE THEATRE CIRCUIT
232PM

DEAR BOB APPRECIATE YOUR WIRE BUT WISH YOU HAD NOT SENT IT COLLECT AS ITS NO NEWS TO US THAT IRISH IN US IS GREAT SHOW HAVING JUST TOPPED G MEN IN FIRST TWO DAYS AT SAN JOSE AND MOVED FROM WARFIELD TO ST FRANCIS FOR A SECOND RECORD FRISCO WEEK ALSO HAS LANDED SMACK ON NEW YORKS WILD IRISH NOSE WITH AN ALL TIME SUMMER OPENING RECORD AND INDEFINITE HOLDOVER STOP

ANTICIPATE HEARING FROM YOU AT MUCH GREATER LENGTH WHEN YOU OPEN PAGE MISS GLORY BRIGHT LIGHTS LITTLE BIG SHOT AND SPECIAL AGENT SO KINDLY WRITE DONT TELEGRAPH

ITS THE SCOTCH IN US

WARNER BROS.

The first of a great new s

Clarence

"HOP-A-LON

with **WILLIAM BOYD · JIMMY ELLISON**

Directed by Howard Bretherton

Hopalong Cassidy
Clarence E. Mulford
A. L. Burt Company
Hopalong Cassidy's Protégé
Clarence E. Mulford
A. L. Burt Company
Hopalong Cassidy Returns
Mulford
A. L. Burt Company
Hopalong Cassidy
Clarence E. Mulford
HOPALO
CASSIDY
THE EAGLE'S BR
CLARENCE E. MULFORD
A. L. BURT COMPANY

Clarence Mulford's famous novels have sold over 3,000,000 copies and have been read by 20,000,000. A great audience awaits these pictures . . . .

Paramount Pictures

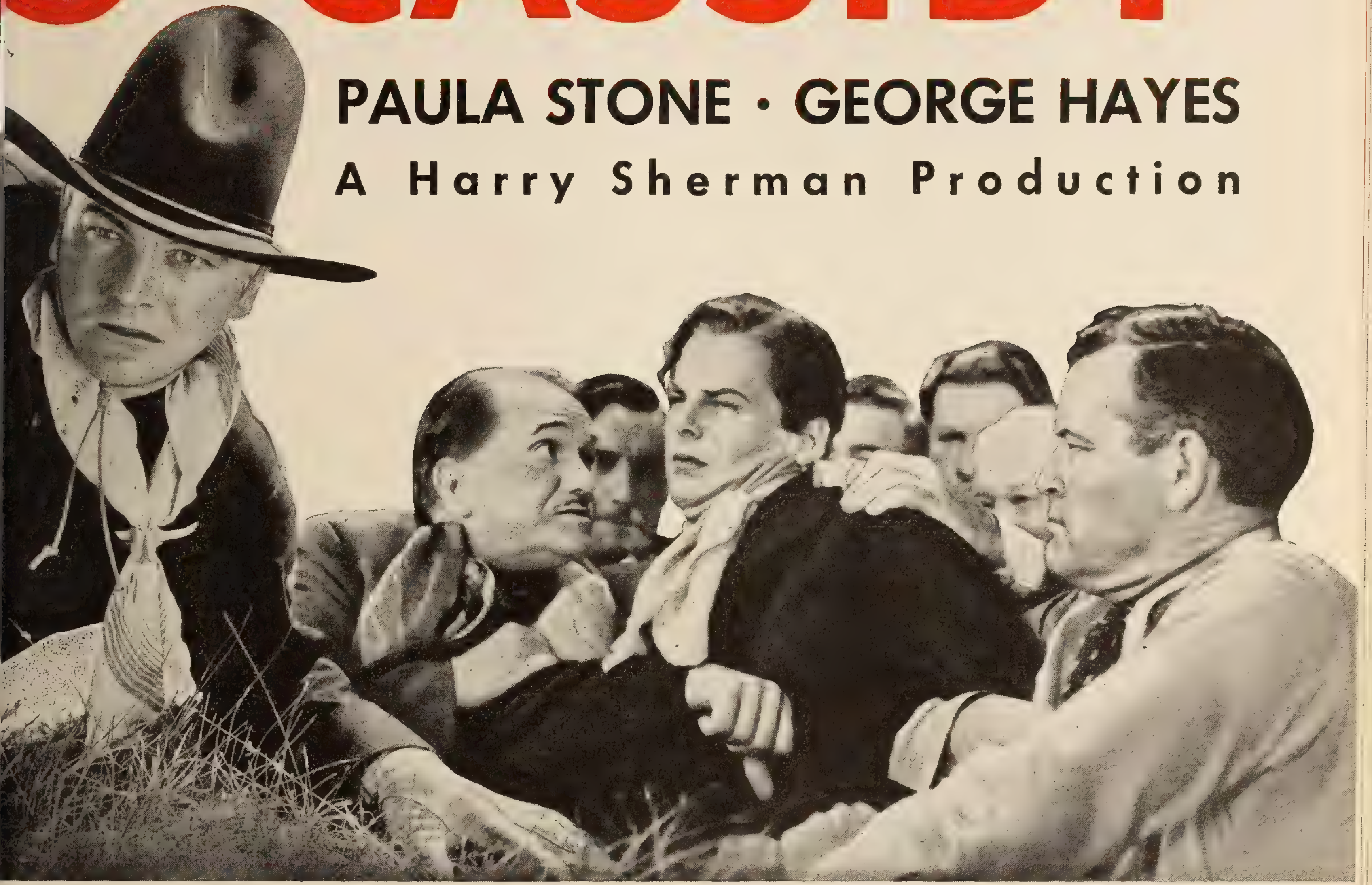
es of Western pictures . . .

Mulford's

G CASSIDY"

PAULA STONE · GEORGE HAYES

A Harry Sherman Production



Read these rave reviews:

"'Hop-A-Long Cassidy' will hit. Boyd rings the bell as Western star. **This is a grand opening number for Paramount's new series of westerns.** Everything a western should have has gone into the making of 'Hop-A-Long Cassidy' and has been handled in the shrewdest manner by experienced brains who know their westerns and their showmanship." *—Hollywood Reporter*

"Smart casting and a showmanlike production give this an edge as an unusual action type of picture. The story for the first of the series moves rapidly and ends on a note which leaves the audience anticipating adventures to be produced later." *—Motion Picture Daily*

"**Ace Entertainment!** First of the 'Hop-A-Long Cassidy stories by Clarence E. Mulford to be transferred to the screen by Harry Sherman is a fast-moving, ably enacted action yarn that stacks up as ace entertainment. Particularly in the spots where western pictures have a strong appeal this one will have little trouble standing up nicely." *—Hollywood Variety*

"**Every exhibitor** who can possibly run a Western **will want to play this.** This well-produced, interesting yarn has plenty of action, beautiful scenery that you don't see in every outdoor picture, a nice smattering of comedy, some romance and a cast that handles its work very well." *—Film Daily*

IF IT'S A PARAMOUNT PICTURE IT'S THE BEST SHOW IN TOWN!

K. C. Zoning Plan Evolved; Hits Premiums

(Continued from page 1)

ized more severely. With single bills, they are set back 28 days; with double bills, 56 days. This is not intended to eliminate giveaways because many exhibitors will continue to use them, but it will tend to establish a brake on them. Independents generally agree that this should be done.

Following is the petition:

"We the undersigned exhibitors, of Kansas City, Mo., feel that the present zoning schedule under which we are operating is very unfair and detrimental to our business. The present clearance and restrictions placed upon the exhibitor in playing pictures have forced the lower admission theatres, which constitute most of the suburban houses in Kansas City, Mo., to resort to so-called stimulants such as Bank Night, Jack Pot, Premiums, Refund Checks, Two-for-One Tickets, Gift Stamps and other practices which tend to lower the standards of the picture business. These practices by the suburban theatres have forced the downtown first run houses to adopt similar measures.

"We feel that if a fair zoning and clearance schedule can be set up, most of these evils could and would be done away with.

"We submit for your consideration the following schedule, which is identical with the schedule under which we operated successfully prior to the NRA, with the exception of some penalties which we feel would help eliminate some of the evils referred to. This schedule was preeminently fair to everyone and also met with everyone's approval.

"The Proposed Schedule:
"First suburban run
28 days after close of first run.
"25 subsequent run
56 days after close of first run.
"20 subsequent run
70 days after close of first run.
"15 subsequent run
84 days after close of first run.
"10 subsequent run
112 days after close of first run.

"All pictures to be made available for single billing with premiums, Bank Nights, Gift Stamps, and other similar stimulants 28 days after the regular single bill spot.

"Any picture playing double with premiums, Bank Nights, Gift Stamps, and other premiums to be made available 56 days after regular single bill spot.

"This proposed schedule is respectfully submitted by the following exhibitors:" (signatures of the exhibitors follow.)

Preparation of the petition followed a meeting of the ITO last week, called by E. Rolsky, vice-president, on request of several members. At the time no announcement was made.

For some time it has been general gossip among independents—and distributors have not denied it—that Fox Midwest would buy in zones the coming season. For this reason, many independents wanted to take some action before zoning became an accomplished fact.

At times in the past it has been the reaction of distributors that independents were not in agreement among themselves or couldn't get together on any sort of clearance basis for the buying season until after Fox Midwest and other circuits had purchased and set their pictures. Under such circumstances, distributors were not in a position to consider any plan.

Getting into the field before distributors have begun to sell—at least to independents—the latter feel that their plan, which has such wide support of themselves, should and will receive consideration. With the present schedule independent exhibitors will present a united front.

E. S. Young, operator of the Roanoke and Central, handled the petition.

Cochran Figures in 20th Cent.-Fox Plan

(Continued from page 1)

its first, George Bernard Shaw's play, "St. Joan." Elisabeth Bergner will star. Lewis Casson, husband of Sybil Thorndyke, "Joan" in the stage play, will advise on production.

Czinner is Miss Bergner's husband and director, Boardman and Balfour are G.B. directors and Chase representatives in England. Chart represents other financial interests and Guedalla is a director of United Artists and member of the firm of lawyers handling their British business. He is a brother of Philip Guedalla, noted British author.

10 a Year Is Plan

Twentieth Century-Fox's plans to make 10 pictures a year in London with Robert T. Kane, now an associate producer on the Fox lot in Hollywood, in charge, clears up one of the angles of Joseph M. Schenck's recent trip abroad when the preliminary plans were made with distribution at the time a confused point shuttling back and forth between Fox and United Artists from the latter of which companies Schenck's withdrawal as president had not been ratified at the time.

It is planned to produce the 10 pictures in the British Isles on a scale comparable with the big pictures made by Twentieth Century-Fox in this country and release conditions will be the same for both groups.

Kane's production unit will occupy quarters at the Alexander Korda studio near London. It is planned to exchange actors, writers and directors between the two production centers, while Kane also will search for additional European talent to sign under the Twentieth Century-Fox banner.

Schenck arrived here by plane yesterday from the coast to attend the meeting of the Fox Film stockholders Thursday, at which time it is expected the merger with Twentieth Century will be ratified.

Seeks to Block Merger

An injunction to restrain Fox Film Corp. from holding a meeting of stockholders Thursday for the purpose of voting on the Twentieth Century-Fox merger at that time will be sought of the state court here today or tomorrow, according to Henry L. Sperling, attorney for the Fox stockholders' committee opposing the merger.

Sperling stated the committee had a representative in chancery court, Wilmington, yesterday at a hearing on the petition of Daniel O. Hastings, receiver of General Theatres Equipment Corp. for instructions to vote that company's stock in favor of the merger.

G. T. E. Will Vote Merger

Wilmington, Del., Aug. 12.—An order authorizing former U. S. Senator Daniel O. Hastings, of Delaware, receiver for General Theatres Equipment, Inc., to direct voting trustees of Fox Film stock owned by G. T. E. to vote that stock in favor of the Fox consolidation with Twentieth Century was signed in Chancery Court here today by Chancellor Josiah O. Wolcott. The only opposition to the receiver's petition for such authority came from New York counsel representing All Continental Corp., owned by Mrs. William Fox.

Counsel urged that action be deferred, but the court pointed that the meeting is set for Thursday. Opposing counsel charged that "the court can safely assume that what Senator Hastings, as receiver, does is what Chase National Bank wants done." It was also charged the proposed consolidation was evolved by Chase, a large creditor of G. T. E. Several times, Murray Becker, counsel for All Continental, was cautioned by the court to confine his arguments to the merits of the consolidation plan.

G. T. E. owns eight per cent of Fox Class A and 86 per cent of the Class B.

Wall Street

Warner Issues Up on Big Board

	High	Low	Close	Net Change
Columbia	75½	74	75	—1¾
Consolidated	5	4¾	5	+ ½
Cons., pfd	17⅞	16¾	17⅞	+1⅛
Eastman	148	147½	147½	— ½
Eastman, pfd	156	156	156	—2½
Fox	16¼	15¾	16¼	+ ¼
Loew's, Inc.	41⅛	39⅜	41⅛	+ ¾
Paramount	5⅛	4¾	5	+ ¼
Pathe	⅞	¾	⅞	+ ⅛
Pathe "A"	11	10¼	11	+ ¼
RKO	2¾	2½	2¾	+ ¼
Universal, pfd	33	33	33	+ ½
Warner	5⅛	4¾	5	+ ¼
Warner, pfd	37¾	35	37¾	+2¾

Curb Issues Off Slightly

	High	Low	Close	Net Change
Technicolor	20¼	19	19½	— ⅞
Trans-Lux	2½	2⅜	2⅜	— ⅛

Paramount F. L. Bonds Gain 1

	High	Low	Close	Net Change
General Theatre 6s '40 ctf	13¼	13¼	13¼	.....
Keith B. F. 6s '46	92	92	92	+ ¼
Loew's 6s '41 ww deb rights	103⅞	103⅞	103⅞	.....
Paramount F. L. 6s '47	103½	102¼	103½	+1
Paramount Publix 5½s '50	105	104	105	+ ½
Warner Bros. 6s '39 wd	78	76¼	78	+1½

(Quotations at close of Aug. 12)

"U" Outing on Today

The Universal home office will function with a skeleton staff today since almost all the employes will attend the annual boat ride and outing of the Universal Club at Bear Mountain. The party is scheduled to return late tonight. Music on the boat will be furnished by the John G. Thomas Orchestra and numerous prizes have been provided for athletic and other events at the park.

In Connecticut, Too

New Haven, Aug. 12.—John P. Byrne, chairman, expects a turnout of 250 for the annual outing at Ye Castle Inn, Saybrook, on Aug. 15. The exchanges will close up tight for the day and exhibitors from all over the state will be represented. Luncheon and steak dinner will be served and swimming, potato races, and other contests are on the program.

Boston Outing Tomorrow

Boston, Aug. 12.—Final plans are in progress for the annual film outing and field day to be held Wednesday at Norumbega Park, Auburndale. Cars will be provided by various exchanges whose employees are given half-holidays.

Para. Dropped 700 Theatres In Revamping

(Continued from page 1)

process were believed by the company to be the poorest of its theatre investments, having the least likelihood of returning profits to the company. In many cases leases on such houses were disavowed, sold, turned back to their original owners or in other ways disposed of. The 700 houses which were eliminated would comprise of themselves, if gathered together in one organization, a circuit second in size only to Paramount's present theatre interests.

Approximately 900 of Paramount's holdings are located in 39 American states; about 200 are in Canada, and about 35 are in 11 foreign countries. The eliminations were almost entirely confined to the American holdings.

As virtually all of Paramount's theatre holding subsidiaries are now rehabilitated, there is little likelihood of the company's theatre map undergoing further changes of any proportions in the near future. The Olympia circuit, New England, is the only Paramount theatre subsidiary which remains to be reorganized and the process of weeding out "deadwood leases" from this unit is essentially completed now.

Doran on Stage Plays

D. A. Doran, Jr., has closed a deal with Paramount whereby the latter will finance 100 per cent six plays produced by Doran and tried out recently at the Red Barn, Locust Valley. Under the arrangement, Doran will get 50 per cent of the profits.

The six plays are "Mad Morning," "Penny Wise," "Wild Justice," "There's Wisdom in Women," "Return to Polly" and "With All My Heart."

Paramount has formed Locval, Inc., which will be the producing company for the half dozen plays.

Otterson Due in Week

John E. Otterson, president of Paramount, is scheduled to leave Hollywood next Friday or Saturday, to arrive here early next week. He has been engaged in a studio survey for the past seven weeks.

Los Angeles, Aug. 12.—Mrs. Otterson and her daughter, Jane, are en route to New York by boat.

RKO Circuit Buys 18 From "U", GB's 16

(Continued from page 1)

in this area. John O'Connor and Fred Meyers represented RKO.

The G.B. deal covers that company's entire program for 1935-36.

RKO now has signed 66 from Twentieth Century-Fox, 50 from Radio Pictures to a total of 116. The additional 34 bring the total to 150.

Recourse to arbitration to settle terms of the RKO buy under its Twentieth Century-Fox franchise began to fade yesterday.

May Tax Theatres To Aid Social Plan

(Continued from page 1)

security program Kansas must pass an old age pension law, evolve a method for raising funds to match Federal grants for the pensions and set up a body to administrate unemployment insurance in the state.

The legislative council, the research bureau of which is preparing an analysis of the social security program and how it will be applied to Kansas, will meet probably late in August to draw tentative pension bills for the contemplated session. The governor, it is understood, will not name the date of the special session until after the council meets.

The old age pension, it is estimated, will cost Kansas between $1,800,000 and $3,000,000 a year. Other parts of the social security program will cost probably as much if not more.

Studios Maintain Their Record Pace

(Continued from page 1)

weekly survey of studio schedules showed 41 features and four short subjects before the cameras as compared with 42 features and five shorts for the week before.

M-G-M, which has been leading all majors in activity for several weeks, continued to head the list with nine features shooting, three preparing and slated to go into the sound stages within two weeks and 12 in the cutting room. Paramount had eight, one and six; Universal five, five and four; Warners five, two and 10; RKO five, two and seven; Columbia four, two and three; Fox four, three and three; Goldwyn one, zero and one. Independents were dark on feature activity.

Short subjects also held about the same. RKO had one short in work, three preparing and four in for editing. M-G-M had one, three and five; Columbia one, one and one; Universal zero, one and zero; Warners zero, one and two with the indies registering one, zero and zero.

Sheehan Weds Maria Jeritza in a Mission

(Continued from page 1)

Edwin Burke, scenarist and a close friend of Sheehan's, was best man, and Countess Bombelles, the matron of honor. Irvin and Mrs. Cobb were attendants. Father Augustine Hobrecht, O.F.M., officiated.

Tonight, following the ceremony, 50 guests attended the wedding reception at the Sheehan ranch. The bride and groom will sail from New York on the *Normandie,* Aug. 21, for their honeymoon abroad.

Mme. Jeritza is the former Baroness Popper von Podhragy. This was her second marriage as it was Sheehan's. His first wife was Kay Laurel, who died in 1927.

Lloyd, Cooper Recover

Hollywood, Aug. 12.—Harold Lloyd and Gary Cooper have recovered from minor accidents which occurred while working at Paramount on Friday. Lloyd was stabbed in the scalp with a pair of scissors by a bit player who was supposed to clip a lock of his hair as business in "The Milky Way." Cooper, playing in "Peter Ibbetson, received an injured leg.

Out Hollywood Way

Hollywood, Aug. 12. — Irene Dunne to start building a home on the highest hill in Holmby Hills in two weeks. It will be a French farmhouse on an acre of ground. . . . Constance Cummings planning to go to London in about two months to supervise building of a home in Chelsea. . . . Buck Jones has bought a 40-foot sailing boat. . . . Mascot concentrating on a publicity campaign for the first two contract players, Ann Rutherford and Barbara Pepper.

The elite of Hollywood turned out for the opening of Roger Marchetti's new law offices. . . . Among those present Carl Laemmle, Jr., Ben Bard, Ruth Roland, Frank Capra, John Considine, Jr., David Selznick, Carl Brisson and many others. . . . Admiral Richard E. Byrd, accompanied by Commander George O. Noville, in to look at preliminary cuts and assist in the editing of "Little America" at Paramount. . . . Fredric March and Gregg Toland caught a 250 pound shark off Balboa. Had their pictures taken with it for proof. . . . Lillian Hellman back at United Artists. . . . Margaret Irving in for her role in "Thanks a Million."

Mae West denies printed reports that anyone but herself has been cast in her next picture. . . . Ralph Staub has his Hawaiian short, "South Sea Sam," in work. Henry Armetta to be featured. Joe Traub wrote the story. . . . Benny Rubin has started directing "Star Gazing." . . . Gregory La Cava to New York and Europe. Refused to make any picture commitments before leaving, claiming he will make his vacation indefinite.

✣

Casting: Colin Clive set for "The Man Who Broke the Bank at Monte Carlo." . . . Raymond Walburn, Andrew Tombes and Alan Dinehart added to "Thanks a Million" cast. . . . Dorothy Wilson gets feminine lead opposite Harold Lloyd in "The Milky Way" at Paramount. Replaces Ida Lupino. . . . Paramount borrows Betty Grable from Radio for a part in the Joe Penner musical, "Collegiate." Ray Mayer added to cast of "To Beat the Band" at Radio. . . . M-G-M signs Helen Flint to do the role she played on the stage for "Ah! Wilderness." . . . Aline MacMahon signed to play the aunt in the same film.

✣

Writers: Morrie Ryskind doing the script of "Anything Goes" for Paramount. . . . Frank Butler working on script of "Coronado" at same studio. . . . "The Sun Never Sets," original by Jerry Horwin, agent, and Albert FitzRichards, reader in Universal's story department, bought by Universal. To be filmed early in the spring. Frank Lawton probably will play the lead. . . . Robert Andrews and Roy Chanslor scripting "G Woman" for Warners. . . . Charles Belda and F. Hugh Herbert adapting "A Present from Margate." . . . Delmar Daves working on "Petrified Forest" and Carl Erickson doing "The Trial of Dr. Beamish," all at the same studio.

Story Purchase: Paramount has purchased a play from the German of Hans Mueller called "Der Schoepfer."

Hollywood Influence

San Francisco, Aug. 12.—Joseph R. O'Connor, manager of the Irving, on the eve of his marriage to Eleanor Connor, received that kind of a wedding present that you only see depicted in pictures. He was promoted to division manager of 11 Golden State theatres here and will work directly under Bob McNeil. In addition to the promotion O'Connor was honored with a banquet in the William Taylor Hotel, some 50 executives of the Golden State chain being present. The theatres O'Connor will supervise are the Uptown, Granada, Daly City, Amazon, Parkside, Irving, Haight, Milano, Verdi, Victoria and Palmer.

Frank Alberti, manager of the Granada, replaces him at the Irving.

Skouras-W. B. Pool Near, But Yet Far

Negotiations between Skouras and Warners for the pooling of a number of New Jersey houses will not be completed for another week or 10 days, a Warner executive stated yesterday.

"This is the third time in three years we have been trying to get together," the Warnerite said. "We have our fingers crossed in the hope that a deal may materialize."

Expected Music Hall Operation Extended

The one year agreement between R. C. A., Rockefeller Center and RKO, under which Radio City Music Hall Corp., a Rockefeller Center subsidiary, operates the Music Hall, has been extended for four months from Aug. 31, it was stated yesterday. The renewal was anticipated and is viewed as routine.

A separate agreement under which RKO Service Corp. furnishes advisory and incidental services to the Music Hall operators, and which also was scheduled to expire Aug. 31, was extended for a like period. No changes in terms of either contracts were made.

Mrs. Skirball Dies In Crash; Son Hurt

(Continued from page 1)

Skirball are planned for tmorrow at Cleveland, the family home. The accident is believed to have occurred while Mrs. Skirball and her family were enroute to her home after a vacation here.

Sewickley, Pa., Aug. 12.—Joseph Skirball was resting uncomfortably tonight following the crash. He has a fractured jaw and bruises. His two sisters are suffering from bruises and shock and are at the Valley Hospital.

Hoig Escapes Death

Lincoln, Aug. 12.—Ike Hoig, personnel manager for the J. H. Cooper enterprises here, narrowly escaped death when his car crashed into a bridge railing near here on the way home from his vacation. The railing was driven completely through the engine. Two ushers, Wayne Elmelund and George Byers, who were with him, were severely bruised.

Leo Mielziner Passes

Truro, Mass., Aug. 12.—Leo Mielziner, famous portrait painter and lithographer, died here yesterday after an illness of several months. He was 65 years old.

Mielziner was the father of Jo Mielziner, the stage designer, and Kenneth MacKenna, the actor.

Al Larrivee Dead

Lincoln, Aug. 12.—Al ("Doc") Larrivee, 43, former cameraman who put out the Lincoln Theatre News here for nearly three years in the silent days, died of poison in his hotel room here. Police said it was suicide.

Rehabilitating Ohio Flood Areas Started

Columbus, O., Aug. 12.—With some of the swollen rivers still out of their banks although subsiding despite additional heavy rains, situations in central and eastern Ohio affected by last week's flood, precipitated by a terrific cloudburst, are facing the job of rehabilitation, which authorities estimate will require six months to complete. Crippled transportation lines and communications systems are being reestablished as rapidly as possible and highways opened. Many of the theatres forced to suspend have reopened, although operating under difficulties.

Unofficial estimates of damage to property and crops is placed at $5,000,000.

THEATRE ACCOUNTING

by WILLIAM F. MORRIS, is still the best bookkeeping system for theatres. It not only guides you in making the proper entries but provides sufficient blank pages for a complete record of your operations for each day of the year. Notable for its simplicity.

Order Now—$3.00—Postage Prepaid

QUIGLEY BOOKSHOP
1790 BROADWAY NEW YORK CITY

Shirley Best In a Slough Boston Week

Boston, Aug. 12.—"Curly Top," with an extensive stage show, led the town last week with a $24,000 gross at the Metropolitan. This is $2,000 ahead of average at the 4,332-seat theatre.

Comparatively, the performance was better than it looks. Elsewhere in the first run battery, grosses were off; hot weather was partially responsible. The Fenway, for instance, did its normal $4,500 with "Smart Girl" and "Silk Hat Kid." Loew's State dipped under $2,000 with "Woman Wanted" and "The Black Room" and Keith's Memorial, housing "39 Steps," did $11,000 as compared with its routine $12,000. Average, which is $7,000, prevailed at the Paramount with "Smart Girl" and "Silk Hat Kid," but the RKO Boston took an awful wallop with "Hard Rock Harrigan" and "Rendezvous at Midnight." The house did $5,000, or $6,000 under par.

Total first run business was $61,500. Average is $68,500.

Estimated takings for the week ending Aug. 9:

"SMART GIRL" (Para.)
"SILK HAT KID" (Fox)

FENWAY—(1,382), 30c-50c, 7 days. **Gross:** $4,500. (Average, $4,500)

"39 STEPS" (G. B.)

KEITH'S MEMORIAL—(2,907), 25c-65c, 7 days. **Gross:** $11,000. (Average, $12,000)

"WOMAN WANTED" (M-G-M)
"THE BLACK ROOM" (Col.)

LOEW'S STATE—(3,537), 25c-65c, 7 days. **Gross:** $10,000. (Average, $12,000)

"CURLY TOP" (Fox)

METROPOLITAN—(4,332), 25c-65c, 7 days. Stage: Jack Pepper, Five Swiss Echoes, Hum and Strum, Terry Howard, Michon Brothers, Freddie and Timmy, Elida Ballet. **Gross:** $24,000. (Average, $22,000)

"SMART GIRL" (Para.)
"SILK HAT KID" (Fox)

PARAMOUNT—(1,793), 25c-50c, 7 days. **Gross:** $7,000. (Average, $7,000)

"HARD ROCK HARRIGAN" (Fox)
"RENDEZVOUS AT MIDNIGHT" (Univ.)

RKO BOSTON—(3,246), 25c-50c, 7 days. **Gross:** $5,000. (Average, $11,000)

One Italian to 3 Imports, New Law

(*Continued from page 1*)

three foreign films screened, according to a report to the Dep't of Commerce from C. Matthews, clerk to the commercial attache in Rome. The obligation became effective with the publication of Law No. 1,084 on July 3.

Only those pictures which have been produced since July 1, 1933, and have received government approval may be used under this law, the report continues. Further, not less than three domestic having the requisites are to be shown every three months. These proportions, however, may be varied by the Undersecretary for Press and Propaganda, according to the increase in national production.

"Million" Starts Today

Production on the eastern unit of "Thanks a Million," which Darryl F. Zanuck is making for Twentieth Century-Fox release, starts today at the Eastern Service Studio with Paul Whiteman and his band and Ramona as principals. Work on the western unit is set to start at the same time under Roy del Ruth's direction. Otto Brower is in charge here.

Moore Film Flops in Okla. City; $1,000 Under Normal

Oklahoma City, Aug. 12.—Business rose with the thermometer last week, both going well over 100 with the exception of the "Love Me Forever" at the Criterion, which flopped to a $1,000 under the house's norm of $5,000.

"Curly Top" at the Midwest nearly doubled average with $7,000, comparing with the $4,000 considered routine in that house. Second honors went to "Mad Love," plus a stage show for four days, followed by "Silk Hat Kid" the remaining three. The take was $3,500, up $1,000.

Total first run business was $17,200, comparing with an average of $13,500.

Estimated takings for the week ending Aug. 10:

"LOVE ME FOREVER" (Col.)

CRITERION—(1,700), 10c-26c-36c-55c, 7 days. **Gross:** $4,000. (Average, $5,000)

"CURLY TOP" (Fox)

MIDWEST—(1,500), 10c-26c-36c-56c, 8 days. **Gross:** $7,000. (Average, $4,000)

"MAN ON FLYING TRAPEZE" (Para.)

CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $2,600. (Average, $2,000)

"MAD LOVE" (M-G-M)

LIBERTY—(1,500), 10c-15c-26c-36c, Ozark Mountaineers on stage, 4 days. **Gross:** $2,700. (Average week, $2,500)

"SILK HAT KID" (Fox)

LIBERTY—(1,500), 10c-15c-26c-36c, 3 days. **Gross:** $800. (Average week, $2,500)

Martin Johnsons Sail Today on Film Trek

Martin and Mrs. Johnson sail today on the *Kota Pinang* for Singapore and Borneo on their latest expedition to film out-of-the-way places. They intend to penetrate the heart of Borneo on this trip and are taking their Sikorsky amphibian plane, "The Spirit of Africa," a complete sound equipment and special cameras to obtain shots in districts they claim have never been photographed before.

The Johnsons will travel by boat to Singapore and fly across the China Sea to Sandakan in North Borneo. From here they will go up the Kinabatangan River some 300 miles into the country of the Tengarra blowpipe savages where they will establish their base. From there they will use the plane to photograph distant places.

It is thought that the whole expedition will take two years, 18 months of which will be spent in the jungles. The material collected will be assembled in feature length, as has been done on previous trips, with Fox probably releasing.

Denies All Charges In Big Damage Suit

Lincoln, Aug. 12.—Complete denial of every allegation against Robert Livingston, one of several defendants in the Independent Theatres Corp. $1,353,000 suit to recover damages alleged to have resulted from conspiracy against the plaintiff who operated the Liberty, Orpheum and Rialto here, was filed in Federal Court here today.

The suit is aimed at J. H. Cooper, Lincoln Theatres Corp., Livingston, Paramount, Vitagraph, Fox, United Artists, Universal, RKO and M-G-M. Livingston asks to be allowed to withdraw and recover costs to date.

Sailors and Smiles

San Francisco, Aug. 12.—Thirty thousand sailors from the 50 vessels of the battle fleet now anchored in harbor are visiting and will be here until the 19th.

Theatremen are smiling.

Warner Ad Men Here On 'Dream' Campaign

Warner zone ad managers met at the Advertising Club yesterday to discuss exploitation plans for "A Midsummer Night's Dream" with S. Charles Einfeld, head of Warner advertising and publicity, and other ad and exploitation officials of the company. The meeting marked the first time that Warner field men have been called in to aid in working out a complete merchandising campaign for a picture.

In addition to Einfeld, Jack Harrower of *The Film Daily* and A-Mike Vogel of Managers' Round Table Club of *Motion Picture Herald* addressed the meeting. The field men attended a screening of the picture yesterday and will participate in a round table discussion today, to be followed with talks by Joseph Bernhard, Warner theatre head, Einfeld and Mort Blumenstock.

Zone ad managers here for the meetings are:

L. S. Stein, Chicago; Sidney Dannenberg, Cleveland; Dan Finn, New Haven; Bob Paskow, Newark; Howard Waugh, Memphis; Charles Smakwitz, Albany; Harry Goldberg, Philadelphia; Joe Feldman, Pittsburgh; Frank LaFalce, Washington; Sid Blumenstock, Atlantic City; Dave ("Skip") Weshner, the company's first run zone manager in Philadelphia, and Bill Hendricks, Memphis, who is here on his vacation.

Setting Pooling Detail

Seattle, Aug. 12.—Charles Skouras and Mike Rosenberg are visitors in connection with the pooling of John Hamrick's and Evergreen's theatres in this city and Portland. Aug. 15 is the date set for the deal and new executive offices for the combined companies are now being arranged in the Skinner Bldg., where Evergreen's headquarters have always been maintained.

Cantor Starts Sept. 7

Hollywood, Aug. 12.—Definite starting date for "Shoot the Chutes" is Sept. 7. Eddie Cantor will broadcast from the coast for at least two months this fall. This will be the first time his ether programs have originated from here.

Settle Hess Judgment

The $5,200 judgment obtained by Gabriel L. Hess, M. P. P. D. A. attorney, against P. S. Harrison, publisher of *Harrison's Reports*, for libel has been settled by the payment to Hess of $5,000, Phillips & Nizer, his attorneys, said yesterday.

Purely Personal

A-MIKE VOGEL, editor of the Managers' Round Table section of *Motion Picture Herald*, is the proud father of a seven-pound boy, Stefan Micheal Vogel, born at the Polyclinic Hospital Sunday morning. Vogel is bearing up nobly and Mrs. Vogel, who was formerly head of the Lili-Claire Poster Design Service, and the new arrival are well.

●

Burns and Allen arrived here on the Century yesterday morning. Gracie, impersonating Garbo stole the news cameramen away from Herbert Hoover who also was on the train. Their clowning was a sight to warm a press agent's heart.

●

Eleanor Powell and June Knight, both of whom recently completed roles in "Broadway Melody of 1936," arrive in town from the coast this week. Miss Powell gets in Wednesday to join the cast of the Shubert musical, "At Home Abroad" and Miss Knight arrives a day later.

●

A. C. Blumenthal witnessed the finals of the tennis tournament at the Westchester Country Club Sunday from a seat in the press box. He refused to reveal the name of the paper on which he was working.

●

Charles Boot, chairman of Pinewood Studios in England, didn't arrive yesterday on the *Bremen* as scheduled. Arthur Woods, B.I.P. director, apparently also canceled his passage at the last minute.

●

Irving Berlin, who came east to attend the funeral of his sister, Mrs. Sarah Henkin, who committed suicide on Friday, has left for the coast.

●

Bill Pine and Henry Wilcoxon flew in from the coast Sunday. They are here for the opening of "The Crusades" at the Astor next week.

●

Helen Vinson, who has been at work at the GB studios in England, is due back on these shores on the *Ile de France* Aug. 27.

●

Sid Rechetnik returned from his annual vacation yesterday. Went in for golfing and swimming in the large manner.

●

Ray Kirkwood is in town for conferences with George Callaghan and Spectrum home office officials.

Willis Kent has gone to Philadelphia and Buffalo to close distribution deals on his new pictures.

●

Fred J. McConnell, the old salt, is back from a week's sail up and down Long Island Sound.

Ina Claire, Madamoiselle Burnai and Anderson Lawler leave for the coast today.

●

Bob Goldstein left for Murray Bay last night. He'll be gone a week.

●

Stan Shuford has dropped out of sight. He's on vacation.

●

Sir William Wiseman arrives today on the *Berengaria*.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 38 NEW YORK, WEDNESDAY, AUGUST 14, 1935 TEN CENTS

Loew's Drops Chance Games In 8 Houses

Take Action to Ward Off the Police

Rather than wait until local police take action, Loew's has ordered chance games out in eight theatres in the Bronx, Manhattan and Brooklyn. Four Bronx houses, two in Manhattan and two in Brooklyn have been playing Screeno for several weeks in competition to independent units. Two other Loew houses were to have instituted Bank Night, but the game never got under way although advertised.

Distributing of premiums also is out. They will not be given away at the

(Continued on page 4)

Another Local Loew Theatre Ends Vaude

Another local Loew house will drop vaudeville for an all-film policy, leaving four New York theatres with stage shows. Starting Aug. 23, Loew's Metropolitan, Brooklyn, will confine its entertainment to the screen with "China Seas" set to inaugurate the new policy.

On Aug. 9, the Capitol embarked on an all-picture policy after Loew's Gates, Brooklyn, decided to drop stage shows after 15 years of a combination program.

The quartet of Loew units continuing stage shows are the Paradise, Valencia, State and Orpheum.

Various Bids in for 4 Columbus Theatres

COLUMBUS, O., Aug. 13.—J. Real Neth, heretofore in charge of the Clinton, Eastern, State and Cameo, neighborhood houses now under fore-

(Continued on page 4)

Suppressed Desire

Bandits with strong backs broke into the RKO Strand, Far Rockaway, on Monday and stole a 1,400 pound safe holding $2,500.

Circuit officials hadn't heard about the theft until *Motion Picture Daily* passed on the news yesterday. Whereupon Charles MacDonald, division manager, commented:

"Too bad they didn't steal the theatre."

Labor in U. K. Set to Oppose Quota Change

Feels Home Product Cut Might Reduce Jobs

By BRUCE ALLAN

LONDON, Aug. 4. — The Trades Union Congress which opens at Margate on Sept. 2 will discuss revision of the Films Act with reference to the effect of any new legislation on labor employed in British studios.

Initiation of consideration of this subject by the "parliament of labor" will come from the National Ass'n of Theatrical Employees which is believed to take up the line that opposition should be made to any proposals likely to reduce the number of films made in British studios.

British labor is, therefore, likely officially to rank itself against any pro-

(Continued on page 4)

Allied Program for Shore Meeting Set

The complete program of the Allied of New Jersey convention, to be held at the Ritz-Carlton, Atlantic City, jointly with the eastern regional conference of independent exhibitors, was set yesterday.

The convention will open at 10 A.M. on Aug. 21 with a meeting of eastern regional directors, to be followed by luncheon. The first general session will get under way at 2:30. A sailing party for women and children is scheduled for four o'clock.

(Continued on page 4)

West Coast Business Brisk, Hickey Says

Theatre business on the west coast is picking up, George Hickey, western division manager for M-G-M, stated yesterday. He added that practically all theatres are open and doing nicely.

Hickey has been here about three weeks on the Fox West Coast deal. He was joined yesterday by J. J. Milstein, Los Angeles manager. Hickey will remain here for about 10 days while Milstein will leave for home in another two days.

E. L. Bowsher Named As Ohio Censor Boss

COLUMBUS, Aug. 13.—Gov. Davey today named E. L. Bowsher, Ashland superintendent of schools, as State director of education. Bowsher automatically becomes head of the State censor board as successor to Dr. Bev-

(Continued on page 9)

Would Halt Merger

Alexander Gilbert, insurance broker, suing as a Fox stockholder yesterday began suit in Brooklyn to halt the Twentieth Century-Fox merger slated for ratification tomorrow.

Justice McLaughlin signed an order requiring Fox to show cause tomorrow morning why the merger should not be halted.

FWC Suddenly Drops Plan on Fight Film

HOLLYWOOD, Aug. 13. — Acting on orders from Charles Skouras, FWC has canceled its scheduled bookings of the Louis-Levinsky fight pictures which had been already advertised in its first run houses.

Although FWC had not yet concluded negotiations for purchase of the reel, according to Al Hansen, dickerings had been carried on during Skouras' absence in San Francisco. Hansen stated the deal was immediately tabooed by Skouras on his return offering no other reason than that he did not want to play the picture. FWC will pay for the advance ads but will stand no more of the expenses, Hansen said.

Young Smith Killed In a Motor Crackup

EDGARTOWN, Mass., Aug. 13.—Archibald B. Smith, son of Courtland Smith, president of Pathe News, was killed and two companions were critically injured here today when their automobile plowed 600 feet through a field and crashed into a house. Smith's companions were

(Continued on page 8)

RKO Will Distribute Bowes Radio Shorts

The series of shorts being produced by Biograph Pictures, Inc., with Major Edward Bowes and his amateur radio talent featured will be released by Radio. The first of the films, which will be called "Major Bowes' Theatre of the Air," will be released shortly.

A. F. A. Presses Fight For More Relief Aid

The American Federation of Actors is pressing its fight to get the government to finance additional relief projects creating jobs for variety entertainers, it was learned yesterday. Ralph Whitehead, executive secretary of the A. F. A., is set to confer with

(Continued on page 4)

Progress On Booth Scale Parley Made

Amicable Adjustment Is Now in Sight

Negotiations between circuits and unions on a new, basic wage scale in New York are progressing favorably, it was stated yesterday. Relations between the two groups are very friendly, it was said, and it is expected that a new pact will be worked out before the meetings are over.

Conferences are subject to call by Leslie E. Thompson, chairman of the circuit group, and are attended by chain, union, state and federal labor representatives. According to an agreement, none of the detail of the closed discussions must leak out to the press, inasmuch as both sides feel it is their own private squabble and not for public consumption.

Picketing activities by Local 306 continued yesterday with seven more arrests on 42nd St. The union plans

(Continued on page 4)

Philadelphia Buying Plan Moving Slowly

PHILADELPHIA, Aug. 13.—A general mass meeting on the proposed booking combine was held here today by the I. E. P. A.

Reports indicated the attendance was very light, due partly to the heat. Little enthusiasm is understood to have been demonstrated by exhibitors following preliminary meetings in various districts.

States U. S. Studios Seek Space in U. K.

Indicating that a number of American companies will produce in England next year, Charles Boot, arriving on the *Berengaria* yesterday, stated he

(Continued on page 4)

New Name Set

Metropolitan Playhouses, Inc., is expected to be the new name of Fox Met, following approval by the federal court. Transfer of assets from Fox Met to the new corporation is expected to take place in about a week or 10 days. Election of officers and directors will in all likelihood be held sometime next week.

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Fox Wins 2, Radio 1 Before Film Board

Fox won two cases and RKO Radio one "by inquest" yesterday at the New York Film Board. In each instance, defendants did not put in an appearance. Robert Benjamin, assistant to Louis Nizer who is in Europe on a vacation, presented the exchanges' side of the cases and was given the arbitration decisions.

The Fox complaints were against the Eagle and Photoplay, the former for breach of contract and the latter on an "n. g." check. The RKO case was against the Alben, Brooklyn, for breach of contract.

U. A. Maps Plans for Mickey Mouse Week

United Artists is mulling over plans to observe the seventh anniversary of the first showing of Mickey Mouse with a campaign described yesterday as international in scope. The week beginning Sept. 28 will be designated as Mickey Mouse Week and a sales drive made to roll up a record number of playdates on both Mickey and the Silly Symphonies.

Warner Men Leave

After spending all day yesterday conferring on advertising and publicity campaigns for "A Midsummer Night's Dream," Warner ad zone men called it a day and left for their respective posts.

Insiders' Outlook

By RED KANN

OUTSIDE the business, this: Root, Clark, Buckner & Ballantine, as counsel for the Reconstruction Finance Corp., made the successful appeal which resulted in a 60 per cent cut in fees of attorneys and others in the N. Y. Investors and Allied Owners Corp. reorganizations recently by the U. S. Circuit Court of Appeals here. The high court's action, in this instance, established a precedent for the basis and sizes of allowances to be granted those participating in the reorganization processes of embarrassed corporations.

Inside the business, this: As counsel for the Paramount trustees, the same law firm applied for the largest single fee in that reorganization—$700,000, and in the same official capacity pleads for another $400,000 for the receivers and trustees it represents. The applications are now awaiting a decision by the Federal district court. . . .

▼

If the allowances to be made Root, Clark and the trustees and receivers by this court are in a large amount, the matter is almost certain to be appealed to the Circuit Court of Appeals, in which case the same lawyers that aided in establishing the low fees precedent may be placed in the position of arguing against its first successful pleadings. If the allowances to be made prove to be in comparatively modest brackets, much of the district court's reasoning in arriving at its decision may be based on the Root, Clark arguments which established the higher court's precedent. An interesting situation in view of the criticism, in and out of Congress, on the scale of the fees sought in the Paramount case. . . .

▼

In such an eventuality, it will be interesting, also, to observe whether the Root, Clark firm would be constrained to appeal a low fee decision to the Circuit Court and place itself in the position of repudiating its previous stand by asking the court to reverse itself by declaring for large allowances for bankruptcy services on behalf of Paramount. It is likewise curious to note that Paramount retained former Federal Judge Thomas D. Thacher and paid him a reported $25,000 fee to oppose applications for excessive allowances while the Root, Clark firm, with the largest application against the company, was busy aiding in establishing the precedent against such allowances. . . .

CONTROVERSIAL and editorially pungent, the fifth release of "The March of Time" and the first to go through the RKO sales machine, is excellent and another indication of the increasingly high standard which this two-reeler is so rapidly reaching despite the tenderness of its age. As a reproduction job, highlighted like some of its predecessors with trip-hammer effects in editing, this latest subject probably is the best to date. This is no review—that will come later—but passing comment to acquaint the men who have bought the series and those who may that, at its outset, the "The March of Time"-RKO hookup is off to an auspicious debut. . . .

▼

Quietly and with no fuss, aside from the usual announcement of its consummation, Republic has cinched a deal which sends it blithely on its way. It is the four year contract signed a handful of days ago with Sam Smith under which British Lion will handle the distributor's lineup, complete, in the United Kingdom for the next four seasons beginning with this one. Emerging into the light now is the fact that one million dollars passed from British Lion to Republic with the affixing of signatures. What would any producer do with one million dollars? That's exactly what W. Ray Johnston is doing. He's plowing them back into production. . . .

▼

The sort of thing that makes the average chatter writer a minor menace:

> Don't be surprised to see a Fox-Twentieth Century-Loew movie merger. . . . Joe Schenck is the Fox boss. . . . Brother Nick (a sick man) is the Loew-Metro boss. . . And the stock deal of a few years back gave Fox control of Loew's. . . . Sidney Kent, present Fox chief, may head Loew's, Nick resigning.

The writer: Bill Farnsworth.

The column: "Sidewalks of New York."

The paper: Last night's *New York Evening Journal.*

Sheehans Honeymooning

SANTA BARBARA, Aug. 13.—Winfield Sheehan and his bride, the former Maria Jeritza, were honeymooning here today following their quiet wedding yesterday afternoon at the Santa Barbara Mission.

The couple leaves for New York the end of the week, en route to the Continent.

Hold "China Seas"

"China Seas" will be held over for a second week at the Capitol.

Norris Wins First Prize on West Film

Walter J. Norris, Regent, Grand Rapids, is winner of the first prize of $500 for the best combined advertising, publicity and exploitation campaigns on "Goin' to Town." Paramount conducted the contest.

The second prize of $350 went to Al Sindlinger, the Appleton, Appleton, Wis. Lou Brown, Loew's Palace, Washington, D. C., was awarded the $200 third prize. Fourth and fifth prizes of $100 each went to S. S. Solomon, Regent, Newark, N. J., and C. B. Taylor, Shea's Buffalo, Buffalo, N. Y. Sixth, seventh, eighth, ninth and tenth prizes, $50 each, were awarded to the following: E. M. Hart, Oxford, Plainfield, N. J.; C. D. Schreiber, RKO Palace, Columbus; Will J. Connor, Music Box, Tacoma; W. W. Grist, Jr., Paramount, Charlottesville, Va.; and T. A. Read, Paramount, Atlanta.

The judges were Oscar Doob, advertising and publicity director, Loew's; Mort Blumenstock, advertising and publicity director, Warner Theatres; John Dowd, advertising and publicity director, RKO Theatres; Milton Feld, president, Monarch Theatres and Alec Moss of Paramount.

Mexico City Strike Ends; Houses Reopen

By JAMES LOCKHART

MEXICO CITY, Aug. 13.—The strike that closed six large neighborhood houses for nearly a month and threatened the closure of four more as well as a large first run, was settled with the signing of new collective labor contracts between the exhibitors and the Federation of Cinematographic Industry Workers of the Federal District which includes Mexico City, with the approval of the federal board of conciliation and arbitration. As in the case of the settlement of a strike that closed four other houses, the employees backed down considerably in their demands for higher pay. They won a slight wage increase. The end of these strikes was sooner than was expected. It had not been looked for until September.

It is estimated that the strike cost the exhibitors from $30,000 to $35,000 from lost patronage during the shutdown.

Franklin on His Own

HOLLYWOOD, Aug. 13.—When he finishes "The Dark Angel" and fulfills a directorial commitment for another producer, believed to be M-G-M, Sidney Franklin plans a picture in the Canadian Rockies for which he will act as author, cameraman, director and producer. No professionals will be used in the cast.

Yates to Coast

Herbert J. Yates of Consolidated leaves for the coast in about a week to remain there only a week. He returns to Hollywood late in October for the formal opening of the NBC broadcasting studio on the Radio lot which Consolidated is building.

Ike Libson Due Today

Ike Libson is due from Cincinnati today to attend the RKO Midwest board of directors' meeting tomorrow. Routine business only is on schedule.

"CHINA SEAS" IS THE TALK OF THE INDUSTRY!

Biggest audiences in TWO YEARS at Capitol, N.Y. greet the first M-G-M Giant of 1935-36!

7983 MORE PAID ADMISSIONS OVER WEEK-END THAN "COPPERFIELD"

"CHINA SEAS" Week-End:
53,181 PAID ADMISSIONS
"COPPERFIELD" Week-End:
45,198 PAID ADMISSIONS

ONLY ONE COMPANY CAN BE FIRS

Labor in U. K. Set to Oppose Quota Change

(Continued from page 1)

posals, such as those of Sir Gordon Craig, which contemplate superseding the present footage quota by one of cash, permitting importers to meet their obligation by one or two big films instead of a larger number of "quickies."

* * *

Alexander Korda of London Films will make "King of the Jews," from the Mary Borden novel, as his first full feature in Technicolor under the arrangements completed during the recent visit of Dr. Herbert Kalmus. Victor Seastrom has been signed to direct.

London's temporary studio at Worton Hall, Isleworth, will be used, Technicolor supplying apparatus and establishing a temporary laboratory pending the establishment of the permanent British Technicolor plant at Denham.

"King of the Jews" relates the history of Mary of Nazareth from the time of the Crucifixion until the Resurrection. The figure of Christ will not, due to British censor rulings, be shown, but suggested.

* * *

British and Dominions Film Corp., Ltd., which last year paid a four per cent interim and an eight per cent for the year, is this year making no interim payment. A special report on the company's position is to be circulated to shareholders. Absence of the inclusion of B. & D. product in the United Artists product announcements in the United States has recently caused comment here. The U.A. British statement refers to the handling of B. & D. product in the U.K. and "unspecified" foreign territories.

* * *

To meet the difficulty created by the exhibition of trailers of "A" (Adults Only) films at exhibitions of "U" (Universal) films attended by children, the British Board of Film Censors has made a new rule that all trailers must be cut to qualify for "U" classification. Any incidents which bring the film itself into the "A" classification must be eliminated from the trailer, is the ruling.

A. F. A. Presses Fight For More Relief Aid

(Continued from page 1)

Federal relief administration officials in Washington. He will urge adoption of the Chicago actor-musician project and the New York circus project. He will also ask that several other A. F. A. relief plans for the acting profession be adopted.

Urged to Join Federation

MINNEAPOLIS, Aug. 13.—Vaudeville performers were urged by Ralph Whitehead at a mass meeting at the local musicians' union headquarters to join the American Federation of Actors to better their economic condition and drive "shysters" out of show business. The appointment of Ralph Edwards as the A. F. A.'s official representative in Minneapolis and St. Paul was announced at the meeting.

Loew's Drops Chance Games In 8 Houses

(Continued from page 1)

theatres which have been engaging in chance games, circuit officials stated yesterday.

"We are going back to the picture business," is the way a Loew executive put it.

Meanwhile, no independent exhibitors have been arrested as a result of the warning issued over the week end to curtail games. Milton C. Weisman, attorney for the I. T. O. A., plans to start a test case tomorrow or Friday. Members of the independent unit want to know how they stand in the matter and are anxious to have a court decision.

States U. S. Studios Seek Space in U. K.

(Continued from page 1)

had offers from four American concerns to lease space at the new Pinewood Studios now being built at Iver Heath in Buckinghamshire at a cost of £350,000.

Boot is chairman of the Pinewood Studios, Inc. He said that, aside from himself, the only party interested is Arthur Rank, son of Joseph Rank, whom Boot asserted is the "flour king" of England.

The Pinewood studios, when completed next August, will have four large and four small stages. Several, however, will be ready by next June, Boot said. In addition to American offers, the chairman of Pinewood Studios declared he is seriously considering 14 other bids. He added there is a decided lack of sufficient space in England at present, a condition which made him decide to build.

Boot leaves today for Hollywood on a five-day technical survey. He plans to secure what he described as "ancillary equipment" and then leave for British Columbia. From there he will go to Vancouver, then visit Quebec from which port he will sail for home.

Arriving on the same liner was Ernest H. Tate of the M-G-M studios in Hollywood. He insisted his five-week trip to England was strictly a vacation and to recuperate from a recent illness.

Priest as Arbitrator

ST. LOUIS, Aug. 13.—Monseigneur Timothy Dempsey, pastor of St. Patrick's Catholic Church here, has been called upon by Mayor Bernard F. Dickman to serve on the special arbitration board that will endeavor to settle the differences between the I.A.T.S.E. and the Urban League, negro welfare organization, as to whether whites or negroes should operate booths at the Criterion, Star and Strand, three houses catering to negroes.

Joe Estes Resigns in N.O.

NEW ORLEANS, Aug. 13.—Joe Estes, long manager of the Tudor and Globe, has resigned. John V. O. Quinn of the Tudor and P. G. Pucsieger of the Globe have been promoted.

Wall Street

Most Gain on Big Board

	High	Low	Close	Net Change
Columbia	75½	74	75¼	+ ¼
Consolidated	5	4¾	5	.....
Cons., pfd	18	17½	18	+ ¼
Eastman	148¼	147¼	147¼	— ¼
Eastman, pfd	158	157½	158	+2
Fox Film	16½	16¾	16¼	.....
Loew's, Inc	42¾	40½	42	+ ⅞
Loew's, Inc., pfd	105½	105½	105½	+ ½
Paramount	5¼	4⅞	5	.....
Pathe Exchange	1⅛	¾	1	+ ⅛
Pathe "A"	12	10¾	11½	+ ½
RKO	2⅞	2½	2⅞	+ ⅛
Universal, pfd	35	35	35	+2
Warner	5½	5	5⅜	+ ⅜
Warner, pfd	40	37½	40	+2¼

Curb Issues Gain Slightly

	High	Low	Close	Net Change
Technicolor	20	19⅜	20	+ ½
Trans-Lux	2⅝	2½	2½	+ ⅛

RKO Bonds Up 2

	High	Low	Close	Net Change
General Theatre Equip. 6s '40 ctf	14½	13⅞	14½	+1¼
Keith B. F. 6s '46	92	91¾	91¾	— ¼
RKO 6s '41 pp	55¾	55¾	55¾	+2
Warner Bros. 6s '39 wd	79¾	77⅝	79¾	+1¾

(Quotations at close of Aug. 13)

Sees 3rd Dimension Effect in New Lens

The results achieved by a new camera lens developed by Jack Sussman, a newspaper photographer, and which gives a third-dimensional effect were demonstrated yesterday.

The secret of the invention, termed the "Eye-Lens," is said to be that both speed and definition can be obtained at the same time. The new lens system gives a wide, sharp field, virtually eliminating distortion. In the color as well as the black-and-white clips shown at yesterday's demonstration background details were almost as sharp and distinct as those in the foreground. The flatness associated with pictures as at present photographed seemed noticeably absent. In the color shots the new device showed up to particular advantage. Colors stood out sharply and distinctly without blur of any kind, giving a most natural effect.

Sussman leaves soon for the coast to interest studios in the adoption of his lens system, which will be made available to producers on a leasing basis.

Allied Program for Shore Meeting Set

(Continued from page 1)

The day's activities will close with a reception at the Ritz at 8:30 P.M.

The opening event for Aug. 22 is a beach party, with the second general session set for 2:30. A half hour later there will be a bridge party for women. The annual banquet will take place at 7:30 and will be followed by dancing at the Ritz Garden at 10:30 P.M.

The closing business session on Aug. 23 will open with a committee meeting at 10:30 A. M. which will last until 12:30. A beach party is scheduled for 10 A.M. for those not attending the meeting. The convention will close with the election of officers of the New Jersey Allied unit at the final general session, which gets under way at 2:30.

Sidney Samuelson is expected to be re-elected by Jersey Allied.

Progress On Booth Scale Parley Made

(Continued from page 1)

to gradually picket all of Harry Brandt's houses in the city, but for the time being is concentrating on the circuit head's midtown units. Day and night picket crews will parade the Brandt theatres. The 10 pickets arrested Monday afternoon were released and the seven taken into custory yesterday were paroled until Friday.

Labor trouble is blamed for the bombing early yesterday morning of the Park and Circle at Columbus Circle. Considerable damage was caused to the booths and lobbies of both houses. The Park is a Brandt unit, while Consolidated Amusements operates the Circle.

As a result Chief Inspector McAuliffe has ordered a police guard for every theatre in the metropolitan area, giving special attention to Times Square and Washington Heights.

Various Bids in for Columbus Theatres

(Continued from page 1)

closure for default in bonded indebtedness, has made an offer to the Franklin county court for the Clinton and Eastern of 10 per cent in cash to the mortgage bondholders, 40 per cent of the balance in preferred stock, and the remaining 50 per cent in new bonds bearing five per cent interest. For the other two houses he would pay 25 per cent in cash to the mortgage bondholders and cover the remainder with a new issue of five per cent bonds.

W. C. Chesbrough, operating the Alhambra, Hudson, Garden, Grandview and Empress here and two houses in Dayton, offered 15 per cent of the bonded indebtedness in cash for the Clinton and Eastern, the remainder to be covered by new bonds at 5½ per cent. He submitted an offer for the State and Cameo of 30 per cent cash and the balance in a new issue of 5½ per cent bonds.

If acquiring the properties, Chesbrough proposes to organize the Associated Theatres Co., to which he would lease the four houses at such rates as would assure payment of the bonded indebtedness.

Walter A. Murphy, trustee for the present mortgage bondholders, instituted foreclosure proceedings some time ago against the Ohio State Theatres Co., and sale of the houses is scheduled by the court Aug. 21.

Neth now operates the Hartman here under lease and had the Grand, downtown house, until damaged by fire last summer. The Hartman is dark. RKO has taken over the Grand for opening next month, after remodeling is completed.

Grievance Awaits Lamar

KANSAS CITY, Aug. 13.—Frank Cassil, chairman of the KMTA grievance board, said here today that consideration would be given the over-buying complaint of R. H. Montgomery of Independence, Kan., as soon as A. J. Simmons of Lamar, Mo., returned from California.

EXTRA!

●

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BROKE EVERY RECORD IN THE HISTORY OF THE

CAPITOL THEATRE MACON, GEORGIA

●

Opening day's business nearly **DOUBLED** the gross of the best M-G-M picture that ever played there. Hello 1935-36!

THE BUYERS KNOW!

The

CON

ROXY THEATRE, New York	
INTERSTATE TEXAS CONSOLIDATED THEATRES	*72 theatres*
DOLLE CIRCUIT Indianapolis and Kentucky towns, including Louisville	*10 theatres*
MILTON FELD THEATRES Indianapolis (*1st run*)	
CHAS. HAYMAN THEATRES Buffalo and Niagara Falls	*3 theatres*
SCHULTE CIRCUIT Detroit	*8 theatres*
J. REAL NETH CIRCUIT Columbus, Ohio	*4 theatres*
ALLARD GRAVES CIRCUIT New Hampshire and Vermont	*5 theatres*
LOEW'S METROPOLITAN CIRCUIT New York	*58 theatres*
ROBB-ROWLEY CIRCUIT Texas and Oklahoma	*69 theatres*
DUBINSKY CIRCUIT Missouri and Kansas	*10 theatres*
TRI-STATE CIRCUIT Des Moines, Cedar Rapids, Moline, Omaha and Sioux City	*26 theatres*
KEITH THEATRE Baltimore	
U.V. YOUNG CIRCUIT Indianapolis and Kentucky	*13 theatres*
P. M. LEWIS CIRCUIT Atlantic City	*4 theatres*
SPRECKLES THEATRE San Diego	

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RACTS

THAT UNIVERSAL HAS THE LINE-UP!

PUBLIX GREAT STATES CIRCUIT	Illinois and Indiana	*63 theatres*
DICKINSON CIRCUIT	Kansas and Missouri	*26 theatres*
ESSANESS CIRCUIT	Chicago	*28 theatres*
BLUMENFELD CIRCUIT	Berkeley, Sacramento and Oakland, California	*9 theatres*
INTERSTATE CIRCUIT	Massachusetts and Connecticut	*12 theatres*
HARRY & MILTON ARTHUR CIRCUITS	Los Angeles, San Francisco, Salt Lake City, St. Louis, Prescott, Ariz., Boulder, Nev., Long Beach, Calif.	*15 theatres*
SCOTT CIRCUIT	Pennsylvania	*7 theatres*
RKO METROPOLITAN CIRCUIT	N. Y. C. Districts	*33 theatres*
ST. LOUIS AMUSEMENT CO.		*22 theatres*
CONSOLIDATED AMUSEMENT CO.	Hawaiian Islands	
MAINE & NEW HAMPSHIRE CIRCUIT	Maine, New Hampshire, Vermont	*23 theatres*
B & F CIRCUIT	Toronto, Canada	*17 theatres*
SHARBY CIRCUIT	New Hampshire and Vermont	*7 theatres*
S. BERGER CHAIN	Minneapolis	*5 theatres*
J. J. PARKER THEATRES	Portland	*3 theatres*

FROM EXHIBITORS WHO KNOW!

Young Smith Killed In a Motor Crackup

(Continued from page 1)

Malcolm Muir, Jr., of Short Hills, N. J., and Stuart Rhodes of here.

State police said the youths went off the highway at a cross road. The car was careening across the field when it hit an object and left the ground for 25 feet. It then resumed its wild course, striking the house and knocking it off its foundations.

Smith was 17 years old and a student at Groton. His body will probably be brought to New York for burial.

Bury Mrs. Skirball Today

Cleveland, Aug. 13.—Funeral services for Mrs. Sarah Skirball, mother of Joseph, Jack, Harry R. and William N. Skirball, all of whom are well known in the industry here and in New York, will be held Wednesday at the Deutsch Funeral Parlors. Mrs. Skirball, who was 80, died in an auto crash at Sewickley, Pa. on Sunday while en route home from a vacation at Lake Placid, N. Y.

Reports reaching here declare Joseph, who was in the car, is suffering from a broken jaw and ribs; Grace, a daughter, from a broken nose, and Mildred, a second daughter, from injuries undetermined.

Sewickley, Pa., Aug. 13.—Joseph Skirball, injured in the car crash Sunday which resulted in the death of his mother, Mrs. Sarah Skirball, underwent an operation at the Valley Hospital today to reduce a jaw fracture. Condition of Mildred Skirball, a sister, was reported as only fair, it developing now she is suffering from a concussion as well as face lacerations. Grace, a second sister and the third victim, is improving, but all three will be at the hospital indefinitely.

W. L. Whitehead Dies

Jacksonville, Fla., Aug. 13.—Fueral rites have been held here for William L. Whitehead, executive head of the public relations department of the E. J. Sparks Enterprises, who died following a long illness. Whitehead, who was 59 years of age, had been a resident of this city for the last 25 years and, although he had been in failing health for a considerable time, his death came as a shock to his family, and his business associates.

Interment was in Oaklawn Memorial Cemetery, with the Rev.. John Hayes officiating. Pallbearers were chosen from Mr. Whitehead's close friends and business associates in the industry.

Surviving besides his widow, are a brother, John H. Whitehead, this city, and four sisters, all residing in Tennessee.

Coker Dies from Shot

St. Petersburg, Fla., Aug. 13.—Charles R. Coker, 27, doorman, shot himself on the mezzanine floor of the local theatre in which he worked. Taken to a hospital, Coker told investigating officers who questioned him before he died that his motive for his act was "none of their damned business." They called it suicide.

Mrs. Perry Dies

Kansas City, Aug. 13.—Mrs. J. C. Perry, wife of the operator of the Columbia Theatre, Coffeyville, Kan., is dead.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Top Hat"

(Radio)

Hollywood, Aug. 13.—Fred Astaire and Ginger Rogers, with Edward Everett Horton, Helen Broderick, Erik Rhodes and Eric Blore, each of whose talents shine brilliantly, are here presented in a completely satisfying musical show including top-rung dancing, top light comedy and top tunes by Irving Berlin, plus eye values and a big production number to place this entertainment in the top money class.

As the screen's leading dance team, Astaire and Miss Rogers run an emotional rainbow on nimble feet complementing the spoken and singing romance with pedal gyrations which, for intricacy, grace and meaning, are a joy to behold.

Astaire's sharply chiseled taps and his poetries of motion with Miss Rogers elevate dancing to an American art completely Yankee in design and tradition.

Berlin's lyrics and melodies, particularly "Cheek to Cheek," linger in the memory. "Top Hat, White Tie and Tails," "Isn't This a Lovely Day" and "Piccolino," an extravaganza, evidence Berlin's master hand.

Fine taste is displayed throughout the sets, costumes, musical interludes, photographic effects and ensemble numbers. Pandro S. Berman produced well from a lively screen play by Dwight Taylor and Allan Scott.

The story is the mistaken identity theme. Astaire, having a yen for Miss Rogers, is mistaken for the married Horton propelling her into a spite marriage with Rhodes, a dressmaker. Laughable and subtle are the ensuing complications. All in the cast are topnotch with each spotted for specialty attention.

Mark Sandrich's direction sparkles as a genuine contribution to the screen's musical comedy accomplishments. As a topper for "Gay Divorcee" and "Roberta" this should line and fill theatres and line and fill showmen's toppers with do-re-mi.

Production Code Seal No. 1099. Running time, 107 minutes. "G."

"Harmony Lane"

(Mascot)

Hollywood, Aug. 13.—Lavishly produced with taste and feeling, this film of the life of Stephen Collins Foster, who composed "Swanee River," "Old Kentucky Home" and "Old Black Joe" should appeal to and satisfy the immense audience who know and love his songs, which are cleverly introduced here.

Douglass Montgomery, as Foster, compelled by his unsympathetic family to give up music, is a failure in commercial life. His engagement to Evelyn Venable is broken by Adrienne Ames' lies. Miss Venable marries Lloyd Hughes and Miss Ames gets Foster, whom she nags into drink, despair and finally suicide.

The whole cast is splendid. William Frawley deserves special praise as a comedy minstrel man, Joseph Cawthorn as the music master and Clarence Muse as Old Black Joe. Gilbert Emery, James Bush, David Torrence, Cora Sue Collins, Florence Roberts and Ferdinand Minier are excellent in support.

Joseph Santley's direction and his screen play co-authored with Elizabeth Meehan is smooth and logical. The Shaw choir of 75 voices and the musical direction by Arthur Kay are praiseworthy. Colbert Clark supervised for Nat Levine. This unusually ambitious independent film has numerous selling possibilities.

Production Code Seal No. 1136. Running time, 85 minutes. "G."

"Tumbling Tumbleweeds"

(Republic)

Hollywood, Aug. 13.—Gene Autry's first "musical western" in the proposed series is acceptable for those who like ballads, bullets and broncos mixed in almost equal proportions. Autry, known on the radio for wranglers' rondelays, has a likeable personality. He also rides well.

The story deals with the conflict between cattle barons and nesters in the early days of the west. Autry quarrels with his father, Joseph Girard, over an attempt to run squatters out of the range. Five years later Autry returns with a medicine show to find his best friend, Cornelius Keefe, hunted as the murderer of his father. Autry then gets the villains and the girl.

Lucille Brown and Norma Taylor take care of the romance angle. Edward Hearn is the chief heavy. George Hayes as a medicine fakir

(Continued on page 9)

"Nitwits" on Combo Bill, Omaha's Best

Omaha, Aug. 13.—Combination of "The Nitwits" and "The Black Room" at the Brandeis captured the best performance in town with a $4,200 gross which was $700 ahead of the norm and considered very good considering the heat. "The Nitwits" was held chiefly responsible, however.

"Broadway Gondolier" and "The Florentine Dagger" did an average $7,500 at the Orpheum.

First run business bulked $16,250. Average is $16,000.

Estimated takings:

Week Ending Aug. 5:
"THE NITWITS" (Radio)
"THE BLACK ROOM" (Col.)
BRANDEIS—(1,200), 25c-35c-40c, 7 days. **Gross:** $4,200. (Average $3,500)

Week Ending Aug. 7:
"FRONT PAGE WOMAN" (Warners)
"PRIVATE LIFE OF DON JUAN" (U.A.)
OMAHA—(2,200), 25c-40c, 7 days. **Gross:** $4,500 (Average $5,000)

Week Ending Aug. 8:
"BROADWAY GONDOLIER" (Warners)
"FLORENTINE DAGGER" (Warners)
ORPHEUM—(3,000), 25c-40c, 7 days. **Gross:** $7,500 (Average $7,500)

Change Temple Plans

Hollywood, Aug. 13.—Plans for the production of "Captain January" as a Shirley Temple starring picture have been dropped and Darryl F. Zanuck is preparing for the filming of "The Littlest Rebel" as the child star's next picture. Production is scheduled to get under way about Sept. 3.

Gross Joins 1st Div.

Boston, Aug. 13.—Gene Gross, manager of Franklin Prod., Inc., until it was absorbed a few weeks ago by Wholesome Film, has been named salesman for First Division by Manager Harry Segal.

Para. Backing Play

Paramount is financially interested in the production of "Most of the Game," by John Van Druten and which will be presented by Dwight Deere Wiman and Auriol Lee this season.

See 147, Cut 2 Reels

Columbus, O., Aug. 13. — The Ohio censor board reviewed a total of 147 reels for the week ending August 8. Eliminations were ordered in only two reels.

Mesher Joins Evergreen

Seattle, Aug. 13.—Moe Mesher, formerly with the Danz circuit, has been appointed publicity manager of the combined Evergreen-Hamrick theatres with headquarters here.

Meighan Out Soon

Thomas Meighan is expected to leave the Doctors' Hospital this week. He was operated on on July 11 for an obstruction of the bronchial tube.

Mrs. Skouras Reported "Fine"

Greenwich, Conn., Aug. 13.—Mrs. Spyros Skouras tonight was reported getting along "fine" at the Greenwich Hospital, where she is recovering from an operation.

Selznick on Way East

Hollywood, Aug. 13. — David O. Selznick left for New York tonight on a holiday of several weeks. He may look for talent while east.

◂ Purely Personal ▸

E. A. SCHILLER leaves for Atlanta Friday to rest up after his Chicago sojourn on behalf of M-G-M's one-time theatre plans for that city. He said yesterday he felt well when he didn't rush things too hard, but admitted the temptation to get back into the swing at Loew's was his chief problem. Schiller expects to return to New York in about a month.

•

Carl F. Dixon, assistant manager of the Paris office of Paramount International Corp. sails at noon today on the *Manhattan* for France. Mrs. Dixon and daughter Barbara are with him.

Quip of the Day

Norman Westwood, Universal's manager at Shanghai for 16 years, is in New York talking over this and that with his boss, Nate Manheim.

"Do you know what I'd like before I go back to China?," said Westwood to Manheim the other day.

"No. What?"

"That dish—I almost forgot its name. Oh, yes. Chop suey. And chow mein, too."

Eddie Saunders, Tom Connors, George Hickey and Jack Milstein ganged up on Ed Alperson and Jack J. Sullivan yesterday. Alperson and Sullivan said they came out all right.

•

"Deac" Aylesworth, Joe Schenck, Ned E. Depinet, Herbert J. Yates, Ralph Rolan, Bill Phillips and Jack Rumsey at "21" yesterday. It was a quiet day there for a change.

•

Jack Milstein, M-G-M branch manager in Los Angeles, is in town on the F. W. C. deal. George Hickey, western division manager, has been here for a few weeks.

•

Maxson F. Judell, formerly with the phonograph industry in a publicity capacity left for Hollywood yesterday to take up a production berth.

•

Charles Skouras is due from the coast next week. He is bringing back Spyros' two daughters whom he took to Hollywood on his recent trek home.

•

Dorothy and Lillian Gish and the Marchesa Lily Gerini, the former Lily Poli, arrive tomorrow from abroad on the *Conte di Savoia*.

•

James Randolph Brennan, RKO district manager for Washington and New Jersey, was in from Trenton yesterday for home office confabs.

•

Herb Berg won that luncheon bet with A-Mike Vogel, since it was a boy as Berg predicted.

•

Jack Alicoate, publisher and editor of *The Film Daily*, sails for Europe on the *Manhattan* today.

•

Clarence Brown has gone to Worcester, Mass., for exteriors on "Ah! Wilderness."

•

Ralph Rolan, what with "The March of Time" moving headquarters to the Fox Movietone News building on the extreme west side of the town, has been a busy young man. Too busy for this weather, says he.

•

Dave Loew, Fred Quimby, W. Ray Johnston, Herman Gluckman, Sam Dembow, Arthur Mayer, Edward Rugoff, Charles Moses, Sam Rinzler, Arthur W. Kelly and William Raynor were among those lunching at the Tavern yesterday.

•

Sol Lesser was tied up with Joseph M. Schenck all day yesterday on his new deal with Twentieth Century-Fox.

•

James R. Grainger is back from Chicago and smiling, too. While there, he sold the Universal lineup to B. & K., Essaness and Great States.

•

Sir William Wiseman and J. T. Cosman, who booked passage on the *Berengaria*, didn't arrive on the boat yesterday.

•

Jack Thall of Universal's home office left yesterday on the Century to join the company's scenario department there.

•

P. A. McGuire of International Projector is back with his family from a vacation. It was in New England.

•

Samuel Goldwyn has signed Robert Alton to direct the dances in "Shoot the Works." Alton staged the dances in several recent Broadway shows. He leaves for the coast in two weeks.

•

Henry Wilshire of Liberty Exchange in Argentina has gone to Boston for a few days.

•

J. Robert Rubin sails from Southampton today on the *Normandie*, arriving here next Monday.

•

Otto Kruger is eastbound for a bit of holidaying. Then to London for more picture work.

•

Louis Ramm, U. A. exploiteer in Atlanta, is in town for a few days.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Tumbling Tumbleweeds"

(Continued from page 8)

and Smiley Burnette furnish the comedy. Tension is defeated in the basically sound story by the introduction of songs, and time lapses. Joseph Kane directed for Nat Levine under the supervision of Armand Schaefer.

Reviewed without production code seal. Running time, 61 minutes. "G."

Looking 'Em Over

"Riding Wild"

(Columbia)

Tim McCoy fans will be slightly disappointed in this, the latest of the series their hero is making, because it is practically devoid of action and thrills as compared with forerunners of this group.

The story, however, is good and plausible and the direction of David Selman keeps things moving right along. The photography of Benjamin Kline is good.

McCoy is his virile self, veering more slightly toward the strong, silent type in this picture than usually. He still outthinks the other members of the cast, however, and quick draw of a six-gun and deadly aim are still with him.

The story has McCoy fired by Edward LeSaint after the former had successfully conducted a roundup and prevented a fight between rival ranchers. McCoy then joins forces with the small owners as a ranch war breaks out. Stevens brings in hired gunmen and McCoy's double to increase the trouble, but the hero wins out in the end and winds up a partner of LeSaint and the husband of his daughter, Billie Seward, with whom he has been romancing.

Where westerns are liked this should go over. Reviewed without production code seal. Running time, 60 minutes. "G."

Gibraltar Circuit In Expansion Move

Denver, Aug. 13.—Gibraltar Enterprises, Inc., headquarters Denver, is in an expansion move. William Ostenburg, Scottsbluff, Neb., one of the corporation, has purchased the Trail, Bridgeport, Neb., from D. E. Anderson. The house will go into the Gibraltar pool. A new air washing system, marquee, vertical sign, and seats will be installed. A subsidiary of Gibraltar, the Midwest Realty and Amusement Co., will operate.

The Rialto, Casper, Wyo., will be closed by Ed Schulte, owner of three Casper houses, also of Gibraltar, for a $30,000 rebuilding job. House will close Aug. 15 for the job.

St. Augustine Parking Theatre

St. Augustine, Fla., Aug. 13.—The first parking theatre in the state will be completed here in about three week, according to Jim Casper, who has a force of men now employed in clearing a site in the northern section of the city for the proposed house.

It is planned to have cars drive in an attractive entrance where each machine will be allotted an individual space where occupants may sit in their autos while viewing the performance. The screen to be used will be 40 feet high.

E. L. Bowsher Named As Ohio Censor Boss

(Continued from page 1)

erly O. Skinner, whose term expired July 14. Although no official announcement has been made as to the assistant director of the board, it is understood on good authority the post will go to Edward N. Dietrich, Bucyrus superintendent of schools.

Fear Coming to N. Y.

Hollywood, Aug. 13.—Ralph G. Fear, president of the Fearless Camera Co. and of the Monarch Film Laboratory, accompanied by M. J. Weisfeldt, is enroute to New York. Both men plan several stopovers, east, arriving in Manhattan, Aug. 22.

Strohm Joins Zanuck

Hollywood, Aug. 13.—Walter Strohm, head of the electrical department at the United Artists studio for the last two years, has joined Twentieth Century-Fox in the same capacity, replacing Walter Quinlan, resigned. Ed. Ebele, studio manager for Darryl F. Zanuck, made the deal.

AIR CONDITIONING CHARTS

that represent standard practice in air conditioning for motion picture theatres. Practical advice on how to attain the best atmospheric conditions for your house winter and summer. Devised to be put on the wall for constant reference. Available until the supply is exhausted at 25 cents each, payment with order. Write direct to

QUIGLEY BOOKSHOP

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"Gondolier" In K. C. Does Nice $11,000

KANSAS CITY, Aug. 13.—Backed by special promotion at the Newman, "Broadway Gondolier" made the best comparative showing in a week which saw all but one house do better than average. "Gondolier" went to $11,000, a nice week for the house whose average is $7,000.

"Going Highbrow" made a surprisingly good showing at the Tower, reaping $8,250 when $7,000 is average. With the only regular stage attraction in town from week to week, the Tower does a consistently fair business even with poor pictures and, when a film proves entertaining, it frequently builds a surprisingly good gross.

Stanley Chambers at the Fox Uptown did a good job with "Curly Top," grossing $3,900 in the last seven of a 16-day run, when $3,500 is average. The picture would have been held another week, but "Dante's Inferno" was set nationally and had to go in. "Curly Top" went to the Fox Apollo, class house operating on an irregular first run, subsequent run policy at 40 cents. This is the first time this has ever been done.

"The Irish in Us" did a good job at the Mainstreet, pulling in $8,100, which is $100 over average.

"Murder Man" at the Midland was very disappointing at the Midland, doing only $6,000 in face of a $11,500 average.

It is interesting to note that there were two Warner and one First National getting first runs here during the week.

Total first run business was $37,250. Average is $37,000.

Estimated takings:

Week Ended Aug. 8:

"BROADWAY GONDOLIER" (WB)

NEWMAN—(1,800), 25c-40c, 7 days. **Gross:** $11,000. (Average, $7,000)

"GOING HIGHBROW" (WB)

TOWER—(2,200), 25c, 7 days. Stage: Johnny Mason and Company, Perry Twins, Stone and Lee, Mignone, Lester Harding, Tower Adorables, and Tower Orchestra. **Gross:** $8,250. (Average, $7,000)

"THE IRISH IN US" (F. N)

MAINSTREET—(3,100), 25c-40c, 7 days. **Gross:** $8,100. (Average, $8,000)

"MURDER MAN" (M-G-M)

MIDLAND—(4,000), 15c-25c-40c, 7 days. **Gross:** $6,000. (Average, $11,500)

Week Ended Aug. 9:

"CURLY TOP" (Fox)

UPTOWN—(2,000), 25c-40c, 7 days. **Gross:** $3,900. (Average, $3,500)

Tussle in Lincoln Nears

LINCOLN, Aug. 13.—The competitive battle between L. L. Dent and J. H. Cooper has started again. Hardly had the Varsity (Dent) opened and announced a price policy of 10c-15c-20c for dual features when the Orpheum, which has been going for two bits top, ducked a nickel to meet the opposition. Vaudeville competition between the two houses is forecast in September.

Czechs Censor 82

WASHINGTON, Aug. 13.—Censors' shears snipped into 82 pictures in Czechoslovakia during May, acording to a report received by the Dep't. of Commerce from Acting Commercial Attache Basil D. Dahl in Prague.

"Becky" Tops Pittsburgh at A Big $13,500

PITTSBURGH, Aug. 13.—With two downtown first runs closed for the summer, the remaining three seem to have absorbed the rival business, at least for the time being. Last week was an excellent one, each theatre hitting above par, which is quite unusual here during the warm months.

By far the best thing around was "Becky Sharp," which received a terrific ballyhoo on the strength of its new color process and attracted plenty of attention and plenty of money as well at $13,500, almost double the average Stanley take. Even "The Scoundrel" at the Penn, although directed strictly to a class audience, got its share of trade, doing $8,000 which isn't bad at all.

At the Warner, "Front Page Woman," with a definite marquee draw in the combination of George Brent and Bette Davis, is credited chiefly with the neat $4,400, "The Hoosier Schoolmaster" counting little in the gross.

Total grosses in three first runs were $25,900. Average is $18,300.

Estimated takings for week ending Aug. 8:

"THE SCOUNDREL" (Para.)

PENN—(3,300), 25c-40c, 6 days. **Gross:** $8,000. (Average, $7,500)

"BECKY SHARP" (RKO)

STANLEY—(3,600), 25c-40c, 6 days. **Gross:** $13,500. (Average, $7,000)

"FRONT PAGE WOMAN" (Warners)
"HOOSIER SCHOOLMASTER"
(Monogram)

WARNER—(2,000), 25c-40c, 6 days. **Gross:** $4,400. (Average, $3,800)

Lopez Garners Top In Denver, $6,000

DENVER, Aug. 13.—Combination of "Calm Yourself" on the screen and Vincent Lopez and his orchestra on the stage of the Orpheum gave that theatre a $6,000 gross last week. Above normal by $1,400, this was the only excitement in town. Lopez gets chief credit.

Amusement parks and Elitch summer stock cut a wide swath into business at large. The Aladdin, with "Lady Tubbs" dipped under normal.

"Curly Top," having moved from the Denver to the Broadway for a second week, did $1,200, which is normal business for the latter house, but very good in view of the follow-up run.

Total first run business, $20,700. Average, $19,800.

Estimated takings for week ending Aug. 8:

"LADY TUBBS" (Univ.)

ALADDIN—(1,500), 25c-35c-50c-60c, 7 days. **Gross:** $1,500. (Average, $2,000)

"CURLY TOP" (Fox)

BROADWAY—(1,500), 25c-40c, 7 days following week at the Denver. **Gross:** $1,200. (Average, $1,200)

"EVERY NIGHT AT EIGHT" (Para.)

DENHAM—(1,500), 25c-35c-40c, 7 days. **Gross:** $4,000. (Average, $4,000)

"BROADWAY GONDOLIER" (Warners)

DENVER—(2,500), 25c-35c-50c, 7 days. Stage band. **Gross:** $5,000. (Average, $5,000)

"CALM YOURSELF" (M-G-M)

ORPHEUM—(2,600), 25c-35c-40c, 7 days. Vincent Lopez and orchestra. **Gross:** $6,000. (Average, $4,600)

"FLORENTINE DAGGER" (Warners)
"MARY JANE'S PA" (F. N.)

PARAMOUNT—(2,000), 25c-40c, 7 days. **Gross:** $3,000. (Average, $3,000)

Tries, Likes Radio

New Haven, Aug. 13.—The first subsequent run neighborhood house here to avail itself of radio advertising is the Rivoli, West Haven, owned by Massachusetts Theatres. Max Tabackman believes his daily 5:45 broadcast produces results.

"Escapade", $3,200; Lincoln's Ace B. O.

LINCOLN, Aug. 13.—Top honors went to "Escapade" this week at the Lincoln and the locals took new Luise Rainer with as much enthusiasm as Bill Powell, trotting the take up to $3,200, exactly $1,000 over average. Considerable comment on the trailer which follows the regular feature was largely responsible for tremendous word of mouth sendoff. "Becky Sharp" had the miseries from the start and even with a fashion show on the stage staggered along to $2,800, or $300 down.

The Varsity's second week without ads was not so good as the first, although "Awakening of Jim Burke" and "Champagne For Breakfast," a double Columbia program, was not very strong fare.

Total business for the week, $9,300. Average is $8,850. Estimated takings:

Week Ending Aug. 6:

"ARIZONIAN" (Radio)
"TOMORROW'S CHILDREN" (Foy)

COLONIAL—(750), 10c-15c, 7 days. **Gross:** $1,000. (Average, $850)

"LADY TUBBS" (Univ.)
"DON'T BET ON BLONDES" (Warners)
"PEOPLE WILL TALK" (Para.)

ORPHEUM—(1,200), 10c-15c-20c, 6 days. **Gross:** $1,400. (Average, $1,700)

Week Ending Aug. 8:

"AWAKENING OF JIM BURKE" (Col.)
"CHAMPAGNE FOR BREAKFAST"
(Col.)

VARSITY—(1,100), 10c-15c-20c, 7 days. **Gross:** $900. (Average, $1,000)

"ESCAPADE" (M-G-M)

LINCOLN—(1,600), 10c-20c-25c, 7 days. **Gross:** $3,200. (Average, $2,200)

Week Ending Aug. 9:

"BECKY SHARP" (Radio)

STUART—(2,000), 10c-25c-40c, 7 days. **Gross:** $2,800. (Average, $3,100)

Sparks Circuit Buys Paramount, M-G-M

Deals for M-G-M and Paramount product for the 83 Sparks houses in Florida have been closed by E. J. Sparks, head of the circuit, and Frank Rodgers, general manager.

Sparks sails the end of the week on a Mediterranean cruise, returning in the late fall. Rodgers plans to leave in about a week for his southern headquarters. Rupert Kovelgard, who is affiliated with Sparks at Fort Pierce, Fla., is in town on a week's pleasure and business trip.

Two St. Louis Papers Suffer in Ad Fight

ST. LOUIS, Aug. 13.—The full force of the local exhibitors' revolt against the refusal of the daily papers here to continue daily theatre slide advertising became apparent today when the *Star-Times* appeared with only four subsequent run house ads, compared to 62 last Tuesday. Its rival in the afternoon field, the *Post-Dispatch*, fared better, holding 56 of the 61 such ads it had last week and gaining two new accounts among the neighborhoods and suburbans.

"Farmer" at $13,000 Is Cincy Leader

CINCINNATI, Aug. 13. — "The Farmer Takes a Wife" was tops at the RKO Albee with an approximate take of $13,000, which is over par by $1,000. "The Arizonian" failed to hold up at the RKO Palace and was pulled after the fifth day in favor of "Curly Top," which finished the week and holds currently.

Total first run business was $35,800. Average is $48,200.

Estimated takings for the week ending Aug. 9:

"FARMER TAKES A WIFE" (Fox)

RKO ALBEE—(3,300), 35c-42c, 7 days. **Gross:** $13,000. (Average, $12,000.)

"THE ARIZONIAN" (Radio)

RKO PALACE—(2,700), 35c-42c, 5 days. **Gross:** $3,300. (Average, 7 days, $10,000.)

"THE IRISH IN US" (Warners)

RKO CAPITOL—(1,200), 35c-42c, 7 days, 2nd downtown week. Moved from Palace. **Gross:** $5,500. (Average, $6,500.)

"WEREWOLF OF LONDON" (Univ.)

RKO LYRIC—(1,400), 25c-30c-40c, 7 days. **Gross:** $5,200. (Average, $6,500.)

"SHANGHAI" (Para.)

RKO GRAND—(1,200), 25c-30c-42c, 7 days. Second run. **Gross:** $2,300. (Average, $2,750.)

"HARD BOILED HARRIGAN" (Fox)

RKO FAMILY—(1,000), 15c-25c, 4 days. **Gross:** $800. (Average, $1,250.)

"KENTUCKY BLUE STREAK"
(Independent)

RKO FAMILY—(1,000), 15c-25c, 3 days. **Gross:** $800. (Average, $1,200.)

"BROADWAY GONDOLIER" (Warners)

KEITH'S—(1,500), 30c-42c, 7 days. Held over 2nd week. **Gross:** $5,000. (Average, $6,500.)

"HONEYMOON LIMITED" (Mono.)

STRAND—(1,200), 15c-25c, 7 days. **Gross:** $1,500. (Average, $1,500.)

Montreal Grosses Bump New Bottom

MONTREAL, Aug. 13.—Undoubtedly an all-time low aggregate for first runs was recorded during the week ending Aug. 10. The bright lights twinkled at only three of the six big houses for one thing and two of the three which operated were offering a carry-over from the previous week, only the Capitol presenting a fresh bill. It led the way with a take of $8,000 on "Murder in the Fleet" and "Calm Yourself" while the repeat of "Becky Sharp" at the Palace was good enough to draw $7,500. "The Call of the Wild" headed the Princess card again and brought $5,000. Within the trade, the lull was merely the calm before the new season's rush as preparations are in hand for smacking re-openings.

Total business was $20,500. Average is $26,500.

Estimated takings for week ending Aug. 10:

"MURDER IN THE FLEET" (M-G-M)
"CALM YOURSELF" (M-G-M)

CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. Gross: $8,000. (Average, $9,500)

"BECKY SHARP" (Radio)

PALACE—(2,600), 25c-35c-40c-50c-65c, 7 days. **Gross:** $7,500. (Second week); First week: $9,000. (Average, $11,000)

"THE CALL OF THE WILD" (U. A.)
"SWELL HEAD" (Col.)

PRINCESS—(2,272), 30c-35c-50c-65c, 7 days. **Gross:** $5,000. (Second week). First week: $5,500. (Average, $6,000)

Twin Cities Pretty Good; No Standouts

MINNEAPOLIS, Aug. 13.—Grosses in toto were pretty good in the Twin Cities last week, although spectacular performances at the till were absent.

The closest to any excitement were "The Man on the Flying Trapeze," which went to $4,500 at the Century, Minneapolis, and "Charlie Chan in Egypt," which ended at $2,000 at the Lyric on this side of the river. Each was $500 ahead of average business.

In St. Paul, the Fields film was $500 up to a gross of $4,000 at the Riviera, while "The Girl from Tenth Avenue" ran to $4,500 at the Orpheum. This was a half of a century in front of normal for that house.

Minneapolis' first runs which average $21,000 in bulk, aggregated $22,000. St. Paul's battery, normally doing $14,500, got $15,600.

Estimated takings:

Minneapolis

Week Ending Aug. 7:

"MAN ON FLYING TRAPEZE" (Para.)
CENTURY—(1,680), 25c-40c, 7 days. **Gross:** $4,500. (Average, $4,000)

"CHARLIE CHAN IN EGYPT" (Fox)
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $2,000. (Average, $1,500)

Week Ending Aug. 8:

"GIRL FROM TENTH AVE." (F. N.)
ORPHEUM—(2,900), 25c-40c, 7 days. **Gross:** $5,500. (Average, $5,500)

"CALL OF THE WILD" (U. A.)
STATE—(2,300), 25c-40c, 7 days, 2nd week. **Gross:** $5,500 (Average, $5,500)

"THE RAVEN" (Univ.)
TIME—(300), 20c-25c, 7 days, 2nd week. **Gross:** $1,500. (Average, $1,500)

"ESCAPE ME NEVER" (U. A.)
WORLD—(400), 25c-55c, 7 days, 5th week. **Gross:** $3,000. (Average, $3,000)

St. Paul

Week Ending Aug. 8:

"CALL OF THE WILD" (U. A.)
PARAMOUNT—(2,300), 25c-40c, 7 days, 2nd week. **Gross:** $5,500. (Average, $5,500)

"MAN ON FLYING TRAPEZE" (Para.)
RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $4,000. (Average, $3,500)

"GIRL FROM TENTH AVE." (F. N.)
ORPHEUM—(2,000), 25c-40c, 7 days. **Gross:** $4,500. (Average, $4,000)

"CHARLIE CHAN IN EGYPT" (Fox)
TOWER—(1,000), 15c-25c, 4 days. **Gross:** $900. (Average for week, $1,500)

"AIR HAWKS" (Col.)
TOWER—(1,000), 15c-25c, 3 days. **Gross:** $700. (Average for week, $1,500)

"Robin Hood" for M-G-M

HOLLYWOOD, Aug. 13. — M-G-M paid $62,500 for the music rights to "Robin Hood" to the Reginald de Koven estate. Warners are expected to sell the book and lyrics of the operetta for $30,000 within a few days. The deal is being negotiated in New York now. Warners have had the book and lyrics since the days of silent films, but abandoned the idea of making the story when Douglas Fairbanks, Sr. made a film about the same character in 1922.

It is understood that M-G-M will co-star Nelson Eddy as Robin Hood and Jeanette MacDonald as Maid Marion.

Donora Petition Filed

WASHINGTON, Pa., Aug. 13.—Donora has the distinction to be the first municipality to petition the Washington County Commissioners for a referendum on Sunday shows. Washington, Monongahela and other districts are also preparing for a vote on the question.

Shirley Shines in Phila.; Sends Fox Gross to $25,000

PHILADELPHIA, Aug. 13. — "Curly Top" shone out last week like a good deed in a naughty world, grossing $25,000—or more than double the average—at the Fox and assuring itself of more than two and possibly more than a three-week engagement.

"The Irish in Us" didn't do badly at the Stanley with $11,500 and goes into a second run downtown spot at the Karlton. "She" went dismally at the Boyd for $7,000 and after two days "Welcome Home" was yanked at Keith's and "Love Me Forever" brought back for a third downtown run to help up the gross.

Continuing its revival policy, the Arcadia played "Ruggles of Red Gap" which did $1,800. Not sensational, but better than some of the recent second runs the house has been getting.

Total gross receipts for week, $67,600. Average is $63,900.

Estimated takings for the week ending Aug. 8:

"RUGGLES OF RED GAP" (Para.)
(Revival)
ARCADIA—(600), 25c-40c, 50c, 6 days. **Gross:** $1,800. (Average, $2,400)

"SHE" (Radio)
BOYD—(2,400), 40c-55c, 6 days. **Gross:** $7,000. (Average, $12,000)

"SMART GIRL" (Para.)
EARLE—(2,000), 25c-40c-50c, 6 days. Stage: Palais Royal Revue with Arthur Boran, Beau Brummells, Florence Hodges, Harry and Dorothy Dixon, Dinky Ozment. **Gross:** $12,000. (Average, $12,000)

"CURLY TOP" (Fox)
FOX—(3,000), 40c-55c-65c, 6 days. Stage: All Girl Revue with Gracie Barrie, Loma Worth, Pansy, Edna Sedgwick, Five Wonder Girls. **Gross:** $25,000. (Average, $12,000)

"BROADWAY GONDOLIER" (Warners)
(Second Run)
KARLTON—(1,000), 25c-35c-40c, 6 days. **Gross:** $2,900. (Average, $3,500)

"LOVE ME FOREVER" (Col.)
(Third Run)
KEITH'S—(2,000), 30c-40c-50c, 4 days. **Gross:** $2,000. (Average, 6 days, $4,000.) Also, "Welcome Home," 2 days. **Gross:** $400.

"IRISH IN US" (F. N.)
STANLEY—(3,700), 40c-55c, 6 days. **Gross:** $11,500. (Average, $12,000)

"THE BLACK ROOM" (Col.)
STANTON—(1,700), 30c-40c-50c, 6 days. **Gross:** $5,000. (Average, $6,000)

Pari-Mutuel Point Won

BOSTON, Aug. 13.—Reversing its action by which it killed the measure, the House passed to be enacted, by a vote of 132 to 71, the bill allowing the Dighton pari-mutuel dog track to continue in operation without authorization of local authorities. The move to reconsider was made by Representative Killgoar who declared that the Dighton promoters should be allowed to realize a profit on their investment. It was passed despite the statement of Representative Herter that:

"It is a well-known fact that the principal promoter of the Dighton track is Al Capone's former lawyer."

Rudy on Production

COLUMBUS, O., Aug. 13.—Although claiming that his future plans include the possible making of pictures, Rudy Vallee, here with his Connecticut Yankees for a single night club engagement, told reporters that, unless stories were provided that will rise above story embellishments, he will not attempt further picture activity. Otherwise, except for passing reference to a musical show engagement and general mention of radio, Vallee was non-committal on specific points.

New Exhibitor Ass'n

Ashland, Wis., Aug. 13.—M. P. Exhibitors of Northern Wisconsin has been organized here with E. F. Daniels of the Daniels at Iron River, chairman. Roy McMinn, Capitol, Superior, has been named secretary. The organization includes exhibitors from a district served out of the Minneapolis exchanges and is expected to become a part of Northwest Allied.

Clevelanders Pay $16,000 To See 'Irish'

CLEVELAND, Aug. 13.—Heavy rains alternating with excessive heat failed to hurt local business. Grosses, with "The Irish In Us" and "Old Man Rhythm" leading, went $1,750 over average.

"The Irish In Us" grossed $12,000 against an $8,000 average at Warners' Hippodrome. With Olsen & Johnson as stage attractions, "Old Man Rhythm" went to $16,500, or $1,500 above par at the Palace. "The Scoundrel," with $8,000, or $2,000 under par at Loew's State and "One New York Night" with $3,500 at Loew's Stillman, made fair showings.

"After the Dance," a Columbia release, was low with $950 in three days at the Allen, but "Going Highbrow" with $1,800 in four days pulled the week's average to $2,750, or $250 under the usual take.

Total business was $43,750. Average is $42,000.

Estimated takings for the week ending Aug. 8:

"AFTER THE DANCE" (Col.)
ALLEN — (3,300), 30c-35c-42c, 3 days. **Gross:** $950. (Average, for 7 days, $3,000)

"GOING HIGHBROW" (Warner)
ALLEN — (3,300), 30c-35c-42c, 4 days. **Gross:** $1,800. (Average, for 7 days, $3,000)

"THE IRISH IN US" (Warner)
WARNERS' HIPPODROME—(3,800), 30c-35c-42c, 7 days. **Gross:** $12,000. (Average, $8,000)

"OLD MAN RHYTHM" (Radio)
RKO PALACE — (3,100), 30c-42c-60c, 7 days. Stage: Olsen & Johnson and Co. **Gross:** $16,500. (Average, $15,000)

"THE SCOUNDREL" (Para.)
LOEW'S STATE — (3,400), 30c-35c-42c, 7 days. **Gross:** $8,000. (Average, $10,000)

"ONE NEW YORK NIGHT" (M-G-M)
LOEW'S STILLMAN—(1,900), 25c-35c, 7 days. **Gross:** $3,500. (Average, $4,000)

"42nd STREET" (Warner)
CIRCLE — (1,925), 15c-25c-30c, 5 days. Revival. **Gross:** $1,000. (Average, $2,000)

Three Signed by M-G-M

HOLLYWOOD, Aug. 13.—M-G-M has renewed the contracts of two players and signed one director. Madge Evans, soon to return from England where she is making a picture, and Dudley Digges have been signed to new tickets while Fritz Lang, director of "Metropolis," has been signed to do "Tell No Tales."

F. & M. Stage Unit in S. F. Top, $11,000

SAN FRANCISCO, Aug. 13.—A Fanchon and Marco stage show did plenty for Fox, which had "Woman Wanted" as its celluloid draw last week by sending the gross to $11,000, which was $4,000 over the norm.

"The Irish in Us" at the St. Francis went $1,000 above, to $10,000, while the Warfield ended at $19,000 with "The Farmer Takes a Wife." This is $1,000 to the good.

Pat O'Brien, Joe E. Brown, Glenda Farrell, George Jessel, Olivia de Haviland and Frank McHugh were here for the opening of "Bright Lights," the new Brown picture at the Warfield this week. The personal appearance stunt will have a bearing on the week's gross.

Total first run business was $73,300. Average, $64,700. Estimated takings for periods designated:

Week Ending Aug. 6:

"OLD MAN RHYTHM" (Radio)
GOLDEN GATE — (2,800), 25c-35c-40c, 7 days. Stage band. **Gross:** $11,500. (Average, $13,000)

Week Ending Aug. 7:

"LOVE ME FOREVER" (Col.)
ORPHEUM—(3,100), 15c-35c-40c, 7 days, 4th week. **Gross:** $5,500. (Average, $7,000)

"GINGER" (Fox)
"MAN ON FLYING TRAPEZE" (Para.)
PARAMOUNT — (2,670), 25c-35c-40c, 7 days, 2nd week. **Gross:** $15,500. (Average, $10,000)

Week Ending Aug. 8:

"WOMAN WANTED" (M-G-M)
FOX—(4,600), 10c-25c-35c, 7 days. Stage. **Gross:** $11,000. (Average, $7,000)

"IRISH IN US" (Warners)
ST. FRANCIS — (1,400), 15c-30c-40c, 7 days. **Gross:** $10,000. (Average, $9,000)

"FARMER TAKES A WIFE" (Fox)
WARFIELD — (2,700), 25c-35c-40c-50c, 7 days. Stage, band. **Gross:** $19,000. (Average, $18,000)

Week Ending Aug. 9:

"YOUTH OF MAXIM" (Amkino)
CLAY—(400), 25c-35c, 7 days. **Gross:** $800. (Average, $700)

Buffalo Takes Up; Shirley Out Front

BUFFALO, Aug. 13.—Playing its second week here, "Curly Top" set new summer attendance, as cold and rainy weather produced a general jump in first run grosses. At the Hippodrome after a highly successful week's run at the Buffalo, "Curly Top" pulled $9,100, topping average by $2,100. Also above the norm was "The Irish in Us," at the Buffalo, with a gross of $12,300, against an average $10,500, and "Woman Wanted" and "Welcome Home," Great Lakes double which drew $7,200 to an average $7,000.

Total business for the week ending Aug. 10 was approximately $36,800; average is $34,700. Estimated takings:

"THE IRISH IN US" (Warners)
BUFFALO — (3,500), 30c-50c, 7 days. **Gross:** $12,300. (Average, $10,500)

"CURLY TOP" (Fox)
HIPPODROME—(2,100), 30c-50c, 7 days.

"WOMAN WANTED" (M-G-M)
"WELCOME HOME" (Fox)
GREAT LAKES—(3,000), 25c-40c, 7 days. **Gross:** $7,200. (Average, $7,000)

"MURDER MAN" (M-G-M)
"SMART GIRL" (Para.)
CENTURY—(3,000), 25c, 7 days. **Gross:** $4,900. (Average, $5,500)

"HOOSIER SCHOOLMASTER"
(Monogram)
"HEADLINE WOMAN" (Mascot)
LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $4,400. (Average, $5,300)

HERE'S THE DICTATOR EVERY WOMAN LOVES

He's the Box-office Toast . . .
from Coast to Coast

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The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 39 NEW YORK, THURSDAY, AUGUST 15, 1935 TEN CENTS

Conciliators Finish; Union Peace Nearer

Their Withdrawal Seen Presaging Deal

Federal and state labor representatives have stepped out of the local circuit-union wage scale conferences, indicating a note of harmony has been struck between both sides. William C. Liller and Thomas J. Williams came on from Washington to attend while Col. Ruddick represented the state. The three men attended the first meeting Monday night and, after bringing both sides together on common ground, withdrew from later sessions.

Preliminary indications are that the sessions will run into next week and that the circuits will receive some sort

(Continued on page 7)

Will Talk Syracuse Pool Here Next Week

Meyer Schine is expected in New York next week to confer with RKO officials on a pool, already discussed, whereby his Eckel in Syracuse will go into an operating merger with the RKO's Keith there. RKO currently is winding up a year's operation of the Paramount for Paramount and the Strand for Warners in the up-state city. Those leases run out about Sept. 1, but the circuit is understood not to have reached any decision about renewals.

Fabian Gets B'klyn Para. for Next Year

Si Fabian and Paramount are all set on a new deal for the former to continue operation of the Brooklyn Paramount for another year. Papers are expected to be signed within the next few days. It is understood the terms will be the same as the current one-year pact.

Lost Article Gag

Portland, Me., Aug. 14.—John Divney, manager of the Maine theatre, is not letting unclaimed purses and pocketbooks in his lost-and-found department go to waste. When they've hung around too long, he plants them along the main stem with theatre advertising enclosed to confront the discoverer.

Fox Ready for Merger, But Suits May Delay Approval

Two Actions Stand in Way, Latest Filed By Mrs. Eva Fox

Fox Film Corp. is prepared to proceed this morning with its scheduled meeting of stockholders for the purpose of ratifying the proposed merger with Twentieth Century Pictures unless adverse court decisions in actions instituted by stockholders, one of them brought by Mrs. William Fox yesterday, force a postponement, it was stated at the company's offices late yesterday.

While no court action in opposition to the merger will be taken by the Fox stockholders' committee of which L. T. Pidwell is chairman, according to Henry L. Sperling, counsel for the committee, an opposing action

(Continued on page 6)

M-G-M - Essaness Deal Near; 'Chi' Theatre 'Invasion' Out

Chicago, Aug. 14.—Signing of contracts between M-G-M and the Essaness circuit is expected shortly. The theatres are now playing some of the past season's pictures. They did not show any during the year.

M-G-M's talk about theatres in this territory has been withdrawn with the starting of negotiations for the new season's product.

Plans for building a 1,400 seat house in Oak Park are to be fulfilled by M-G-M, but Essaness will run the house.

When the contracts are finally signed one of the stormiest battles between exhibitor and producer in this area will go down in the ledger of closed business.

Contracts whereby Essaness will play M-G-M in its Chicago circuit are now being drawn and are expected to be signed before the week is out.

Woolf, Long With GB, In Marsh Post

By BRUCE ALLAN

London, Aug. 14.—C. M. Woolf, long joint managing director of Gaumont British, who recently resigned and then formed his own company, has been elected managing director of British and Dominion Pictures Corp., Ltd., succeeding the later Hubert Marsh.

Herbert Wilcox has been given a new five-year contract as chief of production and will also organize a new independent unit using the B. and D.

(Continued on page 6)

Chaplin Sues to End 'Duping' of Comedies

Injunction proceedings and an action for damages were filed by Charles Spencer Chaplin against Institutional Cinema Service, Inc., and Herman Ross, general manager of the com-

(Continued on page 2)

New Move to Block Pathe Plan Denied

An application for an injunction to restrain Pathe from putting into effect its plan of reorganization, which was brought by Ben Hilbert, said to own

(Continued on page 2)

N. M. Schenck Scoffs Tales He Will Quit

"I played golf in the morning.

"I went to the races in the afternoon.

"I stayed up to two and three in the morning dancing. So you see I was a pretty sick man at Saratoga."

This was Nicholas M. Schenck talking to Motion Picture Daily yesterday, making a direct, personal denial of the report published by Bill Farnsworth in his *New York Evening Journal* column, "Sidewalks of New

(Continued on page 2)

Loew's Not Dropping Vaude in Wholesale

Decision to drop stage shows in three Greater New York Loew theatres on Aug. 23 when "China Seas" starts the new all-sound policy does not mean other houses in the circuit

(Continued on page 2)

Warner Theatre Men Meet Here Aug. 28

Twelve Warner theatre zone managers throughout the country will convene at the circuit's home office for a two to three day discussion of pol-

(Continued on page 2)

Sirovich Asks Deep Probe of Industry

Washington, Aug. 14.—A full investigation of the industry by a special committee of the House was sought today by Congressman Sirovich of New York in a resolution on which he will seek to secure action before the end of the session. Under the resolution the committee would be empowered to investigate every phase of the industry, including the quality of product, business practices and bankruptcy.

The committee would submit its report next session with recommendations for legislation.

Studios, New Labor Ass'n in Open Clash

Hollywood, Aug. 14.—Open warfare between major studios and the newly organized National Ass'n of

(Continued on page 6)

No Films for 'Quins'

Callander, Ont., Aug. 14.—An offer to have the Dionne quintuplets appear in "The Milky Way" with Harold Lloyd was turned down today by Dr. Allan R. Dafoe, the babies' physician and a member of their board of guardians. Negotiations were being conducted by E. Lloyd Sheldon from Hollywood.

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Advertising Manager

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Chaplin Sues to End 'Duping' of Comedies

(*Continued from page* 1)

pany, in Federal court here yesterday over the alleged reproduction by "duping" and distribution of old Chaplin comedies.

Acting on Chaplin's complaint, brought by Nathan Burkan, attorney, Federal Judge Murray W. Hulbert signed a writ of seizure designating a U. S. marshal to confiscate prints of "Shoulder Arms" and "A Dog's Life," two Chaplin releases of 1918, which, it was charged, Institutional Cinema had reproduced without permission. An accounting and damages were also asked by Chaplin.

Local Combination Will Elect Shortly

Election of officers and directors of the newly formed Independent Theatre Circuit, Inc., is definitely scheduled for next Wednesday at the Astor, it was stated at the regular meeting of the I. T. O. A. yesterday. The circuit now has 75 members lined up and expects to have several more before the voting takes place.

Ash to Roxy Soon

San Francisco, Aug. 14.—Paul Ash returns to the Roxy, New York, shortly. He is visiting this, his home town, on a quest for new talent, he told Fred Johnson, drama editor of the *Call-Bulletin,* in a radio interview.

Purely Personal

CHARLES MOSKOWITZ, Leopold Friedman, Marvin Schenck, Gene Picker, Harold Bareford, George Trendle, William Rodgers, Sam Shipman, Fred Kent, Si Seadler, Tom Gerety, Louis Phillips, Bert Adler, Leo Justin, Kelcey Allen and William Boehnel gathered at various tables at the Astor yesterday to discuss the day's gossip between courses.

•

Milt Kusell yesterday brought back to life the projection room in the local Paramount exchange. The screening room had been dark for three years. Peter Adams, owner, and Irving Leiner, manager of the U. S., Paterson, N. J., attended the first screening. Adam Adams would have been there, but he is now vacationing in Europe.

•

Charles Baron, U. A. exploiteer who just returned from Albany, visited the Friar's Club the other night and found a wallet containing $450. He returned it to its owner, Walter Lindsay.

•

Adolph Zukor has postponed the golf tournament which was to have been held next Wednesday at his estate until September, due to the opening of "The Crusades."

•

Clyde de Vinna and Walter Streng, two of M-G-M's ace cameramen and a crew are shooting exteriors for "Ah! Wilderness" at Grafton, Mass.

•

Ramon Novarro sails tomorrow on the *Berengaria* to appear in a musical show in London. He says he has no film contracts at present.

•

Willard C. ("Pat") Patterson has recovered his health and is back on the job at United Detroit Theatres full of pep.

•

Frank Walsh, who was recently appointed eastern test director for Radio, has arrived in town from the coast to take up his new duties.

•

Sol Lesser, John D. Clark and Charles McCarthy made a Twentieth Century-Fox trio at Sardi's yesterday afternoon.

•

John J. Friedl arrived yesterday from Minneapolis to confer with Paramount home offices executives on film deals.

•

Willard McKay, general counsel for Universal, is due back in New York from Hollywood today.

•

Moe Silver is in town and spending most of his time at Doctors' Hospital. A blessed event is very, very close.

•

Arthur Lee and George Weeks are vacationing in Canada, but are expected back Monday.

•

June Knight arrives from the Golden West today to start rehearsals in "Jubilee."

•

. . . Kansas City

Mrs. Homer Garber, wife of the exhibitor at Baxter Springs, Kan., is improving after a serious illness of several weeks. Garber operates the Ritz.

Don Davis, RCA High Fidelity district sales manager, is moving his family back to Kansas City. Mrs. Davis, the famous "HiFi" twins, and the Davises' daughter have been in Tennessee and Arkansas for the summer.

Al Lindquist, formerly district service manager for RCA High Fidelity and now at Camden, N. J., here several days looking over the local situation.

Did $12,000

The heat got the man on the desk Tuesday and had him credit Warners' Hippodrome, Cleveland, with a $16,000 gross on "The Irish in Us" when the figure was $12,000. At its correct total, the picture, nevertheless, was $4,000 ahead of the norm.

New Theatre Sends Trendle Up to 12

With the opening Aug. 22 of the new Alger, a 1,500-seat theatre in the Detroit residential district, United Detroit Theatres will have a dozen houses in the circuit, George Trendle, president, stated yesterday, prior to his departure for the automobile city.

Trendle, who came on with Willard C. Patterson, general manager, said the purpose of his trip was to discuss film buys with Paramount home office executives, but because of John E. Otterson being out of town, the talks have been called off. Patterson will leave for Detroit in a day or so.

New Move to Block Pathe Plan Denied

(*Continued from page* 1)

100 shares of Pathe common, was denied yesterday by State Supreme Court Justice Kenneth O'Brien.

The Hilbert action was brought on the grounds that the amendment to the stock corporation laws providing for extraordinary meetings of stockholders such as the one at which the Pathe plan was ratified, is unconstitutional.

Officials of Pathe said yesterday that they expected to consummate the reorganization plan within a week.

Frudenfeld Ill in Cincy

Cincinnati, Aug. 14.—Col. Arthur M. Frudenfeld, division manager of RKO Midwest Corp., was in a serious though not critical condition today at Christ Hospital following his collapse in his office yesterday.

Williams Better Now

Omaha, Aug. 14.—Charles E. Williams, president of Nebraska-Western Iowa M. P. T. O. was able to visit Film Row this week after several weeks of illness. Williams is on the eve of his 20th year as an exhibitor.

John Boles Recovering

Hollywood, Aug. 14.—John Boles is recovering from a lacerated hand and scalded arm. He was lunching with Gladys Swarthout at Malibu Lake when their table overturned. Boles stopped hot dishes and scalding coffee from burning the songbird.

N. M. Schenck Scoffs Tales He Will Quit

(*Continued from page* 1)

York" on Tuesday that Schenck would resign as president of Loew's, Inc., and M-G-M as a prelude to a merger between those companies and the proposed Twentieth Century-Fox consolidation which is up for ratification by the Fox Film stockholders this morning.

"The reports are silly, of course," continued Schenck. "Not only have I absolutely no intention of resigning, but I suppose I shall die still occupying my present post."

Loew's Not Dropping Vaude in Wholesale

(*Continued from page* 1)

will eliminate vaudeville, Charles C. Moskowitz stated yesterday.

"Where the public wants stage shows we will continue them," he said. "In houses where the public does not respond we are withdrawing them," Moskowitz added.

The trio to drop stage entertainment next week are the Metropolitan, Brooklyn; Journal Square, Jersey City; and State, Newark.

Warner Theatre Men Meet Here Aug. 28

(*Continued from page* 1)

icy for the new quarter. The sessions will start Aug. 28 and will be presided over by Joseph Bernhard.

Attending will be James Coston, Chicago and Milwaukee; Nat Wolf, Cleveland; I. J. Hoffman, New Haven; Don Jacocks, Newark; Moe Silver, Albany; Ted Schlanger, Philadelphia; Harry Kalmine, Pittsburgh; J. J. Payette, Washington; Harry Copelan, Atlantic City; Lou J. Halper, Hollywood; Howard Waugh, Memphis; B. F. Moore, St. Louis.

Wall Street

Eastman Gains on Big Board

	High	Low	Close	Net Change
Consolidated	5	4¾	5	.....
Cons., pfd	18	17⅜	17⅜	— ⅝
Eastman	148	147½	148	+ ¾
Fox	16⅝	16¼	16½	+ ¼
Loew's, Inc.	42⅜	41⅝	41⅝	— ⅜
Paramount	5¼	5	5	.....
Pathe	1⅛	1	1⅛	+ ⅛
Pathe "A"	11¾	11½	11½	.....
RKO	3	2¾	2⅞	.....
Warner	5¾	5⅜	5⅝	+ ¼
Warner, pfd	40⅞	39¾	39¾	— ¼

Sentry Rises ⅛ on Curb

	High	Low	Close	Net Change
Sentry Safety	⅜	⅜	⅜	+ ⅛
Technicolor	19⅞	19¼	19⅞	— ⅛
Trans-Lux	2⅝	2½	2½	.....

Keith Bonds Off 1¾

	High	Low	Close	Net Change
General Theatre Equip. 6s '40 ctf	14¼	13⅞	13⅞	— ⅝
Keith B. F. 6s '46	90¼	90	90	—1¾
Loew's 6s '41 ww deb rights	104	103⅝	103⅝	— ¼
Paramount Publix 5½s '50	104⅛	104	104⅛	— ⅞
RKO 6s '41 pp....	57½	57	57½	+1¾
Warner Bros. 6s '39 wd	80	79	79	— ¾

(Quotations at close of Aug. 14)

THE PICTURE OF THE WEEK

At their hilarious best as a pair of 'get-your-man process-servers, the blonde Misses Joan Blondell and Glenda Farrell easily win the week's cinema honors with Warner Bros.' **"WE'RE IN THE MONEY"**. Their expert laugh-getting, combined with the comic talents of Hugh Herbert, Ross Alexander, Hobart Cavanaugh, Phil Regan, Man Mountain Dean, and Director Ray Enright, have made critics place this 'funfest' well within the 'surefire grosser class'. Released August 17th.

Stars—

CHARLES FARRELL
in
"Forbidden Heaven"

HELEN TWELVETREES
in
"The Spanish Cape Mystery"

GIVE YOUR BOX-OFFICE TH

EPUBLIC PICTURES HAS THEM

CHARLOTTE HENRY
in
"Forbidden Heaven"

OTTO
KRUGER
in
"Two
Black Sheep"

REPUBLIC PICTURES

BREAKS *Play* REPUBLIC!!

Fox Set for Merger, But Delay Possible

(*Continued from page* 1)

from a new direction was instigated yesterday. This was the obtaining of an order to show cause why Fox should not be enjoined from consummating the merger. The action was brought by All-Continent Corp. and Eva Fox, wife of William Fox, and is scheduled for argument before Supreme Court Justice Alonzo G. McLaughlin in Brooklyn this morning, together with a prior action brought by Alexander Gilbert, a holder of 50 shares of Fox Class A stock, for an order to show cause why Fox should not be restrained from holding the meeting to vote on the merger.

The new action brought by Mrs. Fox, who reputedly controls the All-Continent Corp., names as defendants Fox Film, Twentieth Century, Chase National Bank, General Theatres Equipment, Inc., Daniel O. Hastings as receiver of G. T. E., Joseph M. Schenck, William Goetz, Darryl F. Zanuck, Sidney R. Kent, William C. Michel, Sidney Towell, Felix Jenkins, all members of the Fox board of directors, and the voting trustees for the Fox Class A and Class B stock, who are Hastings, Harley L. Clarke and Frank O. Watts.

The action sets forth that All-Continent Corp. owns voting trust certificates for 18,000 shares of Fox Class A stock; owns a $2,300,000 claim against G. T. E. which has been reduced by agreement to $1,850,000, and, in addition, owns 18,900 shares of G. T. E. preferred and 42,900 shares of G. T. E. common. Mrs. Fox, according to the papers filed, owns 37 shares of Fox Class A and 25 shares of Fox Class B.

"Wastage" of Assets Claimed

The action is based on the allegations that the merger would constitute a "wastage" of Fox Film assets and would amount to a confiscation of stockholders' property, according to Warren M. Caro, of the law firm of Hirsh, Newman, Reass & Becker, attorneys in the action and identified in the past with William Fox's American Tri-Ergon patents litigation.

The action was described by Caro as a "sequel" to All-Continent's unsuccessful attempt in chancery court at Wilmington last Monday to have Hastings directed to vote G. T. E.'s Fox stock holdings in opposition to the proposed merger. All-Continent was the only opponent of Hastings' application for leave to vote the stock in favor of the merger, which was granted by the Wilmington court.

The Pidwell stockholders' committee, which up to this week had been the only openly anti-merger Fox stockholders' group and which had threatened to bring actions similar to those brought by Gilbert and Mrs. Fox, faded abruptly into a policy of inaction yesterday. Sperling, the committee's attorney, explained the reversal of policy with the statement that the Gilbert and All-Continent actions covered all legal avenues open to the Pidwell committee and that the stockholders' rights to bring future actions against the company in the event of losses were not impaired. Sperling, however, was unaware that the All-Continent action had been filed until informed of it by Motion Picture Daily.

Gilbert's move to thwart today's meeting is said by his attorneys to have been brought as an independent stockholder. Both the Pidwell committee and attorneys for All-Continent and Mrs. Fox denied an alliance with Gilbert. The latter's action was belittled by the Mrs. Fox attorneys, who said that a single, small stockholder would have little standing in court.

The Fox Film home office was noncommittal about the court actions, stating only that it planned to proceed with the meeting at 11 A.M. unless the court hearings forced a delay until later in the day or an adverse decision forced a postponement.

The proposed merger of Fox and Twentieth Century calls for the issuance of 1,329,042½ shares of new $1.50 dividend cumulative preferred and 1,226,529½ shares of common. There is proposed an exchange of one-half share of the new preferred and one-quarter share of the new common for each share of the present Class A common, and one share of the new preferred and one-half share of the new common for each share of Class B.

Under the merger the name of the combined companies would become Twentieth Century-Fox and Joseph M. Schenck would be chairman of the board, Kent, president, and Zanuck a vice-president.

Studios, New Labor Ass'n in Open Clash

(*Continued from page* 1)

American Employes broke out on two fronts here today, resulting allegedly in the slashing of 25 names from the technicians' roster at one studio and the issuing of terse warnings to employes of another against joining the organization.

Warners made the first move against the organization with the dismissal today of 25 employes, allegedly for affiliation with the N.A.A.E. The studio said the slash was a routine layoff to cut overhead during the slack spell. The dismissed employes, however, told Motion Picture Daily they had been let out because of their affiliation with the group.

At Columbia orders were issued against joining the N.A.A.E., according to authoritative sources inside the studio. The order was said to have come from Sam Briskin, who denied having taken any such action.

The employes of one studio indicated the N.A.A.E. would immediately appeal to Washington for restraining action against the studios.

Mort Singer Reports West Is Slightly Up

Business is picking up, but not to any great extent, Mort Singer, RKO theatre partner in the west, stated yesterday. He asserted "farmers are getting a lot of money for their crops and there is a better feeling among the people in regard to conditions."

Singer has just returned from Beverly Hills and plans to spend two weeks in New York before heading for Chicago where he will spend a few days and then return to the coast.

"The automobile industry sets the pace for theatres," he said, "and attendance at theatres is the barometer of the times."

Bank Night Hearing To Be Aired Aug. 26

Cleveland, Aug 14.—The court of appeals has set Aug. 26 as the date of hearing of the local Bank Night case. Judge Frederick Walther of common pleas court denied a petition for injunction to stop it at the Haltnorth. Meyer Fischer, plaintiff appealed. It is said that this will be the first higher court in the country to hear a Bank Night case.

Pay Off, declared similar to Bank Night but using a signed coupon system instead of registration, will break into this territory Aug. 20 at the Knickerbocker of the Associated Theatres circuit. Pay Off will be offered four nights a week.

No Wide Stamp Use By Midwest Is Seen

Kansas City, Aug. 14.—That gift stamps, although successful in this district, will not be used elsewhere was indicated at the two-day convention of Fox Midwest managers, which closed at Excelsior Springs tonight with a banquet at which Elmer C. Rhoden, divisional manager, was toastmaster. The managers turned thumbs down on double billing, holding it encourages quickies.

Lew Lehr and D. S. Lawler, division advertising manager, were among the speakers. Others at the convention included District Managers L. J. McCarthy, Kansas City; Lon Cox, St. Louis; H. E. Jameyson, Wichita, and Harry McClure, Topeka.

To Film 'Children's Hour'

Hollywood, Aug. 14. — Samuel Goldwyn has bought "The Children's Hour." Although local reports are the play has been banned by it, the Hays office asserted it could not put a taboo on anything but a finished picture and would not admit having made any suggestions in regard to the proposed filming of the piece. Although Goldwyn could not be reached for a statement, reports indicated he would change the title and eliminate objectionable matter.

Smith Services Today

Funeral services will be held at 11 this morning in the Chancery of Grace Church, Broadway and 10th St., for Archibald B. Smith, son of Courtland Smith, president of Pathe News. Burial will be in Sleepy Hollow Cemetery, Westchester.

Smith was killed early Wednesday at Edgartown, Mass., when a car in which he was riding with two companions left the road and crashed into a house.

William Gross Dies

Cleveland, Aug. 14.—William Gross, 59, oldest brother of Frank Gross, prominent local exhibitor, died at Cleveland Clinic. He is survived by his widow, one son, one daughter, a sister and two brothers.

Myrna Loy, M-G-M Part

Myrna Loy abrogated her M-G-M contract yesterday, according to *The N. Y. Sun,* which quoted the actress as saying that after having worked in 15 pictures in two years she sought an adjustment of her contract without success. Her plans for the future were not discussed.

Woolf, Long With GB, In Marsh Post

(*Continued from page* 1)

studio, but probably releasing through Woolf's company, General Distributors, Ltd. The regulation B. and D. product will continue to go through United Artists in this country.

The company released its interim financial statement today which said, in part:

"The question of dividends for the current year can only be considered when full results of the year's work are available."

The studio is considering building another sound stage as the present three are fully occupied at satisfactory rentals.

Discuss Pros, Cons Of 2,000-Ft. Reel

A general discussion of problems and advantages involved in any adoption of the proposed 2,000-foot reel was held at a meeting of managers of exchange operations at the M. P. P. D. A. yesterday. Arthur Dickinson of that organization presided.

The meeting, it is understood, did not call for the expression of opinions on the adoption of the new size reel but was given over to information and consideration of factors involved in the changeover in order to prepare those attending the meeting for recommending action by their respective companies. All large companies were represented at the session and others will be held in the near future.

Sparks Nears Pact For Warner Lineup

E. J. Sparks expects to close negotiations for the entire Warner lineup for his 83 Miami houses by Saturday when he sails on a three-month South American cruise. Sparks' men here on the deal include Fred Kent, attorney; Frank Rodgers, general manager; and Rupert Kovelgard, partner at Fort Pierce. Kent, Rodgers and Kovelgard plan to leave for Miami either Monday or Tuesday.

Warner men in town on the deal are Fred Jack, southern division manager, and Herbert Ochs, Atlanta branch manager.

New Hollywood Paper

Hollywood, Aug. 14.—A new trade weekly, *Hollywood Life,* is due to bow in Aug. 20. John A. Kelly is backing the paper. Jackson Parks, formerly city editor of the *San Francisco Bulletin,* is editor. Laurence A. Hughes, former assistant to Irving Thalberg at M-G-M, is associate publisher.

The publication will be tabloid in format and will concentrate on news, previews and opinions of Hollywood.

Talent Deals Denied

Hollywood, Aug. 14.—Reports current that Fanchon & Marco have started contracting talent for a picture to be made by them are denied.

Conciliators Finish; Union Peace Nearer

(Continued from page 1)

of concessions. Their attitude is that if independent theatres are getting the same labor for $1 an hour they are entitled to an identical scale, or appreciable reductions from the $2.12½ now paid.

Mort Singer, who several years ago handled labor contracts for RKO in the west while Leslie E. Thompson covered the east, was summoned from Beverly Hills over the week-end by Thompson to attend the local sessions. Singer is a partner of RKO in the west. Other circuit representatives attending include Harry D. Buckley, for the Rivoli, and Charles C. Moskowitz for Loew's. Sitting in on the talks from the union are Joseph D. Basson, president, the vice-president and two business agents.

Meanwhile, Local 306 is concentrating its picketing forces at Harry Brandt houses. Following on the heels of explosions at the Park and Circle, a bomb was found late Tuesday night in the Times Square. A porter in the theatre doused it two minutes before it was timed to go off.

More than 100 Local 306 men have been arrested in the last few days for picketing the Liberty and Times Square in West 42nd St. Yesterday 10 were pulled in by the police and paroled in custody of the union's attorney.

Brandt Sure of Victory

Refusing financial assistance from members of the I. T. O. A. who rallied to his support, Harry Brandt, president of the unit, yesterday expressed confidence that he would win the local union fracas being waged against the Brandt circuit.

Most of the session was taken up with the discussion of Local 306's activities in the last week.

Would Cut Dallas Board

DALLAS, Aug. 14.—Operators have proposed a new ordinance to the city council to replace the present regulations and board. At present the board is composed of nine members, two operators, two theatre managers, two exchange managers, and the building inspector, fire marshal, and city electrician. It is proposed to reduce this board to five, made up of two operators, the fire marshal, city electrician, and supervisor of public works, with the latter permanent chairman. Necessity for the change is claimed by the operators in that they say the present board is incompetent. Regulation examination questions for applicants are proposed with correct answers on file, making scoring a matter of check.

St. Louis Officers Suspended

ST. LOUIS, Aug. 14.—Officers of I. A. T. S. E. Local 143 temporarily have been suspended by Clyde W. Weston, the international's representative, pending a probe into affairs of the local. For the time being offices are in charge of Robert Thompson, a member of the union. The suspended officers include: James Manion, president; O. Kleintopf, business manager, and Fred L. Twiehaus, secretary. It is understood an internal dispute, nature not divulged, was the reason leading to the decision.

Mayor Dickmann's arbitration board, headed by Father Tim Dempsey, has worked out a peaceful settlement of the dispute as to whether negroes or white men should operate booths at the Criterion, Star and Strand, all of which cater to negro patronage. The movement to wrest the jobs from whites was supported by the Urban League, a negro organization, and negro operators. Opposition came from Local 143.

The basis of settlement follows:

That the negro projectionists who have their own labor body apply immediately for membership in 143.

That these applications be given favorable consideration and acted on promptly by the members of 143.

That the question of employing negro or white operators in the three theatres be adjusted between 143 and the owners of the theatres to the best advantage of all parties.

The recommendations have been accepted by both parties. The pact averts a situation that may have eventually led to very serious racial troubles in St. Louis, which has a large percentage of negro population.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Way Down East"

(Twentieth Century-Fox)

HOLLYWOOD, Aug. 14.—Climaxing his Fox production career, Winfield Sheehan delivers in this picture an entertainment feature certain to thrill the nation's theatregoers.

Adapted from Lottie Blair Parker's novel and stage play, famous for generations as the great American melodrama, the production, authentically and with believable human heart interest, completely preserves the full emotional spirit of the original.

As the great, old story lives anew, with modern screen advantages embellishing its gripping drama, inspiring love interest and natural humor, the film runs the entire gamut of entertainment and showmanship values in a new and different fashion.

Set in the atmosphere of a rural New England village and farm home of two generations ago, dominated by rigidly upright Russell Simpson, "Way Down East" is the story of Rochelle Hudson, her fear-tinged happiness, in love with Henry Fonda, her heartbreak and triumph. The story tells of the innocent girl betrayed by the city slicker, Edward Trevor; made the victim of vicious tongue-wagging of the hypocritical gossiper, Margaret Hamilton; and who is inhumanly condemned and driven from the shelter of the Simpson home during the height of a blizzard. Follows the thrill-packed episode of Miss Hudson, fleeing to escape heartbreak, caught in the icebreak, in which she, almost frozen and perishing as her betrayer is lost, is saved by Fonda.

Drama, which Henry King's splendid direction treats for tender, sentimental appeal, dominates.

The action is convincingly handled by Miss Hudson, Fonda, Simpson, his wife, Spring Byington; Miss Hamilton and Trevor, who all make sincere simplicity powerful. Comedy is provided by Slim Summerville, Andy Devine and Al Lytell.

Showmanship assets are included as the feature picturizes the spirit of the basic theme and also in audience values of a quilting bee, barn dance, skating party and the ice breakup. Modernizing, yet retaining the story's original elemental appeal, Howard Estabrook's and William Hurlburt's screen play is a thorough demonstration of screen writing.

As valuable entertainment merchandise and a big picture, "Way Down East" makes possible and commends showmanship presentation matching the heart and brain evinced in the production.

Reviewed without production code seal. Running time, 85 minutes. "G."

"Here Comes Cookie"

(Paramount)

HOLLYWOOD, Aug. 14.—Like exaggerated characters of the funny sheet come to life, Gracie Allen and George Burns lead a pack of zanies in a goofy, nonsensical comic strip somewhat nutty and a trifle mad.

George Barbier, a millionaire, wants to prevent his daughter (Betty Furness) from marrying a Latin from Manhattan. Against the advice of Burns, an attorney, Barbier, to create the impression he is poor, transfers his wealth to his other daughter (Miss Allen). Barbier then goes fishing and the fireworks begin.

Gracie, out of sympathy for hungry actors, turns the Park Avenue mansion into a vaudeville rehearsal hall where the actors eat, sleep and practice in the cellar, boudoir and bath. To top everything Gracie remodels the house into a theatre and presents her own show, an acme of nitwitism. Barbier returns with Gracie doing the balcony scene from "Romeo and Juliet."

Conceived in a spirit of loony caricature by Sam Mintz and Don Hartman, the film, directed by Norman McLeod, comes near to being the screwiest hodge-podge of hilarity ever unscrambled on the screen, not excepting the Marx brothers. Twelve vaudeville acts, including crooners, cyclists, acrobats, astrologists, dogs, knife throwers and seals, participate.

William LeBaron produced a swell, but not big picture.

Burns and Allen fans will like this, as will those who relish assorted nuts.

No production code seal. Running time, 65 minutes. "G."

Heat Murders L.A. Grosses; "Irish" O.K.

LOS ANGELES, Aug. 14.—Record heat ruined theatre business here last week. Of all the first runs in Los Angeles and Hollywood, only the Hillstreet kicked in with a real showing. "The Irish in Us" there did $12,000, or $4,000 above the norm.

First runs aggregated bulked $79,030 when average is $87,700.

Estimated takings for the week ending tonight:

"FARMER TAKES A WIFE" (Fox)
"MURDER MAN" (M-G-M)
CHINESE—(2,500), 30c-55c, 6 days. **Gross:** $10,200. (Average, $12,500)

"ARIANE" (Foreign)
FILMARTE—(800), 40c-50c, 7 days. **Gross:** $1,900. (Average, $2,750)

"DANTE'S INFERNO" (Fox)
4 STAR—(900), 30c-55c, 7 days. **Gross:** $4,830. (Average, $3,250)

"THE IRISH IN US" (Warner)
HILLSTREET—(2,700), 25c-40c, 6 days. **Gross:** $12,000. (Average, $8,000)

"FARMER TAKES A WIFE" (Fox)
"MURDER MAN" (M-G-M)
LOEW'S STATE—(2,500), 30c-55c, 6 days. **Gross:** $10,900. (Average, $14,000)

"EVERY NIGHT AT EIGHT" (Para.)
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: Fanchon & Marco's "The Mikado," Rube Wolf and orchestra. **Gross:** $17,500. (Average, $18,000)

"THE IRISH IN US" (Warner)
WARNER BROS. (HOLLYWOOD)—(3,000), 25c-40c, 6 days. **Gross:** $11,600. (Average, $14,000)

"BROADWAY GONDOLIER" (Warner)
WARNER BROS. (DOWNTOWN)—(3,400), 25c-40c, 6 days. **Gross:** $7,300. (Average, $12,000)

"VALLEY OF FEAR" (English)
"THE OLD HOMESTEAD" (Liberty)
PANTAGES—(3,000), 25c-40c, 7 days. **Gross:** $2,800. (Average, $3,200)

Justice Dep't Knows Of No New Charges

WASHINGTON, Aug. 14.—Department of Justice officials today declared there was "nothing new" in the film situation and denied they had received a new complaint from independent interests against alleged inclusion in the majors' contracts of a clause banning double features.

Officials of the department said they had no information on the matter. They revealed, however, that complaints are regularly received from independents urging action against the majors on one ground or another. All of these complaints are, of course, investigated, but in few instances is it possible for the department to take any action.

To Weigh Wet Scenes

HOLLYWOOD, Aug. 14. — The Hays office plans to hold a meeting soon on complaints against drinking scenes in pictures.

JULES J. RUBENS

GREAT STATES THEATRES

[63 in Illinois and Indiana]

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VOL. 38. NO. 40 NEW YORK, FRIDAY, AUGUST 16, 1935 TEN CENTS

Sue to Stop Wisconsin's Playdate Law

M-G-M and Fox Will Get a Hearing Today

MILWAUKEE, Aug. 15.—Fox and M-G-M are seeking an injunction in Federal court here to restrain the state from enforcing the recently enacted preferred playdate law. A hearing is scheduled for Aug. 16 before Judge F. A. Geiger.

The film companies claim that the statute interferes with rights granted under the federal copyright laws.

The defendants are District Attorney William Zabel, Attorney General James Finnegan and Secretary of State Theodore Dammann.

Hays Presses Drive On Drinking Scenes

HOLLYWOOD, Aug. 15.—The Hays office has started serious steps to get producers to cut down on drinking scenes in films, which have been the cause of a flood of complaints recently. Although the organization has been clamping down on the studios for several months for too much imbibing on the screen, it was not until Joseph I. Breen's return from abroad that it was decided something would have to be done about these complaints.

The matter will be threshed out at a meeting of producers and Hays officials.

B'way Sees Revival Of Cross Picketing

Cross picketing was revived on Broadway yesterday when Allied M.P. Operators started its campaign against major circuit houses in retaliation of Local 306's picketing the Harry Brandt theatres in the midtown area.

Two Allied sandwich men began parading in front of Loew's State late in the afternoon and kept up the

(*Continued on page* 11)

$68,500 Music Hall Gross with "Farmer"

"The Farmer Takes a Wife" garnered $68,500 at the Music Hall last week with "Alice Adams" bowing in yesterday for a nice opening day's take. "Orchids to You" at the Roxy wound up with $29,000, while "The Irish in Us" at the Strand ended its second week with $12,000.

Overwhelmingly Approve 20th Century-Fox Merger

Intimates M-G-M Sought Kent And Post Is His for Asking

That an M-G-M berth probably has been offered Sidney R. Kent, president of Fox, within a recent period, and could be his at any time for the asking, was intimated if not actually stated at the Fox stockholders' meeting yesterday in reply to criticism of the new salary and stock purchase option being granted to Kent.

"I can make much more money in this industry than I am being offered here," Kent told an opposing stockholder. "If you want to satisfy yourself of that make inquiries in the industry. Ask Nicholas Schenck, who is hiring manpower."

Later, Joseph M. Schenck, defending Kent's stock purchase option, said:

"Kent is the best distributor in the business. My brother, Nicholas Schenck, wants him. Kent could write his own ticket at Metro."

Opposition Is Spirited; Represents Less Than 2,000 Shares

The Fox Film Corp. and Twentieth Century Pictures' merger, together with a plan of reorganization for the company, was overwhelmingly approved at a meeting of Fox stockholders yesterday. Opposition to the proposals, although spirited and vociferous, was confined to less than 2,000 shares of the more than 2,000,000 shares represented at the meeting.

Opposing court actions brought by stockholders still may affect consummation of the merger, however. Supreme Court Justice Alonzo G. McLaughlin in Brooklyn denied Alexander Gilbert's motion yesterday to halt the holding of the meeting, but heard arguments in the afternoon on the action brought by Mrs. William Fox and her All-Continent Corp. for a stay to prevent consummation of the merger. Judge McLaughlin is expected to make his decision on this move some time today in advance of the reconvening of the Fox stockholders' meeting which was adjourned to await his ruling.

The court permitted attorneys for Mrs. Fox to file additional papers today and gave Fox Film until tomorrow to reply. Meanwhile, a temporary restraining order, prohibiting the Fox board from consummating the merger until the court makes a decision is in force. This

(*Continued on page* 6)

Wants Fin'l Structure of Trade Probed

By BERTRAM F. LINZ

WASHINGTON, Aug. 15.—A thorough and complete study "of the financial actions and the affairs of persons, firms, groups, affiliates, associates, companies and corporations engaged in the motion and sonant-picture industry in all its branches and extensions from initial production to final exhibition and the housing of such exhibitions; the issuance and sale of securities of all forms based on such activities by whoever issued and sold; the issue value and present value of such securities and any and all facts related thereto, compensations paid to officials, players, writers, operators

(*Continued on page* 2)

Cowan Leaves Lasky To Join Wanger Prod.

HOLLYWOOD, Aug. 15.—James R. Cowan, formerly general manager for the Jesse L. Lasky unit at Fox, has returned from New York and immediately assumes new duties as vice-president and general manager of Walter Wanger Prod. The deal was closed by long-distance telephone.

Wanger plans to produce a film in London next Spring. Charles Boyer will be co-starred with an actress to be announced later. This film will be made in English and French.

Chance Games Under Police Eye in "Chi"

CHICAGO, Aug. 15.—With city and county officials in the midst of a heavy "war" on all types of gambling here, there has been some talk that authorities may look into the lottery element of chance games in more than 200 theatres in this area.

So far no charges have been made against theatre operators here nor have any warnings against giveaways been given. Some weeks ago postal authorities clamped down on newspapers for advertising giveaway nights in theatrical columns, but other than that nothing has happened.

However, with the drive on to close all handbooks and gambling places, it

(*Continued on page* 12)

Bondy Halves Fees Sought in RKO Case

Allowances asked for services in connection with the RKO reorganization were cut by more than one-half in a decision handed down by Federal Judge William Bondy yesterday just prior to his departure for a European vacation. Applicants had asked for more than $281,525. The allowances made aggregate slightly more than $135,000.

Irving Trust Co., trustee for RKO, which sought an interim allowance

(*Continued on page* 2)

Mayer Holds Myrna Loy Is in Default

HOLLYWOOD, Aug. 15.—Expressing "amazement" at dispatches from New York that Myrna Loy had served notice on M-G-M of attempted repudiation of her contract, Louis B. Mayer today pointed out the facts pertaining to Miss Loy's contract,

(*Continued on page* 11)

Norma Shearer Signs New M-G-M Contract

HOLLYWOOD, Aug. 15. — Norma Shearer has been signed to a new long-term contract by M-G-M. Future productions scheduled for her are "Romeo and Juliet" and Stefan Zweig's "Marie Antoinette," in which she will co-star with Charles Laughton.

MOTION PICTURE
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Kane Due Next Week

HOLLYWOOD, Aug. 15.—Robert T. Kane leaves Sunday for New York en route to Europe to take over his new post as head of the London unit for Twentieth Century-Fox.

Wall Street

Small Losses Mark Big Board

	High	Low	Close	Net Change
Columbia	75¼	75	75	— ¼
Consolidated	5	4¾	4¾	— ¼
Cons., pfd	17⅜	17⅛	17¼	— ⅛
Eastman	147¾	146¼	146½	—1½
Eastman, pfd	155½	155½	155½	—2½
Fox Film	16¾	16¼	16⅜	— ⅛
Loew's, Inc.	42	41	41	— ⅝
Paramount	5⅛	4⅞	4⅞	— ⅛
Pathe	1¼	1	1⅛	.....
Pathe "A"	12	11	11⅞	+ ⅜
RKO	2⅞	2¾	2¾	— ⅛
Universal, pfd	35¼	35	35	.....
Warner	5¾	5½	5½	— ⅛
Warner, pfd	39½	39	39	— ¾

Little Activity on Curb

	High	Low	Close	Net Change
Technicolor	19⅞	19⅝	19⅞	.....
Trans-Lux	2½	2½	2½	.....

RKO Bonds Gain ¼

	High	Low	Close	Net Change
General Theatre 6s '40 ctf	13⅞	13⅝	13⅞	.....
Keith B. F. 6s '46	90⅛	90⅛	90⅛	+ ⅛
Loew's 6s '41 ww deb rights	103¾	103¾	103¾	+ ⅛
RKO 6s '41 pp	57¾	57¾	57¾	+ ¼
Warner Bros. 6s '39 wd	79	78½	78½	— ½

(Quotations at close of Aug. 15)

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"The Gay Deception"

(Twentieth Century-Fox)

HOLLYWOOD, Aug. 15.—As a lively, effervescent comedy-romance, although not new in theme, this production, with intriguing, sparkling fun and frolic, assures satisfied audiences. Packed with enjoyable entertainment it is also laden with unique interest creating showmanship material.

Handsomely mounted and smartly directed by William Wyler and moving with speed and zip, the yarn is the average girl's dream of wealth and romance. Stenographer Frances Dee wins a small fortune in a lottery. Disregarding advice, she goes to New York for a grand fling. In a swank hotel she meets a bell-boy, Francis Lederer, a mythical prince incognito. Their sparkling series of comedy situations creates continual laughter.

In the anti-climax, sharpshooting socialite, Benita Hume, dupes Miss Dee into buying tickets for a ball welcoming the prince on the pretext it will be an aristocratic party. Discovering the ruse Miss Dee confides in Lederer, who, revealing his true identity, takes her to the affair as his guest. Considered a faker, Lederer is tossed into jail, but consul Lennox Pawle straightens matters out to the great joy of the stenographer and the prince.

As Lederer and Miss Dee charm in occupying the center of the stage, grand contrasting comedy is contributed by Akim Tamiroff, Lionel Stander, Ricardo Carle, Ferdinand Gottschalk, Luis Alberni and Paul Hurst.

The story is an original screen play by Stephen Avery and Don Hartman. Certain to benefit by word-of-mouth advertising as entertainment promises are fulfilled, the picture provides plenty of exploitation material to arouse initial interest.

Production Code Seal, No. 1171. Running time, 75 minutes. "G."

"Special Agent"

(Warners)

HOLLYWOOD, Aug. 15.—Dramatizing the impersonal and logical subject of income tax invasion by big shot racketeers, this is another G-Men type of picture with the usual gangland clinches which uses front page news as the basis of action from an idea by Martin Mooney, New York reporter.

Paralleling the somewhat recent sensational headlines in Manhattan, the screen play by Laird Doyle and Abem Finkel places Bette Davis as secretary to Ricardo Cortez, gangland's head man, and pits her loyalty and Cortez's menace against George Brent's reportorial and G-Man activities.

Strangely, in developing the yarn, Cortez and not Miss Davis, who rats on her boss, gets sympathy with her love for Brent and loyalty to Uncle Sam, her impelling motive.

Minus the warmth and novelty of its predecessors in the G-Men cycle, the film, however, has action and brooding menace. Two incidents in the film caused laughter in the wrong places. This will be remedied in the cutting. Of gore and melodrama, there is plenty.

Besides Miss Davis, Brent and Cortez, who give creditable performances, although the former reveals little of her outstanding acting ability here, the cast includes Jack LaRue, Henry O'Neill, J. Carroll Naish, Irving Pichel and others.

With the material he had at his command, William Keighley's direction is good, as are the photography and production values.

With editing, the film will probably prove all right.

Production Code Seal, No. 1073. Running time, 78 minutes. "G."

"His Family Tree"

(Radio)

HOLLYWOOD, Aug. 15.—This wholesome comedy with an Irish cast has appeal for the family trade despite new names in top roles.

James Barton gives an engaging performance as Pat Murphy, who tosses his duffle bag over his shoulder and tap dances spryly from Ireland to America to investigate why letters from his son cease. William Harrigan, the son, has changed his name to Murfree under pressure from his society climber wife, Marjorie Gateson, who wails and faints when old man Murphy turns up in the middle of Harrigan's campaign for mayor of a mid-western town.

Ferdinand Munier, as the rival candidate, tries to use the change of Murfree's name to antagonize the Irish vote. Maureen Delaney scores heartily as an emotional political boss. "Isn't she a grand roomful of

(Continued on page 12)

Wants Fin'l Structure of Trade Probed

(Continued from page 1)

and others within and outside the motion, sonant-picture industry, with a view to the correction of any and all alleged abuses of credit, stockholders' rights and security holders' rights and to make a thorough and complete investigation of the receivership or bankruptcy or equity proceedings initiated in the courts of the United States of America by or against individuals, firms, companies, or corporations engaged in the motion and sonant-picture industry or any of its allied, associated or affiliated elements and of committees who have appeared in court proceedings or in any other manner have become connected therewith" comprise part of the program outlined by Congressman Sirovich for the special committee which yesterday he asked the House of Representatives to sanction.

Four pages of "whereases" were required to outline conditions which the New York representative would probe as chairman of a special committee of seven which he would have the House create, authorized to sit during the recess of Congress and empowered to demand the appearance of witnesses, in one of the broadest investigations ever contemplated by Congress.

Members who today waded through the nine-page resolution introduced yesterday pointed out that Sirovich could call as witnesses every banker who ever made a loan to a producer, distributor or exhibitor, owners of the theatres rented to exhibitors, authors who have sold stories to producers, manufacturers and distributors of equipment, actors and union agents, as well as producers, distributors and exhibitors.

Because of its broad scope, the investigation will be the subject of opposition if the House is asked to vote on it before the end of the session, it being pointed out that investigations of motion picture receiverships and reorganizations have already been conducted.

Bondy Halves Fees Sought in RKO Case

(Continued from page 1)

of $100,000, was given $30,000. Donovan, Liesure, Newton & Lumbard, counsel to the trustees, asked $125,000 and was allowed $60,000. Cravath, de Gersdorff, Swaine & Wood, special counsel, asked for $18,500 and was allowed $13,500. Thomas D. Thacher, who served as special master in the hearing of large creditors' claims against RKO, asked for an allowance without specifying an amount. The court granted him $15,000.

I. T. O. Defers Action

LOS ANGELES, Aug. 15.—I.T.O. has postponed a board of directors meeting slated for Friday to the following week. A discussion of zoning and clearance problems and possible solution, as well as appointment of a successor to the post of second vice-president and treasurer formerly held by Irving Callin, resigned, will be brought before the board at that time.

we believe in TRUTH in advertising

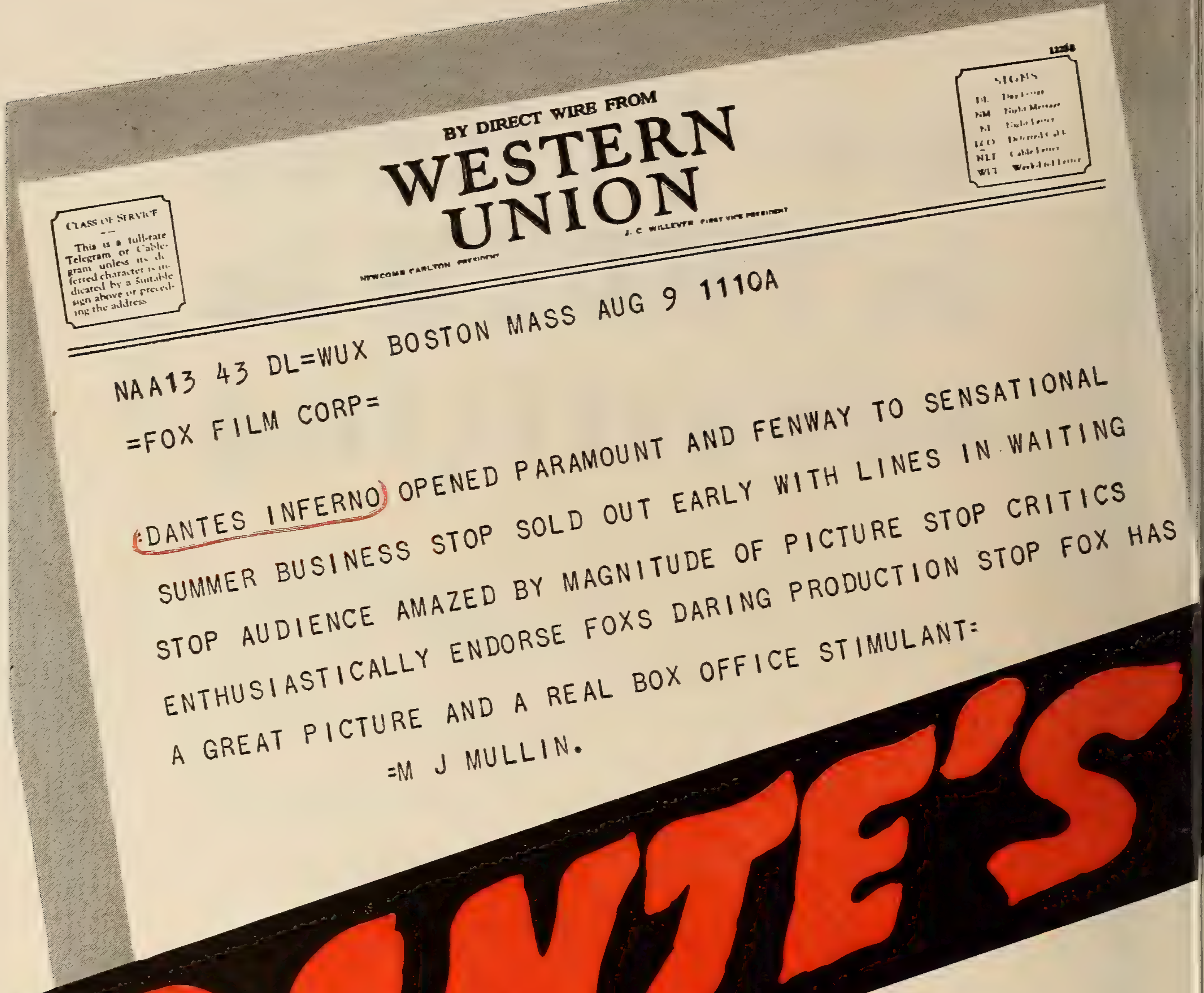
But if we started to tell you the truth about PARAMOUNT'S "ANNAPOLIS FAREWELL" in words strong enough to do full justice to the terrific emotional impact of this picture, you wouldn't believe it. The only thing we can do is to tell you to get this picture at the earliest opportunity and screen it for yourself!

"ANNAPOLIS FAREWELL"

with

Sir Guy Standing • Rosalind Keith
Tom Brown • Richard Cromwell
Directed by Alexander Hall • A Paramount Picture

Triple World Premiere, New York, Washington, D.C. and San Diego, Calif. August 22nd. Twenty-one gun smash!



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DANTE'S

SPENCER TRACY
HENRY B. WALTHALL
Produced by Sol M. Wurtzel
Directed by Harry Lachman

CLAIRE TREVOR
ALAN DINEHART

and a Cast of 2500

Screen play by Philip Klein and Robert M. Yost

YOU HAVEN'T

INFERNO

DAY AND DATE
BOSTON *SELL-OUT

*Another milestone in
its triumphant march!

A SHOW WITHOUT FOX

Pidwell Opposition Badly Licked

Plan to Seek Amendments Is Engulfed

(*Continued from page* 1)

means that even with a favorable decision from the court the merger could not be consummated legally before sometime next week.

The ballot calling for the approval of the merger, the increase in Fox stock from 2,816,650 shares to 4,600,000 shares, and the change of name of the company was approved by a vote of 2,030,646 2/6 shares with 1,945 4/6 shares voted in opposition. The ballot on the granting to Sidney R. Kent, president of Fox, of an option to purchase 60,000 shares of stock in blocks of 10,000 over a period of six years at not less than $10 per share, was 2,032,610 for, and 390 against.

Of the new Fox stock, 1,500,000 shares are to be classified as preferred and 3,100,000 shares as common. Twentieth Century receives in exchange for its assets 132,513 shares of preferred and 613,264¾ shares of common. Kent continues as president, Joseph M. Schenck becomes chairman of the board and Darryl Zanuck, vice-president, all with seven-year contracts.

Opposition to the merger was launched by Henry L. Sperling, attorney for the Pidwell stockholders' committee, shortly after the opening of the meeting. Sperling offered a resolution recommending the appointment of a committee to work out amendments to the merger plan which would result in what he described as "a more equitable" treatment for holders of Fox Class A stock.

Edward B. Sobel, also an attorney representing a stockholder, followed with criticism of the salaries to be paid Kent, Schenck and Zanuck. Kent is to receive $2,500 per week and other considerations, exclusive of his stock purchase option; Schenck, $2,500 per week, and Zanuck, $5,000 per week. Sobel described the salaries as "unfair" at this time and suggested that large salaries should not be paid until the new company and management produce "results."

"Until that time," Sobel said, "they should take what we've had to take—a licking."

Referring to Kent's stock purchase option Sobel said "that might be a bonus which will run into many millions. Kent might be worth it," he added, "but up to now he hasn't proved it."

Howard S. Guttmann, attorney for Alexander Gilbert, holder of 50 shares of Class A stock, asserted that the principal benefit accruing to Fox from a merger with Twentieth Century was the services of "two gentlemen"—Schenck and Zanuck. "Twentieth Century has no other assets," Guttmann said.

Mary G. Isaacs, a holder of one and a fraction share of new Fox stock, harangued the meeting with considerable feeling. She had walked, not ridden, up to the sixth floor projection room where the meeting was held, she said, and on the way saw porters and attendants with their feet up on desks and stenographers chatting and smoking with them.

"The only active gentleman I saw in the building," she said, "I rushed over and shook hands with. He was in the tax department—the only department working. I never saw such shameful waste as goes on at the Fox and Warner studios in Hollywood," Mrs. Isaacs added.

She explained that she had visited the Fox studio where her daughter was employed as an extra "to see what kind of a place she worked in." She then related that on that occasion she had been propelled forcibly out of the studio with the admonition to "get the hell out of here."

R. C. Delson, holding a proxy for 1,500 shares of stock, alleged that with the merger Fox would have to take over approximately $500,000 of Twentieth's notes due to executives of the latter company and, in return, receive only $50,000 in cash assets of Twentieth.

"In view of this," he said, "maybe Twentieth Century is insolvent. Maybe it should have applied for reorganization under 77-B."

In addition, Delson said that Fox would have to pay for the settlement of Winfield Sheehan's contract and that this, together with other expenses being incurred in the merger, would mean an initial outlay of $1,000,000.

Is Called Asset Abroad

Jerome Lerner and William F. Walsh were other spokesmen for small stockholders who opposed the merger. J. P. Ryan, who said he was a former employe of Fox and had worked for 18 years establishing branch offices abroad, advocated the merger as an asset to Fox in foreign distribution.

David Stoneman, Boston attorney, representing 1,750 shares, some of which, he said, had been purchased in 1928 at $119 per share, favored the merger which, he said, he believed would strengthen Fox in production as it had been strengthened "in management here in New York."

Richard Dwight, of Hughes, Schurman & Dwight, Fox Film attorneys, urged against delay such as that called for in the Sperling recommendation for the appointment of a committee to devise amendments more "favorable" to the Class A stock.

"These terms were made at arm's length," Dwight said. "Now we have suits against us because we gave too much and others because we're not giving enough. We can't please everyone and there is a need of haste.

(*Continued on page* 11)

Name Change an Asset and Will Remove "Bad Smell", Says Kent

"There has been a bad smell about Fox in the past. Some of it still persists. It will be an asset to the company to send new product out under a new label," Sidney R. Kent said yesterday to Fox stockholders, who voted approval of a change in the company's name to Twentieth Century-Fox Film Corp.

That Fox Film was on the hunt for a favorable merger for some time before negotiations were opened with Twentieth Century was revealed to the stockholders by Kent at yesterday's meeting.

"After getting Fox completely out of debt," Kent said, "we talked to a lot of companies about a consolidation that would place this company in a position in which it could compete with the biggest in the industry. In every case until we talked to Twentieth Century, however, a consolidation would have meant taking over big debts and large studio properties that we didn't want and had no use for. I'm sure that with this merger we have what we need now."

Joseph M. Schenck, at one point, said:

"Good production and good distribution is all that counts in this industry. We (Twentieth Century) promise you good production. I will not permit Twentieth Century to take second place in this industry—not even to M-G-M. Their record is no better than ours.

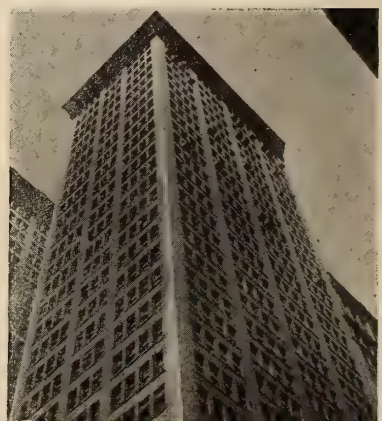
"As for distribution, Sidney R. Kent has 9,500 exhibitor accounts—the greatest circulation ever established in this business. If that was all that was needed you wouldn't need us. But you need pictures, too. We promise you those."

Principals in Twentieth Century-Fox Merger

Sidney R. Kent

Joseph M. Schenck

Darryl F. Zanuck



U. and U.

Chase National Bank

20th Century-Fox Merger Is Approved

(*Continued from page 6*)

At this moment our whole production schedule depends on action here."

"Moreover," Kent added, "deals have to be made when they can be made. Twentieth has something to say about it, too. We can't leave them suspended for four or five months."

The Sperling recommendation was defeated by a vote of 2,032,610 shares to 264 shares.

Kent then made answer to every objection to and criticism of the plan which had been made. He pointed out that when he entered Fox in April, 1932, the company owed $40,000,000 and "the question then was whether the company would live or die."

"If I had known as much about it then as I do now," Kent added, "I probably wouldn't have taken the job."

He reminded the stockholders that if Fox had gone into bankruptcy in 1932, "and it didn't only because there were some of us to fight against it," stockholders would have had their entire equities wiped out.

"You have something today," Kent said, "because there were a few of us with guts then to stop that."

Again, addressing himself to those who had criticized the new salary provisions made him under the merger, Kent declared that he "could have written my own ticket" when he entered Fox, "so badly was the company in need of experienced manpower," and that he voluntarily cut in half what was offered him then. What he finally accepted, he said, was a salary of $133,000 for his first year, and drew only $66,000 of that, putting the rest back into the company's treasury. His second year he drew $77,000, Kent said, and has not yet drawn what his contract entitled him to.

"Have No Apology"

"I have no apology to make for the job I have done," Kent said. "You may think so, but there are a lot of stockholders who don't."

Kent next emphasized the importance of manpower in production and its peculiar value to a film company, admitting while he did so that the personal services of Schenck and Zanuck might well be considered, as an opposing stockholder had charged, "the principal assets of Twentieth which Fox would acquire."

"Loew's became the leading company in this business," Kent said, "only through a merger that brought them Mayer, Thalberg and Rubin. Take them and Schenck away and I wouldn't give you 10 cents for the whole company. We pay Will Rogers $8,000 a week, and we make a lot of money on him. That's the kind of business you're in.

"Production needs men with imagination and production brains—men with an idea who can make a $1,000,000 picture out of it tomorrow and cash in on it in 60 days. You can't put a price on talent like that. Schenck and Zanuck are, probably, the most valuable assets in this deal. Personalities such as these don't grow in bunches like bananas."

Turning to Twentieth's unamortized film negative assets being acquired by Fox, Kent said that only one of them would show a loss of as much as $75,000 and that only one or two others would show a loss, and this would be "much less" than $75,000. "Many of Twentieth's pictures are just now going into general distribution," Kent said.

U. A. Gets 33%

United Artists receives 33 per cent of the gross of every picture it distributes, Joseph M. Schenck, former president of U. A., stated yesterday at the Fox stockholders' meeting in reply to questions put to him by a stockholder.

Schenck added that his salary had been paid by United Artists and that he received no salary as president of Twentieth Century Pictures.

He said that the average return on Twentieth's pictures in the two years of the company's existence had been two and one-half times their negative cost and described this as the best record in the industry. "A return of two times the negative cost is exceptional," Kent said.

"With the merger," he resumed, "I think we have the best studio setup in the business now. We wanted their personalities, their trade mark that was skyrocketed to prominence in the industry and that exhibitors ask for. Their pictures have been especially good abroad and ours have not. Twentieth's record in England is the best I have ever looked at. Will Rogers doesn't mean a thing abroad. Janet Gaynor is weak outside this country. We get stars that we need to sell our pictures abroad and we get the manpower we need. All these things will make more money for stockholders, not less.

Denies Putting Up $500,000

"Schenck wanted us," Kent resumed, "because we were the only company with whom he could make an alliance that was not in debt. Whoever says we have to put up $500,000 to pay Twentieth's obligations doesn't know what he's talking about. To suggest that Twentieth might have needed a 77-B reorganization is ridiculous. There never has been a company in this industry which has made such a record as theirs in two years. They can borrow all the money they want at rates just as cheap as we can get. If they did have a large cash balance it would be no inducement to us. We are trying to build more earning power. This is the finest deal ever put together in the industry and I talk as a stockholder as well as president of the company, because I have many times more stock than all that has been spoken against the plan at this meeting and it was bought with my own money."

An adjournment was taken until two o'clock today, although in the absence of a court decision on the action brought by Mrs. Fox it is believed another adjournment until some time next week will be taken.

New Contract for Rogers

Hollywood, Aug. 15.—Will Rogers has been signed to a new contract with Twentieth Century-Fox covering 10 pictures over a period of years, according to a wire received today by Darryl Zanuck from Sidney R. Kent in New York. The message also clarified the contractual obligations of other company players—namely, Shirley Temple, who is under a six-year contract; Janet Gaynor, engaged to make two films, possibly three; Warner Baxter, scheduled to make six over an indefinite period.

Scouting published statements that these players were not living up to their contracts, Zanuck said there "is no intimation from any of our stars they are not completely satisfied with their affiliation with this studio."

Z. T. ('Zeno') Briggs Dies on West Coast

Kansas City, Aug. 15.—Z. T. ("Zeno") Briggs, 55 years old, former president and founder of the Briggs Photo Supply Co., died Tuesday, at the Cottage Hospital, in Santa Barbara, Cal., it was learned here today.

Briggs Photo Supply, which was regarded as one of the largest photographic supply firms in the United States and the largest sales company of its kind in the West before it was sold in 1929 to the Eastman Kodak Co., grew from a small business which he started while a student in Midland College, Atchison, Kas. The firm was sold for approximately $400,000.

Briggs had been living in Los Angeles since the sale of his business. He is survived by his widow, Mrs. Phora Briggs.

Leonce Perret Is Dead

Paris, Aug. 15.—Leonce Perret, French director, 53, died today. "Koenigsmark," which he was directing at the time of his death, will be completed by Maurice Tourneur.

Perret began his career as a stage player. He started in films with G.B., working in Berlin and London. In 1925 he made "Madame Sans-Gene" with Gloria Swanson in France for Famous Players.

Mrs. Freedman Dies

Mrs. Anna Freedman, mother of William Freedman, purchasing agent for Fox Film, died early yesterday after a lengthy illness. Funeral services will be held today from Riverside Memorial Chapel.

U. A.-Geller Case on "Cellini" Is Settled

United Artists settled its claim against Louis Geller of the Palace, Jersey City, yesterday, without going before the New York arbitration board.

Geller had contracted for "Affairs of Cellini" at a rental of $60. Later he refused to play the picture. Under the terms of the settlement, Geller will get two reissues for the $60.

Mayer Holds Myrna Loy Is in Default

(*Continued from page 1*)

which he said tend to show her in default.

Mayer stated the company had exercised contractual rights by discontinuing salary payments. The M-G-M studio head added that any time Miss Loy determines to return to the studio the gates will be open, "but she is still under contract and we shall enforce our rights to the utmost in contradicting Miss Loy's statement that her services have been continually available to M-G-M."

He added Miss Loy has been constantly absent from the state of California and the studio never subscribed to cancellation of her contract.

B'way Sees Revival Of Cross Picketing

(*Continued from page 1*)

march until late in the evening. Exhibitors viewed this as a direct attack on Loew's, which has its headquarters in the same building. RKO's Palace, on the next street, and Loew's Mayfair, were not picketed, indicating that the first move was designed for attention of Loew executives as they emerged from their offices after working hours.

Meanwhile, Local 306 continued mass picketing at the Times Square, Liberty, Globe, Central, Park and Circle.

Reports were current that the circuits had walked out of the negotiations with the union, but these were scotched on all sides. It was stated that circuit men and 306 representatives were tied up all afternoon in the wage scale conference.

Dietrich Gets Post

Columbus, O., Aug. 15.—Governor Martin L. Davey has appointed Dr. Edward Dietrich, Bucyrus, assistant director of education, succeeding Joseph Fichter. By virtue of this office, Dietrich becomes assistant head of the censor board. The appointment is in line with the report at the time Dr. E. L. Bowsher was appointed state director of education Tuesday.

Marx, Lukas Teamed

Hollywood, Aug. 15.—Harpo Marx and Paul Lukas have made a deal which will take them to Budapest on a four weeks' stage engagement in the fall.

AIR CONDITIONING CHARTS

that represent standard practice in air conditioning for motion picture theatres. Practical advice on how to attain the best atmospheric conditions for your house winter and summer. Devised to be put on the wall for constant reference. Available until the supply is exhausted at 25 cents each, payment with order. Write direct to

QUIGLEY BOOKSHOP

1790 BROADWAY NEW YORK CITY

◀ Purely Personal ▶

LILLIAN GISH, returning with her sister Dorothy on the *Conte di Savoia* yesterday, stated she did not plan to return to films. "Not unless I can get a story I like," she told Motion Picture Daily. J. T. Cosman and wife also returned from a vacation abroad.

•

Harry Goetz, James A. FitzPatrick, Sam (Berkowitz) Berger, Jack Springer, Sam Rinzler, Al Hovell, Hal Horne, Al Friedlander, John Curtis and Lee Kleeblatt occupied tables at the Tavern at noon yesterday.

•

Katharine Hepburn's mother and sisters, together with a party of friends, came down from Hartford yesterday to view her "Alice Adams" at the Music Hall. Fred Stone's family was there too.

•

Sol Lesser had difficulty getting awake as his TWA west-east plane reached Kansas City early Monday morning. Some one had given him a sleeping powder before he pulled out of Hollywood.

•

Moe Silver was all smiles yesterday as he announced that his wife, Lilly, gave birth to an eight-pound girl at Doctors' Hospital. Mother and baby are doing well, too.

•

Neil Agnew, J. J. Unger, Charles Reagan, Milt Kusell, Dan Michalove, Earle W. Hammons and George Gerhard were among the Sardi lunchers yesterday.

•

Frank and Milt Britton open at the Roxy today. On the same bill are Joaquin Garay, Walter Powell and Tito, Arthur Story and Henry Richards.

•

James Barton, having completed his role in "His Family Tree" at Radio, returns to Broadway and the rags of Jeeter Lester in "Tobacco Road."

•

Ernest Truex, perspiring freely from the noon-day heat yesterday, buying a box of golf balls in a cigar store. Not for himself, however, but as a gift for a friend.

•

Gary and Mrs. Cooper strolling through 52nd St. Cooper is still walking with a slight limp caused by that studio accident the day before he left the coast.

•

Jules Levy, Cresson Smith, E. L. McEvoy, Bob Wolff and Tom Murray were spotted at the Jack Lyons Chop House between 1 and 2 P. M. yesterday.

•

Martin M. Wagner, chief road booker of the William Morris office, sailed for Mexico City yesterday on the *Siboney* to look for talent.

•

Charles L. O'Reilly is due back today from Hershey, Pa. He was gone a few days.

•

Louis Frisch and Sam Rinzler spent most of yesterday morning in A. W. Smith's office on a Warner deal.

•

Laird and Mrs. Doyle of Hollywood are visiting here. At the Warwick.

•

Lou Diamond, Paramount short subject head, arrived from the coast yesterday.

•

Ben Goetz, accompanied by Mrs. G., will sail on the *Normandie* next week.

•

Paul Parry left Hollywood yesterday by car. He is heading for New York and a fall show.

•

Bing Crosby is in town from the coast, en route to Saratoga and the ponies.

•

Mary Pickford is scheduled to return from the coast shortly.

•

Harold B. Franklin is back on the coast.

•

Harry Thomas returns today from a one-day trip to Philadelphia.

•

Cliff and Mrs. Edwards are in town at the Lombardy.

•

Gregory La Cava sails for that European vacation on the *Berengaria* today. He'll be on the other side indefinitely.

•

. . . *Kansas City*

Joe Maguire, M-G-M booker, is off on vacation.

Clarence A. Schultz, operating head of Commonwealth Theatre Enterprises, Inc., and Mrs. Schultz are on a vacation in Minneapolis, Albert Lea and Lester Prairie, Minn.

It's Better Now

Hollywood, Aug. 15.—Intelligent editing, with scenes added, having cut its running time to 76 minutes, "Here Comes the Band" (M-G-M), as witnessed in final preview stacks up as worthwhile entertainment. All irrelevancies having been eliminated, it stands as a breezy musical comedy romance with a definite sentimental appeal. Scissoring has put concentration on worth of story interest, adding pleasing sock to the showmanship value of the Ted Lewis and Harry Stockwell specialty features. Comedy contrast is more firmly established and the love angle is more potent.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"His Family Tree"

(*Continued from page 2*)

woman," says Barton admiringly as he falls for her vigorous charm and the audience agrees.

Barton and Miss Delaney should carve secure places on the screen. Steady, quiet comedy rules until the son changes his name back to Murphy and wins the election.

Margaret Callahan, Addison Randall, Clifford Jones, Ray Mayer, Herman Bing, Pat Moriarty, Charles Coleman, Orville Caldwell and William Lemuels are good in support. Charles Vidor directed. Cliff Reid supervised from Joel Sayre's and John Twist's screen play adapted from Patrick Kearney's and Harry Wagstaff Gribble's play, "Old Man Murphy."

This is a good offering for average audiences. Production Code Seal, No. 1102. Running time, 71 minutes. "G."

"Forbidden Heaven"

(*Republic*)

Hollywood, Aug. 15.—Exploitation paralleling a "Seventh Heaven" build-up will aid this one at the box-office. However, the picture suffers by comparison mainly through the story, which has few high spots. The direction saves it to a great extent and Charles Farrell regains a certain amount of prestige.

The story centers around a London tea house where the destinies of four characters are spun in the same web with Farrell, who, as a political soap-box spieler, is the central figure. He rescues Charlotte Henry, a cabaret entertainer, from attempted suicide by drowning and romance gets under way with poverty-stricken Beryl Mercer and Fred Walton supplying the necessary relief.

Climaxing the yarn Miss Mercer dies and Farrell is on the brink of becoming a member of Parliament through a political big shot when things go wrong and the romantic duet's dreams are shattered by a tea house raid by the bobbies. The difficulties are finally ironed out and Farrell succeeds in winning over Miss Henry.

Cast performances fail to surmount story weaknesses. However, Reginald Barker's direction provides typical London atmosphere and keeps the film entertaining. Sada Cowan did the adaptation and screen play from Christine Jope Slade's original. Milton Krasner's photography is helpful to the film.

Production Code Seal, No. 1137. Running time, 77 minutes. "G."

Chance Games Under Police Eye in "Chi"

(*Continued from page* 1)

is reported chance games and give-aways may be next in line for police investigation.

Form Chance Game Unit

Albany, Aug. 15.—Metropolitan Theatres Service Corp. has been chartered here with a capital of $1,000 in $5 shares. Incorporators are Ruth Blundell, Catherine R. Muench and Veronica Harvey. Hovell, McChesney, Clarkson & Klupt of New York were the attorneys.

Metropolitan Theatres Service Corp. is an agency handling currency award, a chance game which has been booked for 12 Century circuit theatres here.

Although Loew's has dropped chance games, Century intends to continue the policy, it was stated at the circuit's headquarters yesterday.

Weisman Drawing Brief

Milton C. Weisman, attorney for the I.T.O.A. will submit a brief to License Commissioner Paul Moss as to the laws in various states affecting chance games, it was decided by agreement between both parties after a meeting at Moss' office. Harry Brandt, president, also attended the session.

Weisman claimed that chance games as practiced here are not lotteries and Moss indicated a willingness to look into the matter before a test case is started.

Spectrum Increases Westerns to Dozen

Spectrum will step up its westerns for the new season to 12. Under a new contract drawn up by H. William Fitelson, the company's legal representative, Ray Kirkwood will produce the entire series. He leaves for the coast in about 10 days to complete three pictures on the present list.

Bill Cody has been re-signed for six. They include "The Great Stampede," "Fighting Blood," "The Death Trail," "Rider of Death Valley," "Lawless Frontier" and "Night Raiders." Cody's son, Bill Cody, Jr., will co-star with his father. Bob Custer, another cowboy star, is scheduled for six. They include "The Reckless Buckaroo," "Ridin' Thru Hell," "Rustlin' Outlaws," "Range Round Up," "Trail Law" and "Trailin' the Terror."

Lew Ayres to Direct

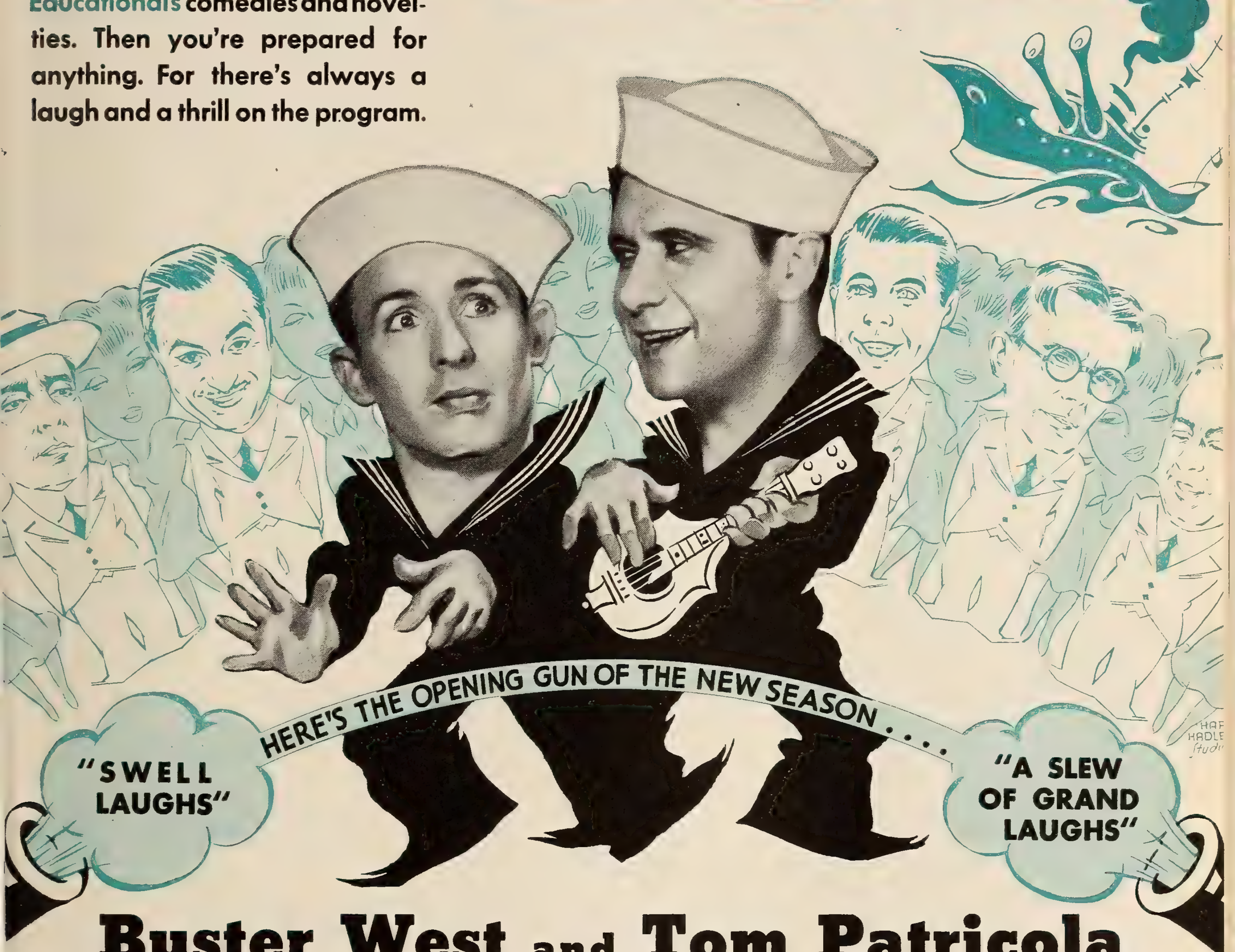
Hollywood, Aug. 15.—Lew Ayres has signed a director's contract with Nat Levine. The long-term pact was negotiated after Levine saw "50 Minutes," a 16mm film produced by Ayres.

Merman to Paramount

Hollywood, Aug. 15.—Production on "Shoot the Chutes," the long delayed Eddie Cantor musical, has been set back again, this time to Sept. 26. In the meantime, Ethel Merman goes to Paramount to do her original stage role in "Anything Goes."

PREPAREDNESS!

Your best treaty is a contract for Educational's comedies and novelties. Then you're prepared for anything. For there's always a laugh and a thrill on the program.


HERE'S THE OPENING GUN OF THE NEW SEASON....
"SWELL LAUGHS"
"A SLEW OF GRAND LAUGHS"

Buster West and Tom Patricola

in

"DAME SHY"

A TUXEDO Comedy **Produced by AL CHRISTIE**

Presented by E. W. HAMMONS

"SWELL LAUGHS"

"These two specialty comics get over with big laughs in a very clever skit of two gobs on shore leave...affords a slew of grand laughs that will put this one over in any theatre."—*Film Daily*

Educational Pictures
"THE SPICE OF THE PROGRAM"

Distributed in U.S.A. by FOX Film Corporation

Coming..

All in one month . . . **BUSTER KEATON in "THE E-FLAT MAN"—and comedies starring ERNEST TRUEX, JOE COOK, TOM HOWARD and GEORGE SHELTON, The CABIN KIDS, JOHNNY JOHNSON and his orchestra.**

Midwest Lets Quality Rule In Promotion

Kansas City, Aug. 15.—Fox Midwest will continue to use promotion on a par with improved pictures. Announcement to this effect was made at the annual convention of officials and managers of the circuit which closed in Excelsior Springs yesterday.

Fox Midwest was reported to have evolved a new type of advertising, which, tested successfully in Wichita and Hutchison, Kan., now is to be used by the entire circuit. While Fox Midwest officials declined to comment on the details of the advertising method, they went so far as to express the belief that it may mean a revolution in traditional theatre advertising.

The circuit will continue to promote pictures as it did last year, when it capitalized on the wave of criticism which eventuated from the Legion of Decency movement.

Pictures, it was pointed out, have developed a deeper culture and producers a keener intelligence in producing them. Consequently exhibitors have got to follow suit in their promotion, it was held.

As D. S. Lawler, divisional advertising manager, pointed out:

"Pictures now attract audiences that heretofore haven't gone. Producers took it for granted that they would get the 40 per cent that always go to movies and turned their attention to creating pictures appealing to the 60 per cent."

Depends on Film Quality

Hence, Fox Midwest managers this year will continue in their efforts to make picture advertising as good as pictures produced. It is essential that they use an intelligent and cultural approach to patrons to sell pictures.

Now that the newsreel is out of the filler class, Lew Lehr told the convention, the job is to sell to the managers the necessity and sound business sense of exploiting it as an additional appeal to the public. He said already the public is out of the habit of thinking of the newsreel as a filler.

The first part of the task of selling news to managers as a public appeal is to sell it to salesmen, Lehr said. "Managers are beginning to see the possibilities of selling it as an added attraction," he added. "They begin to see the background, the importance and significance of the newsreel properly conceived and executed."

Lehr termed this area one of the best in the country with respect to the number of managers who see the full possibilities of the newsreel as a draw.

Exchange managers at Kansas City and others attended the golf tournament yesterday afternoon. Sixty-seven teed off.

A Fox newsreel man from Kansas City shot scenes of Elmer C. Rhoden and Lehr golfing.

William Warner, Warner manager, forgot his clubs and turned back to Kansas City after them after getting halfway to Excelsior.

One objective set up for managers at the convention was $500,000 in gross receipts in 17 weeks.

Out Hollywood Way

Hollywood, Aug. 15.—E. W. MacLean, manager of the United Artists exchange, on a good-will swing over the Southern California territory. . . . Hal Daigler made manager of the Paramount in Portland, succeeding Frank Newman, Jr. who has taken over the management of the 5th Ave., Seattle. . . . Bart Wheeler replaces Bob Harvey as press agent for the San Francisco there. . . . Leroy Johnson, manager of the Jensen and von Herberg Enterprises in Seattle, finishes his vacation here. Now home. . . . Anthony J. Zydias, former producer, wants it known that he is helping a dashing widow choose a theatre for herself. All right. . . . Lewis Seiler, Twentieth Century-Fox director, and Nettie Himelstein of Tulsa were married Monday. Mrs. Sol Wurtzel gave the bride in marriage and Sol was best man. The honeymoon in Honolulu will be delayed until after Seiler finishes "The Immigrant." . . . Ralph Staub leaves soon to film a two reel novelty in Honolulu for Warners titled "What Ho, Hawaii." . . . Dwight Franklin, brought here by Warners for technical advice on "Captain Blood," is doing the same job on "Anthony Adverse." . . . The Buck Joneses celebrated their 20th wedding anniversary the other day at their San Fernando Valley ranch. . . . S. Y. Hsia, theatre operator from China; Norman Westwood, Universal manager from Shanghai; and Sir James Murdoch of Sydney, guests of Universal Studios. All are on their ways from New York to their respective homes. . . .

✚

Charles Skouras back from a ten day trip to San Francisco and Seattle. . . . J. H. Zimmerman, M-G-M auditor, here from New York for the quarterly exchange check-up. Will spend a two weeks' vacation at the beaches before returning. . . . Film Row has been almost deserted for the past week. Exhibitors are ducking the heat by staying in their offices. . . . C. N. Peacock, manager of the Paramount exchange, is building a five room summer home in Laguna Beach. Will be ready for occupancy in three weeks. . . . Ed Butcher, Twentieth Century-Fox producer, and other friends of Winfield Sheehan, gave their ex-chief a dinner and a gold watch the other night. . . . Bill Newberry has resigned from the M-G-M publicity staff to join the Leo Morrison office.

✚

Fanchon will direct dance sequences for the Sol Wurtzel production of "The Immigrant" for Twentieth Century-Fox.

A replica of Jack Dempsey's New York restaurant is being built at Warners for "Stars Over Broadway." . . . Miriam Hopkins has a new maid, Yvonne Mayette, who keeps the star's hair and French diction in order. . . .

Fredric March planning a vacation at his Laguna Beach home following completion of "The Dark Angel" for Goldwyn. . . . James A. Timony and Boris Petroff open "Common Flesh" at their experimental theatre, The Hollytown. The new play is a dramatization of a story by Fred Stanley by Arthur Jatim and Bob Forteppe. . . . Lillian Hellman been making arrangements for the road companies of her play, "The Children's Hour." . . . Joan Crawford is raising the roof during her vacation. She wanted her living room taller.

✚

Joel McCrea planning a dude ranch for picture people who want to rough it. Has taken an option on a 6,500 acre ranch on Bear Creek, 100 miles northeast of Cheyenne. . . . Alice Brady sent home for several days rest by Dr. Raoul Esnard with strained vocal cords and a sore throat after doing the Carmen number with Lawrence Tibbett in "Metropolitan." . . . Kurt Laemmle, nephew of Carl Laemmle, Sr., here on vacation. Taking six weeks off from operation of the Ritz, Lowell, Ind., and is driving through all of the national parks. . . . George Diamas here from Tucson, booking for the Diamas circuit. . . . Jack Anderson, former assistant to Universal exchange manager, Al O'Keefe, now selling the Southern California and Arizona territory. . . . Groucho Marx taking a six weeks' vacation on a ranch north of Del Monte. . . . Big personality note, but too many names to list: Metro will use between two and three thousand extras in the Bastille scenes of "A Tale of Two Cities."

Whitney to Make 3 Color Films at U. A.

Hollywood, Aug. 15.—John Hay Whitney has completed telephone negotiations with Samuel Goldwyn from New York for the production of at least three Pioneer Technicolor films on the United Artists lot. The deal, which allows Pioneer the use of all physical facilities and departments at the studio, will not affect its releasing contract with RKO.

Pioneer will start moving in on Monday, with offices now being prepared for Robert Edmond Jones, Ernest L. Scanlon, Comptroller Paul Snell and Merian Cooper.

Casey to Visit Capital

Hollywood, Aug. 15.—Pat Casey, who left for the east quietly Tuesday, is reliably reported mainly interested in getting authentic information on all phases of the Wagner labor bill. He will stop in Washington to study the rules and regulations of the measure as a future guide in studio negotiations. It was learned Casey also plans to settle matters in connection with his suit against Pathe in New York.

Says 50 Out of Warners

Hollywood, Aug. 15. — It was learned from Glendon Allvine here today that Warner studio dismissals of technicians, allegedly for affiliation with the National Ass'n of American Employes, now total more than 50. The organization will definitely appeal to Washington through the local Federal authorities, it was said.

Meighan Quits Hospital

Thomas Meighan was discharged yesterday from Doctors' Hospital, where he had been operated on some time ago for a bronchial obstruction.

Seek Examination In $145,000 Action

A motion for examination before trial was filed in Supreme Court in Manhattan yesterday by Charles B. Paine, Universal treasurer, in connection with a $145,000 suit brought against the company by Jackie Fowler, an infant, and his father, Raymond F. Fowler, of Grand Island, Neb.

The action, charging defamation of character, is based on Issue No. 32 of the "Strange as It Seems" series of shorts released by Universal in which the child was allegedly shown puffing at a pipe and cigar. The suit is also based on a cartoon appearing in various papers throughout the country which was reproduced in *Universal Weekly*, the company's house organ.

In denying the libel charges in his affidavit, Paine held that the father had consented to the taking of the films and had even posed the child and appeared with him.

A hearing on the motion will be held today before Supreme Court Justice Kenneth O'Brien.

Dropping "Free Heads"

Hollywood, Aug. 15.—M-G-M is discarding "free heads" on all large cameras. A new gear mechanism, invented by John Arnold, head of the electrical department, is being installed. It is said to lessen the uneven movement of "free head" cameras due to the heavy equipment.

To Produce Presentations

Chicago, Aug. 15.—Stage revues and presentations are winning favor with audiences here. Al Borde, Leo Salkin, Billy Diamond and Jack Fine, show producers, are, therefore, planning presentations for local neighborhood houses this fall.

Drive for Bernhard

Chicago, Aug. 15.—As a tribute to Joseph Bernhard, general manager of Warner Theatres, managers of the circuit's theatres in this zone under supervision of James E. Coston, will inaugurate a two-week drive Aug. 18 to wind up the summer season.

Mass. Session Finished

Boston, Aug. 15.—The state legislature adjourned here this morning after a record lengthy session of 225 legislative days. A quantity of legislation unfavorable to the industry was stifled.

Signs Mass. Tax Bill

Boston, Aug. 15.—Theatremen will have to pay an additional surtax of 10 per cent this year. A bill, authorizing this jump in the income taxes of individuals and corporations, has been signed by Governor James M. Curley.

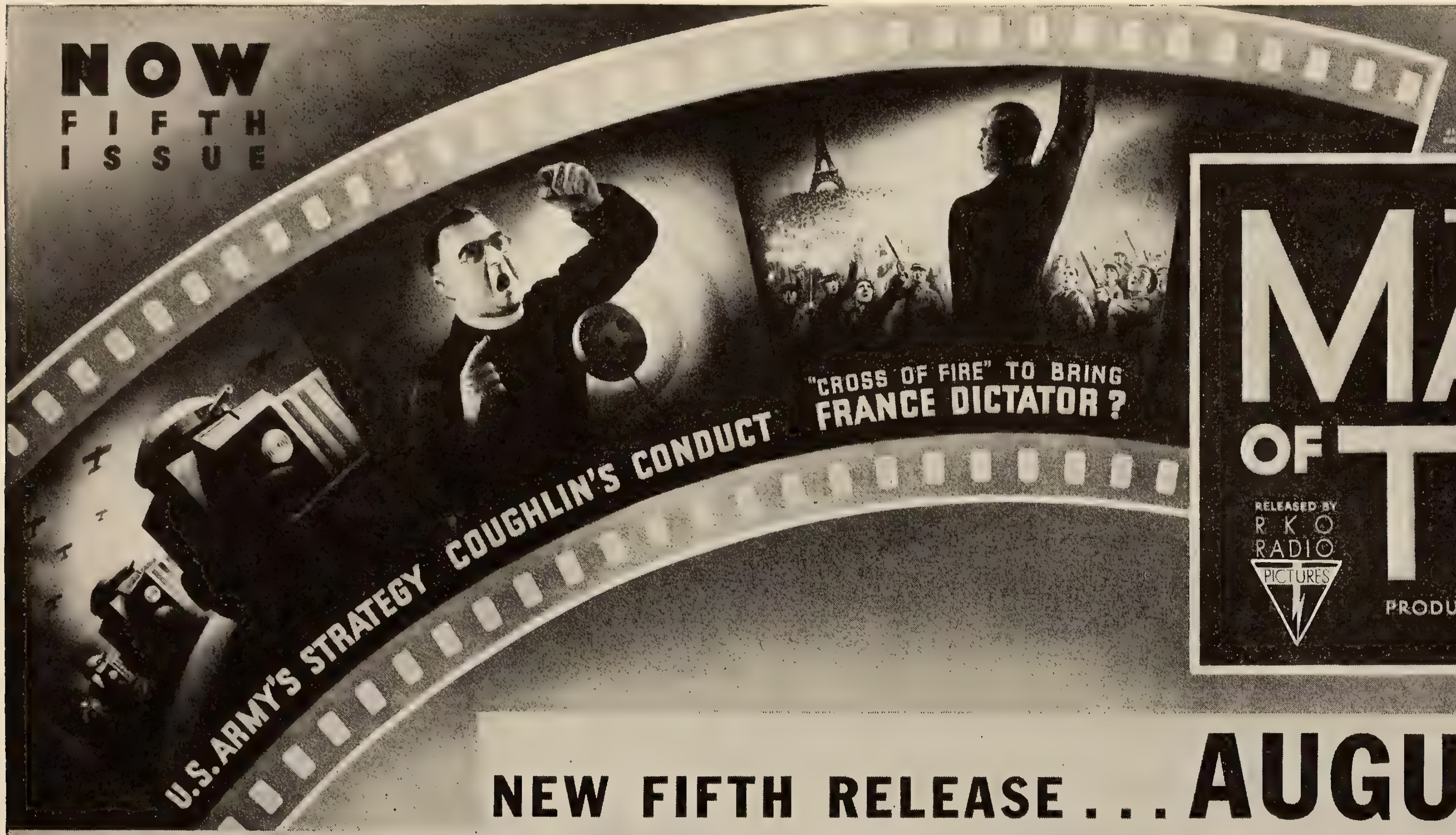
House Upholds Veto

Boston, Aug. 15.—The House has sustained Governor James M. Curley's veto of the measure restricting erection of billboards along the Concord turnpike, a new highway in this state.

Get French Picture

Eureka Prod., headed by Samuel Cummins and Jacques A. Koerpel, have secured distribution rights in this country on the French produced "Itto."

NOW
FIFTH ISSUE


U.S. ARMY'S STRATEGY

COUGHLIN'S CONDUCT

"CROSS OF FIRE" TO BRING
FRANCE DICTATOR?

THE MARCH OF TIME

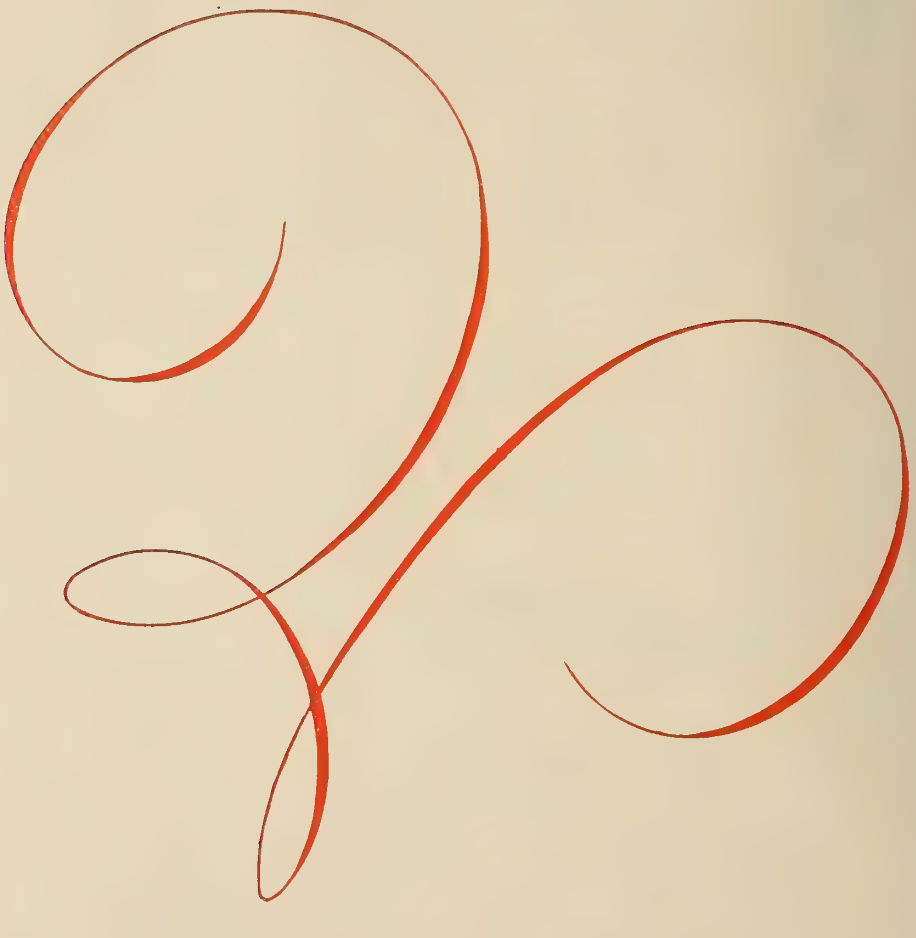
RELEASED BY
RKO RADIO PICTURES

PRODUCED BY THE EDITORS OF TIME

NEW FIFTH RELEASE . . . AUGUST 15th

BACKING the new fifth edition of MARCH OF TIME on the screen are (1) The new five-a-week MARCH OF TIME radio shows (starting August 26th) (2) Next week in TIME Magazine a double-page advertisement (3) On September 1st a full page advertisement in FORTUNE (4) In key cities from coast to coast billboards like the above.

The issue itself is easily the most timely, searching and comment-provoking to date. Hundreds of new theatres have signed for THE MARCH OF TIME. Smart showmen throughout the country realize better every day that MORE PEOPLE WANT TO SEE THE MARCH OF TIME THAN HAVE FOUND THEATRES SHOWING IT.



Martin Quigley 20th Anniversary Edition

No promises or predictions but productions already completed, pictures in production and pictures greater in number and more wonderful in artistry than ever before will mark the new season which opens in September. Not only producers and distributors but exhibitors everywhere are feeling keenly the mounting pitch of impending events, bringing with it expectations of big box office grosses unmatched in the annals of the industry. It is a happy coincidence that the publication of the Martin Quigley 20th Anniversary Edition of Motion Picture Herald, in September, will indeed be the herald of an eventful and fruitful season.

DAVID O. SELZNIC

presents

FREDDIE

Little

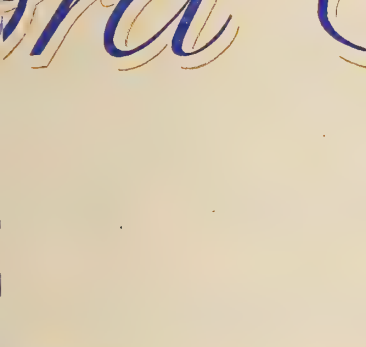
David Selznick's first picture for United Artists pro
ises to be as sensational as his "David Copperfield
"Dinner At Eight" and "Little Women". Millions ha
read the famous book and millions more will want
see it on the screen...offering, as it does, the perfect r
for Freddie Bartholomew. With this auspicious begi
ning, you can look forward to big things from Da
Selznick...who has already signed George Cukor, direct
of the above mentioned money pictures and Rona
Colman, one of the leading box-office stars of the scree

Released thru UNIT

BARTHOLOMEW

in

ord Fauntleroy



LITTLE LORD
LITTLE LORD
SCRIBNERS

Frances Hodgson Burnett's great story leaps to life on the screen with a colorful procession of beloved characters such as "Dearest" and the old Earl. In a later announcement, two of Hollywood's foremost actors will be named to fill these important roles.

ARTISTS

33 RKO METROPOLITAN THEATRES

LINE UP WITH UNIVERSAL!

Contracts speak louder than words! Contracts mean confidence! That's why these important houses in the New York territory tied up 18 Universal pictures—an equal split with Loew's Metropolitan Theatres!

Because

UNIVERSAL HAS the LINEUP!

The Leading
Daily
Newspaper
of the
Motion
Picture
Industry

MOTION PICTURE DAILY

Alert,
Intelligent
and
Faithful
Service to
the Industry
in All
Branches

VOL. 38. NO. 41 NEW YORK, SATURDAY, AUGUST 17, 1935 TEN CENTS

Fox Meeting Is Set Back To Next Week

Mrs. Fox's Litigation Causes Delay

The adjourned meeting of Fox Film stockholders which was scheduled to be held yesterday afternoon, convened without taking any action and adjourned again until three o'clock Monday afternoon.

Yesterday's adjournment was necessitated by the litigation brought by Mrs. William Fox and the All-Continent Corp., which she controls. The action, now before Supreme Court Justice Alonzo G. McLaughlin in Brooklyn, is a Fox stockholders' attempt to restrain the company from consummating the merger with Twentieth Century and putting into effect the capital reorganization, both of which were overwhelmingly approved

(*Continued on page* 8)

Wisconsin Playdate Statute Enjoined

MILWAUKEE, Aug. 16.—A temporary restraining order was granted here today in Federal court by Judge Geiger to Fox and M-G-M, who are seeking an injunction to prevent the state from enforcing the recently enacted preferred playing date law. Tentative date for hearing on a permanent injunction was set for Sept. 30.

"U" Never Busier; Won't Sell—McKay

The Universal studio is the scene of its greatest activity in many months with new season production well under way, Willard McKay, general counsel of the company, said yesterday following his return from the coast.

McKay, in response to an inquiry, reiterated that all discussions bearing on a sale of Universal have been definitely abandoned.

Briskin Coming East To Discuss New Deal

HOLLYWOOD, Aug. 16.—Sam Briskin is on his way east for home office conferences where he is expected to discuss a new contract as general manager of the Columbia studio.

From time to time, Briskin is known to have received other offers. M-G-M, at one time, led the vanguard.

As They Started

Will Rogers and Wiley Post as they were about to embark on the air trek to Alaska which resulted fatally for both on Thursday near Point Barrow. This shot was photographed by a Times Wide World cameraman at Renton Airport, Washington.

Pathe Rounds Out Plan and Reorganizes

The Pathe Exchange plan of reorganization was consummated yesterday with the formation of the new company, known as Pathe Film Corp., which acquires the assets and assumes the obligations of the old company.

Certificates for shares of stock of the new corporation and scrip will be delivered to stockholders of Pathe Exchange upon completion of registration under the Federal Securities and Exchange Act. The application for listing of the new common stock

(*Continued on page* 8)

Receiver for Ascap Named in Northwest

SEATTLE, Aug. 16.—Tracy Griffin, Seattle attorney, was appointed temporary receiver for the Washington State branch of the American Society of Composers, Authors & Publishers by Superior Court Judge D. F. Wright at Olympia today.

The receivership follows a recent court order restraining Ascap from conducting business in the state on complaint of Attorney General G. W. Hamilton. Ascap was enjoined from entering into future agreements until it has convinced the court that it does not violate the law against monopolizing the sale, use and publication of popular music.

Further hearing is scheduled for Aug. 26.

WILL ROGERS DIES; INDUSTRY SHOCKED

He, with Wiley Post, in 'Plane Crash in Alaskan Wilds

The entire industry was plunged into mourning yesterday with news of the tragic death of Will Rogers in an airplane crash near Point Barrow, Alaska, in which Wiley Post, noted aviator, also met his death.

Expressions of regret over the untimely end of Rogers' career came from every quarter of the industry, which for the past 10 years has regarded him as its own. To the American public he was, perhaps, the screen's best known and best liked personality.

Hampered by fog and with the engine of Post's specially constructed plane failing, Rogers and Post crashed

(*Continued on page* 4)

Roosevelt Regrets

Hyde Park, N. Y., Aug. 16.—President Roosevelt issued this statement today:

"I was shocked to hear of the tragedy which has taken Will Rogers and Wiley Post from us. Will was an old friend of mine, a humorist and philosopher beloved by all. I had the pleasure of greeting Mr. Post on his return from his round-the-world flight. He leaves behind a splendid contribution to the science of aviation. Both were outstanding Americans and will be greatly missed."

Tributes to Rogers from Far and Wide

From far and wide yesterday tribute was paid to the memory of Will Rogers.

The entire Fox organization was dazed by his sudden death and normal routine entirely upset by the tragedy. Sidney R. Kent, speaking for his company, issued this statement:

"All of his friends and co-workers in the Fox Film Corp. are inexpressibly shocked by this terrible thing. As big as this loss is to the Fox company, however, we must stand aside in recognition of the greater bereavement which has been visited upon his wife and family, and indeed upon all America. Will Rogers brought happiness and the cleansing influence of his good humor to millions, and no eulogy from us could express the loss his death means to them."

Hollywood Bows Head

HOLLYWOOD, Aug. 16.—Tributes to the memory of Will Rogers began to assume the proportions of a tidal wave, once Hollywood accustomed itself to the first impact caused by the news of the noted comedian's death.

Darryl F. Zanuck said: "To be great and greatly loved is a distinction which comes to few men. Will Rogers was one of them. One of the princely wits and kingly characters of this age. He taught the world to

(*Continued on page* 4)

BILL ROGERS

THE tragic ending of the unique career of Bill Rogers brings a shock that will be sorely felt by a legion of his friends throughout the industry. Rogers was a distinctive and memorable personality, utterly unaffected, making no pretense at any time or place to being other than just Bill Rogers. From the plains of Oklahoma to the principal capitals of the world he left a trail of home-spun humor and good-natured raillery that brightened the way for those who followed him.

A vast public who knew him through the screen will feel a personal loss. But short as has been his career it has been notable in many ways, including the fact that at its end it justifies the tribute that, while he attained a high degree of eminence in his profession and great rewards, yet, in return, he gave to the world a far greater measure in wholesome fun and entertainment.

—MARTIN QUIGLEY

MOTION PICTURE
DAILY
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Finds Central Farm Belt Much Improved

Nat Levy, recently appointed east central district manager for RKO, has just returned from a swing around his territory and reports conditions in the central farm belt and its industrial centers are better than they have been in years. Levy, whose headquarters are in Detroit, said:

"Central-western farmers are getting the biggest crops and the best prices in years and industrial centers, especially in Michigan, thanks to the motor trade boom, are becoming increasingly prosperous. Exhibitors all through this vast territory are beginning to share in the general better-times feeling that prevails."

Barham Quits After Buy

Tracy Barham, head of Southio and Midhio corporations, operating six Paramount theatres in Hamilton, Marion and Middletown, Ohio, leaves for Hamilton today after a week of conferences here with home office executives on product deals. About Sept. 15 Barham will reopen the Strand, Middletown, making seven for the combined circuits.

Rivoli Breaks Record

According to United Artists, up until three o'clock yesterday afternoon, 31,000 persons had seen "Call of the Wild" at the Rivoli. This record surpasses that set by "Les Miserables."

◂ Purely Personal ▸

FELIX F. FEIST, Edward M. Saunders, Tom Connors, Charles E. Kessnick, William Rodgers, William A. Scully, Dave Levy, George Hickey, E. L. Alperson, Bill Powers, Milton C. Weisman, Harry Brandt, Louis Frisch, Sam Rinzler, Dave Loew, Gene Picker, Charles Sonin, Joseph Tooker, Walter Moore, Charles Gardner, J. J. Freidl, Leon Netter, Louis Phillips, Louis K. Sidney, J. J. Milstein, Arthur Hirsch, George Batcheller, Maury Cohen, Max Cohen, Phil Meyer, Arthur Greenblatt, Ed Davidow and Chester Erskine grouped at various tables at the Astor yesterday. The M-G-M crowd couldn't get a table large enough to sit together.

•

Harry Brandt has closed a deal with Max Guggenheim, president of the Rena Realty Corp., for a new 1,200-seat house to be built at Stamford, Conn. This makes 42 for the circuit. The new theatre is expected to be ready for opening Nov. 1.

•

William Brandt, who is rapidly recuperating from a serious operation at the Jewish Hospital, Brooklyn, is now permitted to see visitors, the first time in four weeks.

•

Benjamin Trustman, attorney for M. & P., Boston, returned from Washington yesterday and left immediately for his headquarters in the beantown.

•

John E. Otterson, Paramount president, has delayed his scheduled departure from the coast and is not expected to leave for New York now earlier than next Wednesday.

•

Arthur Schwartz of the Nathan Burkan law office, became the father of a girl, born to Mrs. Schwartz yesterday at Harkness Pavillion Medical Center.

•

Milton Weiss of the M-G-M home office has gone to Grafton, Mass., to handle the local publicity for Clarence Brown, who is shooting exteriors for "Ah! Wilderness."

•

W. J. ("Bill") German, genial G.M. of J. E. Brulatour, Inc., has a plot afoot to corral Lowell V. Calvert of Pioneer Pictures for a fishing trip in Canada next week.

•

Mort Singer left for Chicago last night and will be back Monday to sit in on the local circuit-union negotiations.

•

L. J. Ludwig, associated with J. J. Friedl in Minnesota Amusement Corp., leaves today for Minneapolis after spending a few days here.

•

Fred Kent, attorney for E. J. Sparks, leaves today for Saratoga and returns Monday. Next week he plans to go to Canada.

•

Arthur Hirsch left for Saratoga yesterday. It's a short trip.

•

Willard McKay, whose favorite eating place is "21," wired Jack, Charlie and Mac before he took his 'plane east the other day: "Chase Rumsey out of my corner. I'll be back Thursday."

•

Edward Everett Horton gets in on the *Normandie* Monday and plans to hop a plane for the coast immediately upon arriving.

•

Harvey Day, Jr., wears his trousers up to here. Says he does it to get his name in the *Purely Personal* department. Well, here it is.

•

David O. Selznick is in the east and will spend the week-end in Saratoga. He is due in New York Monday or Tuesday.

•

Boris Morros who went to Russia because of his mother's illness, is due back in New York on the *Normandie* Monday.

•

Austin C. Keough is at Williamstown, Mass., and is expected back in about two weeks. Vacation.

•

Sol Lesser left yesterday to spend the week-end in the country with friends. He's due back Monday.

•

E. J. and Mrs. Sparks sail today for a three-months cruise in South American waters on the *Santa Lucia.*

•

Delores Wendling, secretary of the Globe and Tudor, New Orleans, will spend a two weeks' vacation here.

•

Bill Pine expects to leave for the coast in about a week, stopping at several key cities en route.

•

Arthur S. Dickinson of the Hays office left last night for the Berkshires on a vacation.

•

L. A. Bond of J. E. Brulatour, Inc., returns to his desk shortly following a vacation in Provincetown.

•

. . . Boston

Angeline A. Maney, assistant to Gene Fox at the Metropolitan, is acquiring a Truro tan.

David Perkins, former M. & P.-Publix district manager and present assistant publicity manager for the circuit, was tendered an informal birthday celebration. His daughter presented him his fourth grandson, Donald Corbin Miner, earlier in the week.

Joseph A. DiPesa, veteran exploiter for Loew in the Hub, is vacationing in North Conway, N. H.

•

. . . San Francisco

J. W. Ehrlich, who handles exhibitor litigation in San Francisco, may run for district attorney in November.

Edward Skolak, assistant manager at the Capitol, ran a brass sliver in his finger and is under treatment at St. Luke Hospital for blood poisoning.

Edward Feder, manager of the Golden Gate building, which houses practically all the principal theatre firms in the city, is planning a general remodelling of the mezzanine floor.

Harry Franklin, manager of the California, is giving away a Radio-Bar (combination of a radio and a miniature bar) at the California.

Al Levin, who is busy on plans for remodelling the Coliseum which was damaged by fire several weeks ago, is commuting down the peninsula.

Brodsky Angles for Root of Union Fuss

With 150 Local 306 pickets arraigned before him on various charges, Magistrate Brodsky yesterday tried to get to the root of "the real trouble." During one of the hearings, Brodsky said, "Is this a fight between unions?" and was promptly answered by Alfred Belskin, attorney for Local 306.

"This is not a fight between unions, but it's a fight against exhibitors who are trying to break down the wage scale," Belskin replied. Melvin Albert, counsel for Harry Brandt, tried to get in a word, but Brodsky stopped him stating, "We won't discuss it."

The magistrate became annoyed at Belskin. When the latter made a wisecrack he was warned by Brodsky, who said, "This is not time for repartee."

Martin Fink, general manager for Brandt's midtown group, was put on the stand and upon questioning by Belskin denied he knew that Supreme Court Judge Collins had described Allied as a "company union." When the Local 306 attorney tried to question Fink further, Brodsky called a halt.

Of the 150 pickets, the magistrate reserved decision on 54 and dismissed the rest.

Just prior to the hearing, 10 other pickets were arrested on 42nd St. Patrolman Rubin Stein was injured in the groin during the melee and sent to the Flower Hospital. Alfred Apterkar was arrested for the incident and booked for felonious assault.

Negotiations between circuit-union representatives are continuing favorably, it was stated yesterday. The sessions are expected to last another week.

Pettengill to Talk Before Allied Men

Congressman Samuel B. Pettengill, who some time ago introduced a bill into Congress attacking block booking, will be principal speaker at the Allied of New Jersey convention in Atlantic City on Aug. 22. He is scheduled to talk to conventionites during the day and later in the evening at the banquet.

Al Steffes, stormy petrel of Allied of the Northwest, will also attend, Sidney Samuelson, president, stated yesterday. In addition to Pettengill, Thursday's program calls for an outline of new season's product by John Benas of the Rosenblatt-Welt circuit. Benas last year also made a breakdown of the various companies' product at the convention.

Feist Goes Abroad

Felix F. Feist, general sales manager of M-G-M, sailed last night for Europe on the *Berengaria.* His traveling companion was M. B. Shanberg, former Kansas City theatre operator.

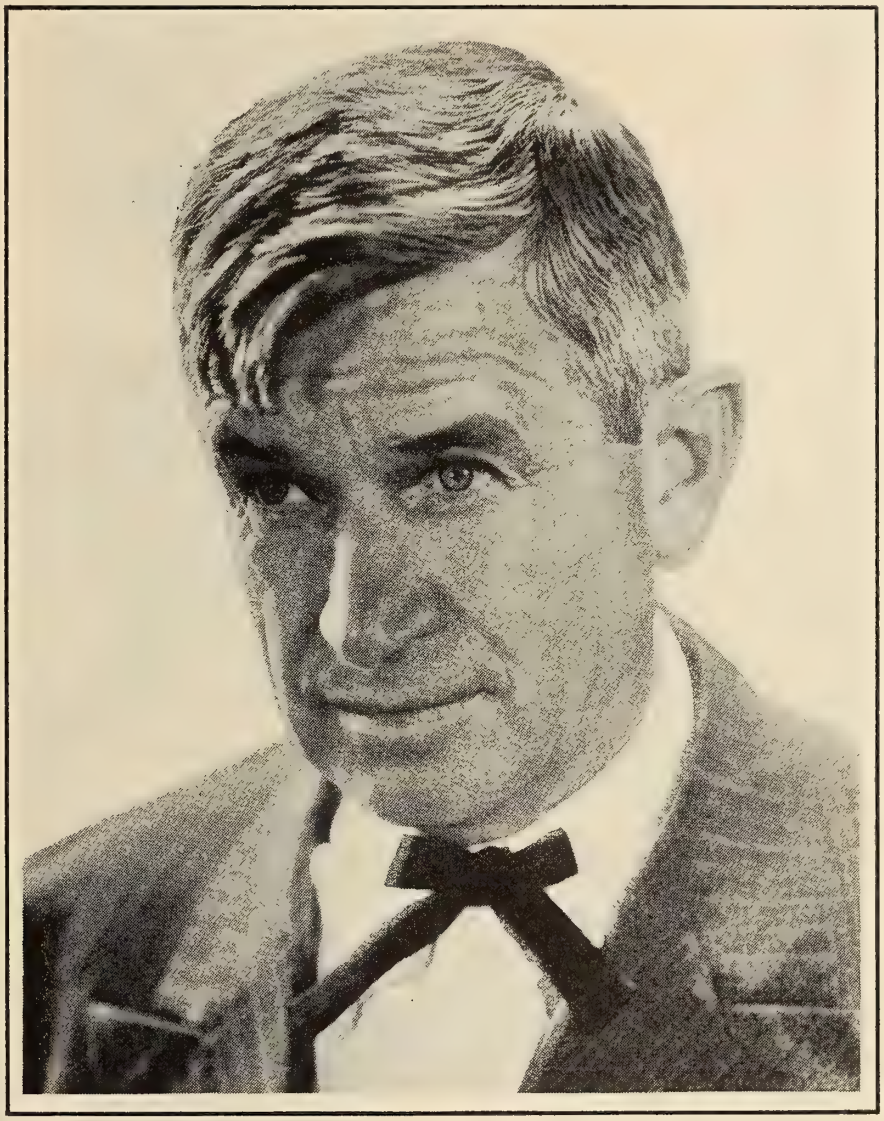
It is Feist's first trip to the Continent where he will seek to recuperate from indifferent health.

Skouras After Englewood

George Skouras is negotiating with Walter Reade for the Englewood, Englewood, N. J. The deal is expected to be closed early next week.

Ohio Operators to Meet

Columbus, Aug. 16.—The I.A.T.S.E. operators' unions in Ohio will open their fourth annual convention Sunday at the Deshler-Wallick here.



A TRULY GREAT AMERICAN

FOX FILM CORPORATION

Will Rogers Killed When 'Plane Cracks

(Continued from page 1)

to their deaths in semi-frozen wastelands 15 miles south of Point Barrow. The U. S. Signal Corps station at that point was advised of the accident by native runners a few hours later, approximately 5:30 A. M., New York time, Friday.

The plane was found completely wrecked and partially submerged in about two feet of water. Rogers had been thrown clear of the ship and apparently was killed instantly. Post was crushed in the wreckage of the plane. The bodies were returned to Point Barrow and taken to the Presbyterian Mission Hospital, there to await the arrival of the Coast Guard cutter *Northland*, which was to bring them to a point at which they could be safely met by plane and transported to their homes.

Eskimo natives reported that Rogers and Post had landed about three hours before the crash to make engine repairs and had asked to be directed to Point Barrow. Fog was reported to have been bad at the time and the two remained at the native camp to eat an evening meal. Shortly after taking to the air again the engine failed while the plane was only 50 feet above a small river. The two had left Fairbanks, Alaska, the night before, on what was to have been a leisurely visit to northern Alaska points. They had started their trip from Seattle Aug. 7.

News of Death Spreads Fast

Word of the tragedy spread like wildfire throughout the industry in New York, percolated almost as quickly throughout the field and thus into Hollywood.

Afternoon newspapers, in all editions, featured the story and ran column after column of type and pictorial display.

Ironically enough, Rogers met his death on the heels of a new 10-picture contract which he had signed with Twentieth Century-Fox, which announced closing of the arrangement from Hollywood on Thursday..

Fox has on hand two Rogers vehicles. One is "Steamboat Round the Bend," which is slated for general release on Sept. 6, but which will play pre-release, as long arranged, one week earlier in Stockton and Sacramento, where much of the picture was shot. "In Old Kentucky," also completed, is down for release Dec. 6.

The Fox home-office had planned to launch its advance advertising campaign on "Steamboat Round the Bend" next week in trade papers, but yesterday abandoned it. While both pictures will be delivered to exhibitors on schedule, no effort of any nature will be attempted, neither will it be encouraged, to seek capital on the humorist-comedian's untimely death.

Funeral arrangements were in doubt last night.

Rogers was 56 years old and is survived by his widow and three children, Will, Jr., Mary and Jimmy.

Sheehan Shocked

Buffalo, Aug. 16.—"I am terribly shocked at this news," said Winfield Sheehan when informed here today of the death of Will Rogers and Wiley Post in Alaska. Sheehan, a native Buffalonian, is here visiting his family while en route to New York to join his bride of a few days, Maria Jeritza.

"I have known Will since 1907 when I was a columnist on the old *New York World* and he was just a young struggling vaudeville actor," he said.

Sheehan spoke with Rogers in Los Angeles two weeks ago and advised him not to miss the beauties of Northern Canada.

"Will told me that he and Post were planning the trip to Siberia," he continued, "and promised to cover the route I suggested. We made a date to meet in London.

"Theatre and film folk all loved Will for the fine, lovable character he was, both off-stage and on. He was tops in the profession."

Sheehan produced Rogers' first talking feature, "They Had to See Paris."

Preview Cancelled

Hollywood, Aug. 16.—Twentieth Century-Fox today canceled the preview set for tonight of Jesse L. Lasky's "Here's to Romance" in deference to Will Rogers' passing.

Tributes to Humorist From Far and Wide

(Continued from page 1)

laugh; now it can only grieve. It is almost impossible to believe that the voice of this dear friend is forever stilled."

Sol Wurtzel: "The death of Will Rogers is a shock and a loss to the families of the world, but we must take comfort in the fact that the great good he did will live on."

Cecil B. DeMille: "What can anyone say when one of the greatest personalities in the world is taken so suddenly? I loved Will Rogers as a humorist and as a man."

Ernst Lubitsch: "The deepest sympathy of the whole world will go to the family and friends of Will Rogers. There is a big gap left in the screen world and I doubt if it ever will be filled again."

Henry Herzbrun: "It is a profound shock to learn of the death of men of the character and ability of Will Rogers. It can be said of him possibly more than of anyone else in our film world that everyone loved him."

Admiral Byrd: "I have a deep sense of personal loss in the death of Will Rogers and Wiley Post, two of aviation's greatest leaders and enthusiasts. As a lover of aviation I feel the world has lost two great men. As a friend of both of them I feel the sorrow that only such loss can bring."

Warner Baxter: "Will Rogers' death marks the passing of one of the greatest men of our time."

Ronald Colman: "I feel that humanity has lost its best and most sincere friend."

Warner Oland: "Will Rogers belonged to the world and we are all bowed in grief."

Jack L. Warner: "It's hard to believe that Will Rogers is gone. News of his death in an airplane accident with Wiley Post has given me an awful shock. Rogers was always a great credit to the industry and his untimely passing is a heavy loss. I had the pleasure and honor of knowing him intimately for a good many

(Continued on page 5)

Rogers and Some Roles

As He Was

A few of the characterizations played by famous humorist in recent months.

"David Harum"

"Handy Andy"

"The County Chairman"

"Doubting Thomas"

"Steamboat 'Round the Bend"

"In Old Kentucky"

The Story of Will Rogers

Born in Oolagh, Indian Territory, on Nov. 4, 1879. This date fell on Tuesday and Election Day.

Educated at the Willie Hassell school at Neosho, Mo., and at the Kemper Military Academy at Booneville, Mo.

Married Betty Blake at Rogers, Arkansas, on Nov. 25, 1908.

Had three children, Will, Jr., a student at Stanford University, Mary and Jimmy. Mary, after appearing in one picture, "My Weakness," joined a stock company at Lakewood, Maine, and from there went to the New York stage.

Learned to rope and ride while he was a ranch hand in Oklahoma.

Made his first public appearance when he was 14 years old in a riding contest which he won. Became a cow-puncher when he was 17.

Soon owned a small herd of his own which he sold to a neighbor and, with another youth, bought third-class tickets to the Argentine to seek his fortune. Became a gaucho and punched cows across the pampas for $4 a month—American money.

Could have worked his way back home, but decided to stick it out and see more of the world.

Got a job on a cattleboat transporting mules from Buenos Aires to South Africa for British troops in the Boer War. Landing in Capetown, decided to remain and pursue his fortune.

Hoped to see some of the war, but the fighting ceased the day after he arrived.

Joined Wild West Show

Cast about for some profitable occupation and joined a traveling "wild west" show.

Billed as "The Cherokee Kid," became a hit with his trick riding and rope spinning.

After showing in the principal cities of South Africa, the show and Rogers moved to England.

Finally grew homesick and took passage for New York, thence back to Oklahoma.

Following a rest, joined another "wild west" show in Oklahoma and started on a tour of the Southwest.

By this time his rope spinning act had attained considerable perfection and an alert booking agent signed him for the 1905 annual horse show at Madison Square Garden.

The horse show over, next appeared at Hammerstein's Roof. Was an immediate hit and soon in demand.

Made several tours of the "big time" vaudeville circuits.

Finally was induced to join "Ziegfeld's Follies" and, later, was featured in "Midnight Frolics."

It was while a star performer with Ziegfeld that he first introduced a line of patter with his rope and pony act.

Then a bigger hit than ever.

Changed his line every night and many of the seat holders were "repeaters."

In 1919 abandoned the stage and made a series of silent pictures. Some of these were "Two Wagons, Both Covered," a burlesque on "The Covered Wagon," "Doubling for Romeo," "Boys Will Be Boys," "Family Fits," "Jubilo, Jr.," "Our Congressmen," "Going to Congress," "Gee Whiz, Genevieve" and "A Texas Steer.'

Also made a series of shorts, "Strolling Thru Europe With Will Rogers," for Pathe. Success indifferent; no sound.

In 1922, returned to the "Follies" and remained on Broadway until 1929, when the advent of talking pictures brought him back to the screen in "They Had to See Paris," for Fox.

This time his familiar drawl was not missing and the picture was a hit.

Soon after this picture was finished, Fred Stone broke one of his legs in an airplane and Rogers took his friend's place in "Three Cheers" on Broadway.

Again a hit.

Charles Dillingham, producer of "Three Cheers," always sent Rogers his salary in the form of a signed check, permitting Rogers to fill in the amount.

What it was, always been a secret.

Tried Silent Films First

When the show went on the road, Rogers returned to the Fox studio.

Second production was "So This Is London" followed by "Lightnin'," "A Connecticut Yankee," "Young As You Feel," "Business and Pleasure," "Ambassador Bill," "Down to Earth," "Too Busy to Work" and "State Fair."

More recent pictures were "Dr. Bull," "Mr. Skitch," "David Harum," "Merry Andrew," "Judge Priest," "The County Chairman" and "Life Begins at 40."

Brought up a Methodist; mother wanted him to become a preacher.

Had occupied the pulpit, but only as a lecturer.

Member of the Masons, Shriners and Elks.

Member of the Lambs and Friars in New York.

Author of "Rogersisms" (1919), "The Cowboy Philosopher on the Peace Conference," "The Cowboy Philosopher on Prohibition" (1919), "Rogersisms—What We Laugh At" (1920), "The Illiterate Digest" (1924), "Letters of a Self-made Diplomat to His President" and "There's Not a Bathing Suit in Russia" (1927).

Hobby was flying and he had written some of his best quips while up in the air.

Never took a train, a boat, or an automobile if he could secure an airplane for a journey of any distance.

Piloted by Captain Frank Hawks, made an aerial tour of the territory affected by the Mississippi flood in 1931 in the interest of the sufferers.

The same year, gave a week of his time to the Community Chest of Los Angeles, appearing twice daily at Loew's State to crowded houses.

More recently made flying tour of South America to get material for his syndicated daily comment. Still more recently, with Mrs. Rogers and his two sons, a two months' tour of Europe.

An International Figure

Warm friend of the Lindberghs.

On intimate terms with kings and queens in Europe and captains of industry in the United States.

Chewed gum constantly; bought it by the gross, but never had a piece handy.

Always borrowed gum from somebody.

Chewed gum to keep down his desire to smoke. Hadn't smoked for years.

Only pets he had were horses, mostly polo ponies.

Had a polo field at his ranch between Hollywood and Santa Monica, California, and played in competition.

Taught his sons, Will, Jr., and Jimmy the game. Both are now experts.

Classed polo as his pastime.

Read the newspapers and current literature.

When asked if he read any fiction, Rogers once replied: "Yes, the newspapers."

Declared he was not superstitious, but constantly knocked wood.

Refused to "sit" for a picture.

Never "dressed up."

Dreaded to attend a function; refused to wear evening clothes; wore a blue serge suit at banquets, etc.

Difficult to engage him in conversation, but once he got started, no one could stop him.

Would talk on any subject except his family and his accomplishments.

Up every morning at 5, took care of his polo ponies and his goats on his Santa Monica Canyon ranch. Read all the morning papers before breakfast and scattered them all over the house.

Rented a business office in Los Angeles and employed a woman secretary to handle his mail, a big part of which was delivered to the studio.

Read whatever his secretary put on his desk and there was a daily pile.

Seldom failed to reach the studio for lunch.

Enjoyed the atmosphere of the cafe; called it his club.

Disliked Interviews

Seldom gave an interview and when he did took pains not to tell anything he used in his daily or weekly comment.

Frequently went from table to table in the studio restaurant, picking up lunch checks belonging to girls who work in the studio offices. Let the directors, writers and actors pay their own.

Had a pretentious bungalow dressing room on the Fox lot, but seldom unlocked the door; changed his costume in his auto and wrote most of his "copy" in the car on a portable typewriter.

Took it to the telegraph office himself after permitting his friends to read it and make comments and suggestions.

Had been abroad six or seven times; thought the United States the only country in the world.

Corresponded for close to 200 newspapers.

Never missed a day and had never been late.

Had never played golf or tennis.

Early ambition was "to grow up and be a man."

Often wondered if he realized it.

Witty, sarcastic and ironical.

Hated insincerity and disliked compliments.

Disliked the man who met him and started reminiscing.

Shied at conversing on the subject of his early life as a cowboy.

Couldn't conceal the fact if he didn't like a person.

Devoted to his wife and those kids.

Recently sent his oldest boy on a trip to Mexico. Instructed him to see all the sights and learn to speak Spanish before he came back.

Spoke with a drawl and saw the humorous side of everything.

Tributes to Humorist From Far and Wide

(*Continued from page 4*)

years. On and off the screen he always was a perfect gentleman. Millions of film fans to whom he has endeared himself through the medium of his clean wholesome humor, will join all of us who knew him in mourning his great loss."

Hal Wallis: "The screen loses a great star and the world a most lovable character with Will Rogers' unfortunate death. Despite the fact he has scored a great success on the stage and screen, through his newspaper observations Rogers always remained the same, simple, unaffected gentleman he was before he sprang into prominence. Success never went to his head and he could always be counted on in a worthy cause. His loss is a great one to the entire industry."

William Koenig: "I cannot find words adequate enough to express my shock of learning of Will Rogers' death. By every standard he was a credit to the industry and stood as a great example for both young and old America. By his clean life off-screen and by his quaint humor he had endeared himself to millions the world over. The world could ill afford to lose a man like him whose talents have enabled millions of fans to forget their troubles while being entertained by his films. His death is a real calamity to the entire world."

Spencer Tracy: "I can't really believe Bill is gone. He was so alive and real. Only last week we were playing polo and attending a rodeo together. He was the finest man I have ever known. Truly fine in every way and a real friend."

Joe E. Brown: "For years we were intimate friends and this is a terrible thing. The world has lost its most useful citizen. America has sustained its greatest loss, because Rogers was our foremost ambassador of good will. He was the most charitable man I ever knew. It goes without saying his death is the most serious kind of loss to the industry. His tragic death by aviation was the last thing we would have happen because he was one of the nation's greatest flying enthusiasts."

Will Hays said: "It does not take time to realize our loss. The intensity of this loss is as instantly grasped as the effect of the crash itself. He was one of my closest friends of longest duration. He stood for everything that was right and never for anything that was wrong."

Fred Stone: "This is a national calamity. The world has lost a great man."

Louis B. Mayer: "I am too deeply shocked at this time to properly express in words how I feel about losing my friend, Will Rogers. He was truly a great American and the one humorist who not only made the world laugh but also gave it a profound and homely philosophy which made him beloved throughout the world. He will be missed as few

(*Continued on page 6*)

Tributes to Rogers from Far and Wide

(*Continued from page* 5)

men have been missed in this generation."

Frank Lloyd, president, on behalf of the Academy: "The loss of Will Rogers is incalculable. He represented the motion picture industry with humor, good sense, philosophy and world-wide impressiveness. He was one of the greatest and most popular stars that has ever appeared on the screen. He recalled the glories of Joseph Jefferson and other loved personalities of the past, but exceeded them all by his many-sided achievements as journalist, molder of public opinion, popular philosopher and public speaker par excellence. He was a friendly critic who won all by his personal charm and an optimist who looked for the bright side and heralded the coming of better days."

Plane Starts for Bodies

SEATTLE, Aug. 16.—A Pan-American Airways plane, by direct order from Colonel Charles A. Lindbergh and New York officials, is on its way from Juneau, Alaska to Point Barrow to fly the bodies of Will Rogers and Wiley Post back to Juneau. This word was received here from the Alaskan city tonight.

Rogers Family in Maine

SKOWHEGAN, Me., Aug. 16.—Mrs. Will Rogers, stunned by the sudden death of her husband, tonight was making plans with her daughter, Mary, to return to Beverly Hills. Mary Rogers, who has been appearing in summer stock here, ironically enough, had just completed a role in "Ceiling Zero," an aviation play in which one of the principal characters is killed.

Claremore Is Stunned

CLAREMORE, Okla., Aug. 16.—This, Will Rogers' home town where he had been known since his childhood days, suspended all business today when word was received of the comedian's death.

U. S. Orders Probe

WASHINGTON, Aug. 16.—The Dept. of Commerce tonight ordered investigators to Point Barrow to probe the reasons for the plane crash in which Will Rogers and Wiley Post lost their lives.

There is a possibility a bust of Rogers will be placed in Statuary Hall at the Capitol. Each state is permitted figures of two of its most famous citizens. Oklahoma is yet to round out its quota.

Hays in Air Tribute

LOS ANGELES, Aug. 16.—Will H. Hays, as spokesman for the organized industry tonight delivered a 200 word radio eulogy of Will Rogers at 10 P. M. Pacific daylight time.

Variety Club to Golf

MINNEAPOLIS, Aug. 16.—The local Variety Club will hold its last fall golf tournament at the Oakridge Golf Club here Aug. 23. The committee in charge is composed of Frank Mantzke, chairman; William Shartin, Paul Mans, Lowell Smoots and Louis Rubenstein.

Cooling Plants, New Sound Bought in Omaha Territory

OMAHA, Aug. 16.—Straws in a more optimistic theatre wind in this area are these:

New sound: Strand, Eskridge, Kan., Wallack & Clanton, managers; Ericson at Ericson, Neb., Bingham & Walthers, managers; Cozy at Wagner, S. D., L. E. Scobell; Manson at Manson, Ia., O. W. Tuel, manager; Royal at Parkston, S. D., Wuebben Brothers, managers; Rex at Kennebec, S. D., P. E. Casey, manager; Auditorium at Exeter, Mrs. G. Yates, manager; Harlan at Harlan, Ia., Ray Brown, manager; Township Hall at Chambers, Neb., Frank Porter, manager; Rialto at Bedford, Ia., A. D. Hahn, manager, and Island at Grand Island, Neb., H. K. Allen, manager.

Lomar, Lohrville, Ia., C. M. Anderson, manager; Dreamland, Carson, Ia., Harold Smith, manager. Installed by Scott-Ballantyne.

The Dodge at Dodge, Neb., was sold by Frank Beal to Clarence M. Lay, and the Wakefield at Wakefield was purchased from Bob Freed by P. J. Held, it is reported here.

T. C. Shipley has installed new seats, rugs and other equipment in the Clay, formerly known as the KMMJ theatre.

National, Louisville, Reopening

LOUISVILLE, Aug. 16.—Kentucky Theatres, Inc., has leased the National from Abe Bass, for a long term of years. The house has been dark for several months, after several unsuccessful attempts to operate. It is planned to open the 2,400 seater Aug. 29 with stage show and first run pictures.

Joseph M. Hayse, attorney, handled the deal. John M. Gray, Nashville capitalist, is president. Others interested are J. D. Goodpaster and Joseph T. Cheek, both theatre men of Nashville. B. E. Thompson will manage.

Form New Baltimore Firm

BALTIMORE, Aug. 16.—The Lord Calvert Theatre Co. has been incorporated here by Robert Scheck, Meyer Leventhal and Leo Homand. The firm will build a local house to be called the Lord Calvert. The seating capacity will be 700. Scheck is president and Leventhal managing director of the Scheck Theatrical Enterprises here. Homand was in the business before 1921.

New England Changes

BOSTON, Aug. 16.—Opening and closing pins are still to be stuck in the New England theatre map.

E. M. Loew has closed the Music Hall in Pawtucket. A new house is being built in Waterbury, Vt., by Bedard and Caryle, John Kata has acquired the Strand in Wallingford, Conn. The Old Howard, here, is set for reopening in September.

May Convert a Temple

MIDDLEPORT, O., Aug. 16.—Plans are understood to be under way to convert the local Masonic Temple into a film house with a seating capacity that will exceed any theatre in this section.

Details are being withheld for the present.

Equipment Buying Booms

KANSAS CITY, Aug. 16.—C. H. Badger, manager of the Stebbins Theatre Equipment Co., reports June the best month his company has had in three years, with exhibitors buying equipment and supplies from stem to stern. July is continuing June's pace, Badger said. A good deal of repairing is being done.

Journalism

Kansas City, Aug. 16.—It is just unusual enough for a theatre manager to be robbed to cause him to decry the experience. But when E. F. Bebermeyer, manager of the Vista, Centralia, Mo., recently was accosted by a bandit just as he returned home with Mrs. Bebermeyer, newspapers began calling them names.

Officers designated the pair as Beesmier the night of the robbery.

The next morning, press associations had it Debemeyer.

Boone County papers followed with Berbermeyer and Bebermyer.

The peak was reached with "the Bemer Meyers." Then, abruptly, their name appeared correctly.

It probably didn't matter to the bandit.

Lefkowich Gets Another

CLEVELAND, Aug. 16.—In a deal just closed, Max Lefkowich, largest local subsequent run owner, takes over the Mall, subsequent run downtown at one time operated by Loew's. Recently the Mall has been operated by Meyer Fischer.

To Build at Ogallala

LINCOLN, Aug. 16.—A. F. Kehr & Son of Ogallala, Neb., have let a contract for the construction of a new $50,000 theatre there. The house will have a 20 ft. by 30 ft. stage and seat 600.

Milwaukee House Dark

MILWAUKEE, Aug. 16.—A "Closed for Repairs" sign has been hung on the Alhambra here, operated for the past 10 months by Fox. The house was formerly operated by Fred S. Meyer and was taken over by Fox when he left for Hollywood. It's anybody's guess as to when the theatre will reopen.

Durkee to Operate Another

BALTIMORE, Aug. 16.—The Frank H. Durkee Theatre Enterprises will soon take over operation of the Gwynn here, which has been purchased from Associated Theatres, Inc.

Independent Circuit Now Totals Over 80

Several new theatres yesterday lined up with the recently formed Independent Theatre Circuit, Inc., at a meeting at the I.T.O.A. headquarters. Louis Schiffman and Maurice Fleischman, two of the members of the committee, conducted the session. Total number of theatres in the circuit is more than 80.

Louisville's Theatres Hit By Paralysis

LOUISVILLE, Aug. 16. — Increasing number of infantile paralysis cases here have resulted in the Director of Health issuing order barring all children from theatres and other places of amusement until the danger period is over.

Local first runs are placarding boxoffices with warnings, refusing admittance to all children under 14. This dealt week-end business a tremendous sock.

"Curly Top," in its second week took an average of $4,500 at the Rialto with "Broadway Gondolier," also in its second week, garnering a nice $2,700 at the Mary Anderson. The Strand did $4,200 on "Farmer Takes a Wife," but hoped for more. Not strong enough for second week apparently.

Total first run business was $20,200. Average is $18,500.

Estimated takings for the week ending Aug. 10:

"CURLY TOP" (Fox)

RIALTO — (3,000), 15c-25c-40c, 7 days. **Gross:** $4,500. (Average, $3,500)

"MURDER MAN" (M-G-M)
"AFTER THE DANCE" (Col.)

LOEW'S STATE—(3,100), 15c-25c-40c, 7 days. **Gross:** $5,500. (Average, $4,500)

"BROADWAY GONDOLIER" (Warners)

MARY ANDERSON — (1,000), 25c-40c, 7 days. **Gross:** $4,000. (Average, $2,500)

"FARMER TAKES A WIFE" (Fox)

STRAND — (1,450), 15c-25c-40c, 7 days. **Gross:** $4,000. (Average, $2,500)

"GAY DIVORCEE" (Radio)
"LADY FOR A DAY" (Col.)

BROWN—(1,500), 25c-40c, 7 days. **Gross:** $1,800. (Average $2,000)

"HOORAY FOR LOVE" (Radio)
"THE HEALER" (Mono)
"VANESSA" (M-G-M)
"WHAT PRICE CRIME" (Beacon)

ALAMO—(900), 15c-25c, 7 days. **Gross:** $1,500. (Average, $1,400)

Shirley Still Tops 'Em in Indianapolis

INDIANAPOLIS, Aug. 16.—The drawing power of Shirley Temple was again demonstrated here when "Curly Top," playing a second week at the Apollo, proved the city's only above par attraction. It grossed $5,000, or $1,000 ahead of normal. Elsewhere, things were not so good.

First runs aggregate $18,000; their combined average is $19,500.

Estimated takings for the week ending Aug. 10:

"CURLY TOP" (Fox)

APOLLO—(1,100), 25c-40c, 2nd week, 7 days. **Gross:** $5,000. (Average, $4,000.)

"MAN ON THE FLYING TRAPEZE" (Para.)

CIRCLE—(2,800), 25c-40c, 7 days. **Gross:** $4,000. (Average, $4,000.)

"SANDERS OF THE RIVER" (U.A.)
"AIR HAWKS" (Col.)

LOEW'S—(3,000), 25c-40c, 7 days. **Gross:** $3,000. (Average, $4,500.)

"SILK HAT KID" (Fox)

LYRIC—(2,000), 25c-40c, 7 days. Vaudeville. **Gross:** $6,000. (Average, $7,000.)

75-Mile Blanket

Robert H. Gillham and Alec Moss, supervising the advertising publicity and exploitation campaign for "The Crusades," which opens at the Astor next Wednesday, are posting billboards as far as 75 miles from Times Square. There are 30 men out, 15 with cars, putting up the advertising sheets

SENSATION

EASTMAN Super X Film was originally designed for rephotographing projected backgrounds. Yet because of its great speed it also won fame as the negative extraordinary for tough newsreel shots. And now it is being widely used for regular feature production, as well. Offering not only extra speed but generally improved photographic quality, Super X is unquestionably the sensation of the year in 35-millimeter raw film. Eastman Kodak Company. (J. E. Brulatour, Inc., Distributors, New York, Chicago, Hollywood.)

EASTMAN *SUPER X*

PANCHROMATIC NEGATIVE

Fox Meeting Is Set Back To Next Week

(*Continued from page* 1)

at the Fox stockholders' meeting on Thursday.

Attorneys for Mrs. Fox filed their final affidavits yesterday and replies to them will be filed by Fox attorneys today. A decision from Judge McLaughlin on the restraining action is expected Monday. The court has stated that it did not believe it would have the right to interfere with the merger and reorganization unless stockholders were able to show that fraudulent acts were involved in either. A decision from the court favorable to Fox Film would permit the board of the company to meet and consummate the merger at once.

Illinois Enacts 6 Day Work Statute

Springfield, Ill., Aug. 16.—The Illinois Legislature has passed the six day law against the opposition of theatre men. This bill provides that all employes must have 24 consecutive hours off and may cause smaller houses to hire an extra man for the booth on the seventh day. The State Dep't of Labor has stated it will enforce the law strictly in this case.

In the case of houses booking stage shows for a week's run the last day is illegal but it has been stated the violation in this case will be overlooked.

CLASSIFIED

HELP WANTED

MANAGER FOR NEW THEATRE. Must be expert at exploitation and ballyhoo fronts. Send samples of work, if any. SCHREIBER, SMILAY & LONDON, Loop Theatre, 418 Michigan Avenue, Detroit, Mich.

BOOKS

ORDER NOW! RICHARDSON'S NEW Blue Book of Projection—6th edition, complete in one volume, more than 600 pages, over 100 illustrations. Full text on projection and sound combined with troubleshooter. $5.25. Mr. Richardson will autograph the first two hundred copies ordered. QUIGLEY BOOKSHOP, 1790 Broadway, New York.

10,000 SHORT, PRECISE BIOGRAPHIES of motion picture personalities—thousands of pertinent facts about every phase of the motion picture industry—the book to have at your hand every minute of the day—Motion Picture Almanac, the industry's book of facts. 1935-36 edition now available Order you copy early, $3.00. QUIGLEY PUBLISHING CO., 1790 Broadway, New York.

ACCOUNTING SYSTEMS

A TIME-SAVING, SIMPLIFIED, totally accurate system of accounts-keeping for theatres. Full explanatory text combined with blank record pages for a 12 months' service, $3, postage prepaid. Order Morris Theatre Accounting, direct from QUIGLEY BOOKSHOP, 1790 Broadway, New York.

Paradise Seeks to End Suit by Givens

A motion was made yesterday in the City Court by counsel for Paradise Pictures, Inc., to dismiss a counter claim in a suit filed against Herbert W. Givens. The complaint of Paradise Pictures, Inc. avers that on Oct. 10, 1932, Givens gave to the plaintiff in Philadelphia two notes for $500 each and that another note was given by the defendant to the plaintiff on Nov. 11, 1932 for $146; that Paradise Pictures is suing for $1,146. In denying the charges of the complaint Givens declared that on Oct. 6, 1932, he entered into an agreement with Paradise, whereby for five years he was to have the exclusive rights to exhibit and distribute a series of six Paradise pictures, the first to be "The Divorce Racket" and Givens was to pay Paradise $9,000 for the series. He further avers that on Oct. 10, 1932, the plaintiff delivered "The Divorce Racket" to him and he gave him $500 in cash and two notes for $500 each now in litigation and subsequently the other note for $146. Then he says that inasmuch as Paradise Pictures Inc. failed to deliver the remaining five pictures it violated the agreement and became responsible for the fulfillment of the entire agreement. He has filed a counter claim for $10,000 damages.

Plagiarism Charges Denied by Depinet

Denial of plagiarism charges made by James Young, a novelist, in a suit against RKO, Pathe Pictures, Inc., and Adela Rogers St. John was voiced by Ned E. Depinet in entering a motion for a bill of particulars in Manhattan Supreme Court yesterday.

The application sets forth that the plaintiff charges the defendants made a copy of his manuscript entitled "What Price Sex in Hollywood" and produced a picture therefrom called "What Price Hollywood." Depinet sets forth further that the plaintff is seeking an injunction, an accounting and damages.

Depinet's affidavit claims that, since the other defendants have not been served in the action and that RKO alone is being prosecuted, it is essential his company have a bill of particulars giving details of the complaint so that it may be prepared for trial.

A hearing has been set for Monday morning before Justice Aaron Steuer.

250 at Outing

Boston, Aug. 16.—Over 250 attended the annual outing and field day of the Boston film district which was held this year at Norunbega Park in Auburndale, under sponsorship of the M. P. Post of American Legion. Cyril McGerigle, office manager of the local RKO exchange, was in general charge. Commander Charles Heath of RKO, William McLaughlin, national Allied executive, and Dr. W. E. R. Basch were on the head committee.

Martini Heading East

Hollywood, Aug. 16.—Nino Martini leaves for New York Saturday morning by plane accompanied by his manager, Jack Salter and his accompanist, Miguel Sandoval. He will return in February to make another film for J. L. Lasky, who has him under personal contract for two pictures a year for five years.

Wall Street

Small Changes on Big Board

	High	Low	Close	Net Change
Columbia	75⅛	75⅛	75⅛	+ ⅛
Consolidated, pfd.	17¼	16⅞	17⅜	+ ⅛
Eastman	146½	146¼	146½	.....
Loew's, Inc.	41⅝	40¾	41¼	+ ¼
Paramount	5	4⅞	4⅞	....
Pathe	1¼	1	1	— ⅛
Pathe "A"	12⅜	11⅜	11⅜	— ½
RKO	2⅞	2¾	2¾	.....
Warner	5½	5⅜	5⅜	.....
Warner Bros., pfd	38½	38½	38½	— ½

Sonotone Up ⅛ on Curb

	High	Low	Close	Net Change
Sonotone	2	1⅞	2	+ ⅛
Technicolor	19⅞	19½	19⅞	.....
Trans-Lux	2⅝	2½	2½	.....

Little Activity in Bonds

	High	Low	Close	Net Change
General Theatre Equip. 6s '40 ctf	14	13¾	14	+ ⅛
Keith B. F. 6s '46	90⅛	90⅛	90⅛	.....
Loew's 6s '41 ww deb rights..	103¼	103¼	103¼	— ½
Warner Bros. 6s '39 wd	78½	77⅝	78½	.....

(Quotations at close of Aug. 16)

RFC Loan to Roxy Set Back a Month

Action on a loan from the Reconstruction Finance Corp. to permit Roxy Theatre bondholders to reorganize the property cannot be had for at least another month, as a result of a request from the R. F. C. for complete lists of personal property held by the Roxy, it was learned yesterday.

Representatives of the Roxy bondholders' committee said that several weeks might be required to prepare this information and that no decision from the R. F. C. on the requested loan could be expected for some time thereafter. It was stated that, despite the new delay, the bondholders' committee still regarded the R. F. C. as a preferred source for financing a Roxy reorganization. Such financing would permit the bondholders to direct their own reorganization of the property.

Myrna Loy Facing a Suit on Pact Fight

M-G-M probably will sue to prevent Myrna Loy from appearing in "Soak the Rich," new Hecht and MacArthur feature for which she has been signed. The picture is about to get going at Eastern Service Studio.

Metro, in a guarded statement yesterday, said through a spokesman its stand on the Loy contract situation had been made clear both by Nicholas M. Schenck and Louis B. Mayer and that the situation now would appear "to be a matter for the lawyers."

J. Robert Rubin, general counsel of M-G-M, returned from Europe on the *Normandie* Monday.

Leland Heyward, agent, acted for Miss Loy and insisted yesterday the contract with Hecht and MacArthur had been signed. He said Miss Loy had been advised by her attorneys, Chadbourne, Stanchfield and Levy, that she was entirely within her legal rights in so doing.

Ben Hecht from Nyack last night confirmed the contract.

Pathe Rounds Out Plan and Reorganizes

(*Continued from page* 1)

on the N. Y. Stock Exchange has already been approved.

Stockholders of the old company will be notified when and where to surrender their certificates in exchange for new certificates, officials of Pathe said yesterday.

The reorganization plan provided for the issuance of 30,000 shares of new $7 convertible preferred stock of no par value and 2,000,000 shares of new common stock of $1 par, of which 8,043 shares of preferred and 573,700 shares of common are presently outstanding. Holders of old Pathe eight per cent preferred stock receive for each share, one share of new preferred and five shares of new common. Holders of the old Class A preference stock receive for each share two shares of new common, and holders of each share of old common receive one-twentieth share of new common for each share of the old.

The new company is also authorized to issue collateral secured notes limited to the aggregate principal amount of $4,000,000 at any time outstanding.

Kolbe Heads New Company

Frank F. Kolbe is president of the new Pathe company, Robert W. Atkins, executive vice-president; Arthur B. Poole, vice-president and treasurer, and Thomas P. Loach, secretary and assistant treasurer.

The Pathe reorganization plan was approved by an extraordinary meeting of stockholders of the company last March 4. Its consummation was delayed by litigation brought by Pat Casey and E. B. Derr which sought to restrain the company from carrying out the plan. The actions were dismissed by the courts recently, as was still another one brought by Ben Hilbert, a stockholder, to halt the reorganization on the ground that the law authorizing the holding of extraordinary meetings of stockholders, such as the one at which the Pathe plan was approved, was unconstitutional. This action was dismissed by the court this week.

Miss Keogh Leaves Pathe

Helen Keogh, assistant secretary of Pathe Exchange for the past two and one-half years, resigned yesterday to become secretary to the editor of *Fortune Magazine.* Miss Keogh was associated with Pathe for more than four years. No successor has been named yet.

Levy Replaces Lustig

Hollywood, Aug. 16.—Gradwell Sears, western sales manager of Warners, today promoted Newt Levy from San Francisco exchange manager to head of the local exchange in place of Harry Lustig, who was given sick leave.

Col. to Increase Stock

Columbia proposes to increase its authorized common stock from 300,000 to 1,000,000 shares.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 42 NEW YORK, MONDAY, AUGUST 19, 1935 TEN CENTS

Allied Maps "Must" List Of 6 Points

Stronger Association and Mass Buy Are Two

Advocating a stronger national organization, adoption of means whereby local organizations can work closer with each other and the national unit, vindication of exhibitors' rights in connection with theatre invasions, mass buying power to offset circuit competition, encouraging new independent producers and distributors and passage of the Pettengill bill and the Duffy copyright bill, Abram F. Myers, general counsel, outlines a six-point platform for Allied in the New Jersey unit's journal for the 16th annual convention to be held in Atlantic City Aug. 21-23.

In his six-point program, which appears under the heading "Allied's 'Must' List," Myers discusses each point briefly in addition to a review of 1934, particularly of the code and the Legion of Decency. "It seems almost

(*Continued on page* 8)

See Brandt in Line To Lead New Chain

Election of officers and directors of the recently formed Independent Theatre Circuit, Inc., will be held tomorrow at Milton C. Weisman's office instead of Wednesday, the I.T.O.A. attorney states.

Although Harry Brandt is expected to be elected, Weisman stated that this was not definite inasmuch as Brandt's group of 42 theatres have not yet lined up with the new outfit.

Paralysis Epidemic Tapers in Carolina

Charlotte, Aug. 18.—The epidemic of infantile paralysis that has been sweeping North Carolina since May shows signs of declining and theatres which have been hard hit thus are an-

(*Continued on page* 9)

Familiar

Washington, Aug. 18.—So many complaints have been lodged against this practice and that by this complainant and that, the Department of Justice is as familiar with the provisions of the standard contract as anybody in the industry, an official declared informally yesterday.

Hollywood Flies Mourning Flags; Misses Its Rogers

By MILT WATT

Hollywood, Aug. 18.—With flags at half mast over Hollywood studios, the entire film colony over the weekend tried bewilderingly to recover its senses shocked at news flashes of Will Rogers' tragic death in the wilds of Alaska.

From friends who worked close to Rogers for many years, reporters learned the untold generosities and kindnesses which Rogers would not have wanted known or published while he had lived.

Thousands of donations in time and in money to those less fortunate than himself will never be catalogued. Waitresses at the Cafe de Paree, the Fox studio cafe, tell of being helped through depression periods by $5 tips from the late comedian. At Christmas, it was his custom to give those who worked in and on his pictures cards with individual gags, while cash presents always went to those less affluent.

Typically of Rogers and his deportment was the lucrative personal appearance offer to talk at a colored church in Glendale recently where the elders of the church were endeavoring to have a mortgage on the property lifted. He turned it down.

Yet some of his activities were known because Rogers was news and many of his movements were consequently covered. For instance, he made personal appearance tours through the South during the drought period and contributed large sums of money to sustain several Indian schools throughout the country. Anybody down and out could ask and, moreover, receive aid from him.

His influence in creating and organizing friendly, clubby and sportsmanlike activities among film folks here probably never has received its proper recognition because Rogers did not desire such recognition.

It was he who started the film colony playing polo which offered essential

(*Continued on page* 8)

Rival Unions Approximate Merger Stage

Negotiations for a merger between Allied M. P. Operators and Empire State are expected to be completed this week, Motion Picture Daily learns. Conferences on the amalgamation have been held between heads of both operators' unions in the last few weeks, it is reported, and papers are all set for signatures.

Holding up the deal temporarily is said to be a court order signed about two years ago which provided that Empire was not to be combined with any other union. However, it is stated, attorneys for the Springer & Cocalis and Century circuits are working on plans to bring about dissolu-

(*Continued on page* 9)

Resume Booth Scale Parleys Here Today

Circuit and union representatives resume negotiations today on a new basic wage scale for the local territory. It is understood that the contract, when completed, will be for two years, effective Sept. 1. Conferees did

(*Continued on page* 9)

Missouri Tax At Hand, But Not Machinery

Kansas City, Aug. 18. — A week before Missouri is scheduled to start collecting the one per cent sales tax the state is without a solution to the collection problem. Competent observers do not believe collection possibly can start by Sept. 1.

Even if, before Aug. 27, effective date of the tax, a plan could be worked out which would be practicable and at the same time satisfactory to treasury department officials, it is doubtful if the plan could be gotten in operation.

The legislature may have enacted a bad law, Forrest Smith, state auditor and collector of the tax, ad-

(*Continued on page* 8)

Wilcox Rounds Out New Company Plans

By BRUCE ALLAN

London, Aug. 18.—Herbert Wilcox has rounded out the first year's program of the independent unit permitted him under his new five-year deal with B. and D. He will call it Herbert

(*Continued on page* 9)

Ascap Primes To Fight Law In Wisconsin

Test Case Held Need To Prevent Spread

An attack on the constitutionality of the new Wisconsin state law regulating the licensing of copyrighted music for public performance within the state is being considered by attorneys for Ascap, it was learned on Saturday.

A decision to test the law is expected to be made within the next few days as it is frankly admitted at Ascap headquarters that, if the Wisconsin law is enforced and left uncontested, similar legislation would undoubtedly be introduced and enacted in numerous other state legislatures. Exhibitors in many states, it is learned, are already studying the Wisconsin law with a view to having similar legislation prepared for introduction in their own state legislatures.

Any widespread enactment of the same or similar legislation would be

(*Continued on page* 2)

Minnesota Circuit Up to 77th Theatre

Opening of the Time, Mankato, Minn., last week marked a new total of 77 for the Minnesota Amusement Co., John J. Friedl, head of the Paramount affiliate circuit, states. The Empress, Rochester, Minn., was also reopened recently.

Freidl, who is here on film buys, plans to leave for Minneapolis tomorrow. L. J. Ludwig, who is associated with him, left Saturday.

$49,000 at Capitol Big "China" Gross

The Capitol was in the money last week with "China Seas," minus a stage show. The gross for the first week under the new all-film policy was $49,000, which netted the Loew

(*Continued on page* 2)

Not Pooling

Aside from the present theatre partnerships and a deal which has been completed with Si Fabian for the Paramount, in Brooklyn, Paramount is not considering any other pooling proposals, Y. Frank Freeman stated Saturday.

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DAILY
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Sabath Body Extends Scope into Boston

BOSTON, Aug. 18.—The Sabath Congressional committee investigating real estate reorganizations will meet here in the near future to consider not only legislation to remedy existing conditions, but also, if found necessary, will propose the appointment of a special prosecution attorney to bring actions on evidence it has uncovered on its investigations to date. This was stated yesterday before Judge Franklin Hammond in Suffolk court by Peter Boore, local agent for the Sabath committee.

$49,000 at Capitol Big "China" Gross

(*Continued from page* 1)

house a handsome profit for the seven days. This take is $18,500 under the Music Hall for the same period with "The Farmer Takes a Wife."

The first week of "Accent on Youth" at the Paramount was good for $22,500. "Dante's Inferno" at the Rivoli in its second week garnered a weak $7,500. The Palace pulled "She" after four days and followed with "Curly Top" the latter half of the week.

Muni Ill; Film Halted

HOLLYWOOD, Aug. 18.—Paul Muni will be confined to his home for the next 10 days or two weeks with an attack of yellow jaundice. His next picture, "The Enemy of Man," was to have started Monday.

Insiders' Outlook

By RED KANN

NOW that the first shock over the untimely death of Will Rogers has had some opportunity to become dulled, it is this department's opinion that attention should be directed without further delay to the object lesson which asserts itself so obviously from that tragedy. Rogers was not the only star bitten by the aviation bug. Gadding about in 'planes is a popular procedure in Hollywood, some of it "for fun," some of it in keeping with the reason why aeroplanes are: to get faster to a given point.

▼

THE factors in a situation like this are twofold. There is the personal equation of injury and death and the mark which either or both leaves on family and friends. But this morning we pass that by completely for purposes of a business discussion, which makes it a calloused discussion, about the obligation of stars to their companies and their companies' obligations to their stockholders. Out of most deplorable circumstances, there is something to be learned. So it is in the case of Rogers.

▼

THAT something, justifiably, is a rewriting of contracts for personal services to keep talent on the ground where it has a running chance of remaining safe. Stars who are paid huge salaries, usually if not always, earn what they get. Their peculiar hold on the public esteem lifts them out of the category of the routine and makes of them individuals or merchandise or property—call it what you like—that must be safeguarded, not only as jealously but also as zealously as business administration can manage to contrive.

▼

A PRODUCER, as matters go these days, will worry and ultimately drop any of his drawing cards who may become involved in a private scandal gone public. He will sweat and swear over vehicles, supporting casts, production investiture and his distributor will cloak his attraction in national advertising campaigns. Yet, at the base, there has been unpardonable negligence in the failure to protect the life of the star without whom the rest of such frenzied enterprise is nothing.

▼

INSISTENCE, by contract proviso, that stars recognize their responsibility as commodities and conduct their private affairs in appreciation of that fact is construable as impinging on their personal prerogatives. That is exactly what is here suggested for their benefit as well as the good of their employers and their customers.

Important personalities in public life, here and abroad, carry their bodyguards. Their public movements are restricted in the cause of their safety. In their own business way, if not in the political and social scheme, the personalities in this business who attract grosses are no different.

Producers probably will strike the attitude that any wholesale effort to prohibit sky riding by contract will smack of collusion and conspiracy. Perhaps it will. There is, however, something beyond the technicality of the law and here is the opportunity, bulwarked by outright necessity, to prove it.

▼

THERE is still another point, thrown into bold relief by the Rogers death. Fox has two more of his pictures to release, "Steamboat 'Round the Bend" and "In Old Kentucky." They will be available on their designated release dates.

The public regard in which Will was held, typified by comment from high places and editorial tribute such as that reprinted from the New York newspapers elsewhere in this edition today, makes it clear that dignity in advertising and handling must prevail. Any effort on any exhibitor's part to seek capital from a matter like this will redound to his well-earned discredit.

The theatre division of the industry now has before it an obligation in good taste to fulfill. Lambasted and excoriated time without end for conduct unbecoming, the need and chance now are for gentlemanly and sympathetic deportment.

We urge it.

Ascap Primes To Fight Law In Wisconsin

(*Continued from page* 1)

a body blow to Ascap operations, spokesmen for the organization admit.

The new Wisconsin law, known as the Graas bill, was signed by Governor LaFollette recently. Under the its terms, any music broker, except the original composer, who wishes to make contracts for playing of copyrighted music must obtain a state license and give complete information on officials of the company, their salaries, rates charged the player and fees paid the author, and must pay a tax of five per cent of the broker's gross receipts for the preceding year, whether obtained inside or outside the state. A $500 fine is also provi d for any person who requests p formance of a copyrighted piece in order to start an infringement suit.

Warners Close Two Big Circuit Deals

Warners closed two important circuit deals Saturday which give the company's product playing time in 141 theatres in Oklahoma, Texas, New Mexico and Florida.

The first deal was with the R. E. Griffith Amusement Corp., which has 58 houses in Oklahoma, Texas and New Mexico. The second was with E. J. Sparks which has 83 theatres in Florida. The latter circuit has no representation in Miami.

H. R. Falls of the Griffith circuit and Sparks and Frank Rodgers for the Sparks group closed with Gradwell Sears, southern and western sales manager, and Fred Jack, southern division head of Warners.

Vitaphone Plant Busy

Production at the Vitaphone Brooklyn studio continues at a rapid pace. Now in the cutting room are eight two-reelers and nine singles.

Elect New Fox Met Officers Thursday

Officers of Metropolitan Playhouses, Inc., are scheduled to be elected on Thursday, it was stated by an authoritative source over the weekend. Federal Judge Francis G. Caffey is expected to sign an order either today or tomorrow approving the change of name from Fox Metropolitan Playhouses, Inc. to Metropolitan Playhouses, Inc. At the same time he is scheduled to approve transfer of assets.

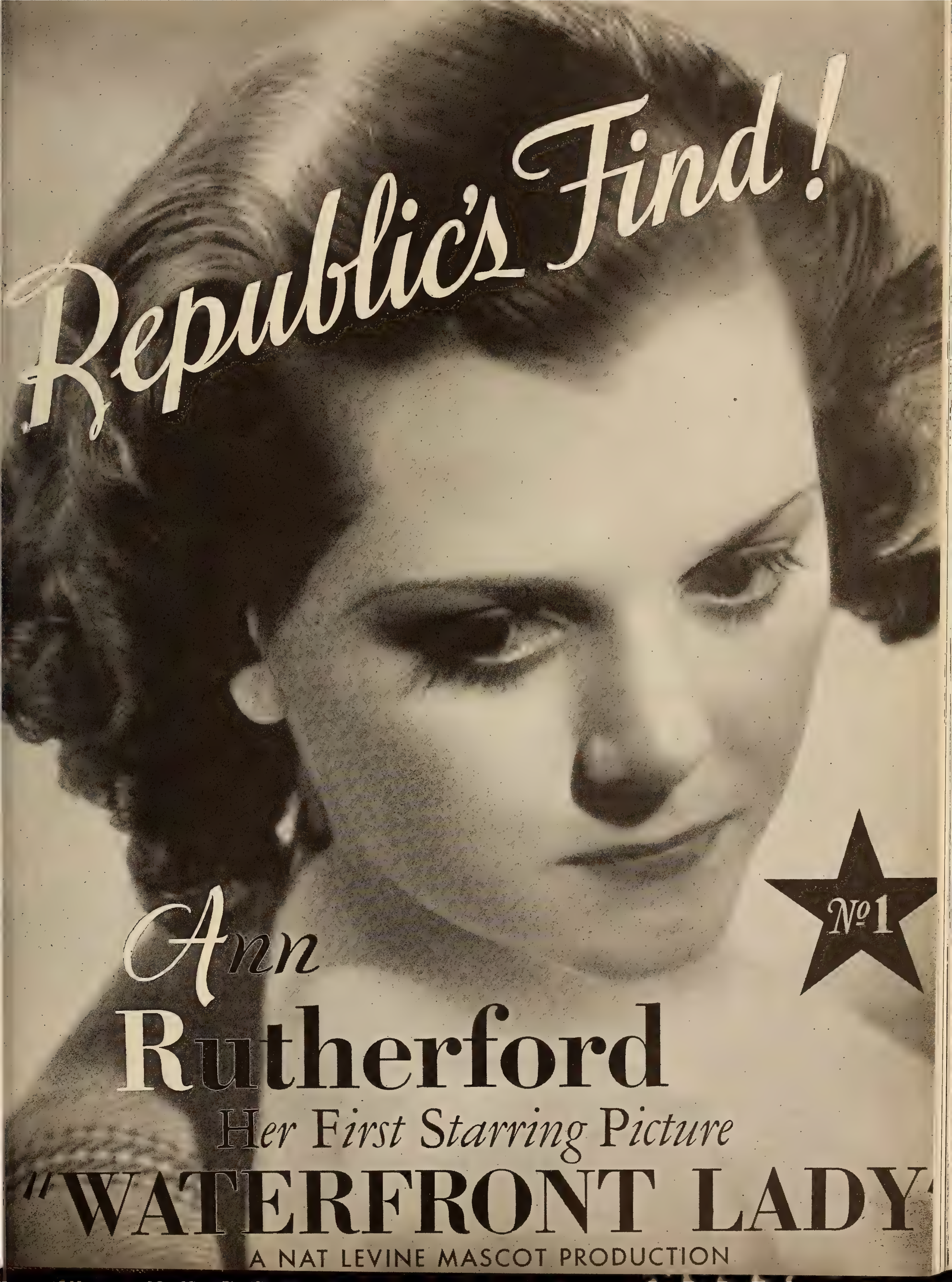
Preliminary reports have Joseph M. Schenck set for president.

Johnson, a Producer

HOLLYWOOD, Aug. 18.—Nunnally Johnson has been promoted from writing ranks to associate producer by Darryl Zanuck at Twentieth Century-Fox. His first assignment is to "The Man Who Broke the Bank at Monte Carlo," for which he wrote the script.

"Money" to Open Aug. 21

"We're in the Money" opens at the Strand Wednesday and will be followed by "Page Miss Glory" on


Republic's Find!
№1
Ann
Rutherford
Her First Starring Picture
"WATERFRONT LADY
A NAT LEVINE MASCOT PRODUCTION

Nice Work,

WARNER BROS.

We enjoyed reading your recent announcement and we're glad to see you have so many great pictures lined up for the coming year. But we particularly want to congratulate you on the number of big shows you have massed for the early months of the 1935-'36 season.

It means a lot to theatre men to be able to bring folks back to the movie habit as quickly as possible after the summer layoff—and it takes real pictures to do it! That's why we're all so delighted with the attractions on your early fall release schedule.

The Exhibitors of America

MARION DAVIES
in
"PAGE MISS GLORY"*

Her first Cosmopolitan Production for Warner Bros. With "an amazing cast" (*Photoplay*) PAT O'BRIEN · DICK POWELL · 10 OTHERS

KAY FRANCIS
in
"THE GOOSE AND THE GANDER"°

With GEORGE BRENT · GENEVIEVE TOBIN · RALPH FORBES. Her first

PAUL MUNI
in
"DR. SOCRATES"*

With ANN DVORAK. Headline story of a gangster's doctor. From sensational Collier serial by the author of 'Little Caesar

DICK POWELL • RUBY KEELER
in
"SHIPMATES FOREVER"°

With LEWIS STONE · ROSS ALEXANDER · Others. The Navy's 'Flirtation Walk'. A Cosmopolitan Production

BETTE DAVIS
in
"SPECIAL AGENT"*

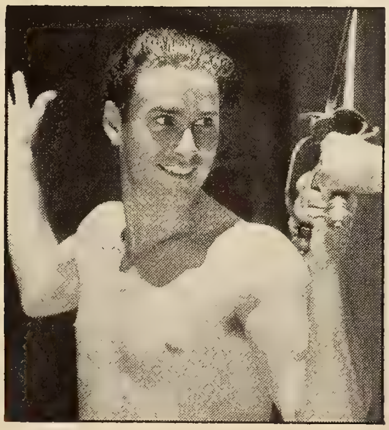
With GEORGE BRENT · RICARDO CORTEZ · JACK LaRUE. First story of Treasury Department's heroic T-Men. A Cosmopolitan Production

SYBIL JASON
Uncle Sam's favorite child in
"LITTLE BIG SHOT"*

With GLENDA FARRELL · ROBERT ARMSTRONG · EDWARD EVERETT HORTON · JACK LaRUE

"I LIVE FOR LOVE"*
with
DOLORES DEL RIO
EVERETT MARSHALL

Sensational singing stage favorite



"CAPTAIN BLOOD"°

Spectacular production from the famous Rafael Sabatini novel starring ERROL FLYNN and OLIVIA DE HAVILLAND. With large Star Cast

Note to the boys who played 'Front Page Woman', 'Broadway Gondolier', 'The Irish In Us' and the rest of Warner Bros.' summer program: There was the usual warm weather slack in trade. Of course you wouldn't know anything about *that.*

*A Warner Bros. Picture °A First National Picture Vitagraph, Inc., Distributors

America IS LAUGHI

"Certainly the most genuinely funny picture Zasu Pitts has appeared in. It reaches gorgeously high spots of burlesque . . . Give it a break because there's something in it for practically every type of audience."

— HOLLYWOOD REPORTER

"Cued to the crowd . . . Gets laughs by the sheer impact of its nonsense . . . It has a virility which appeals to the mob . . . Miss Pitts gives her excellent standard performance."

— DAILY VARIETY

"A topical, pleasing, laugh show"!

— MOTION PICTURE DAILY

Produced by DAVID DIAMOND . . . Directed by WILLIAM NIGH

IT'S CRAZY! CRAZ

NG AGAIN!

thanks to

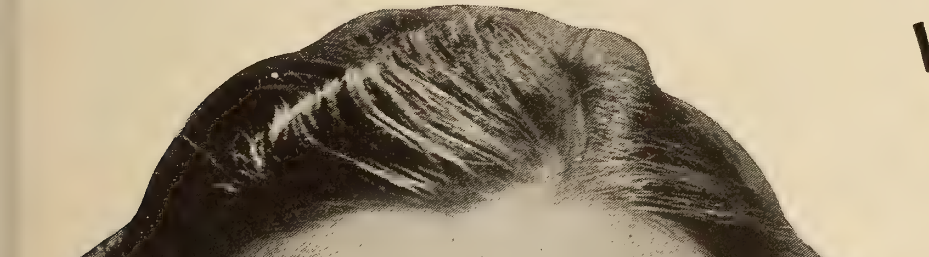
ZASU PITTS

HUGH O'CONNELL

and her marvelously funny supporting cast in

UNIVERSAL'S

"SHE GETS HER MAN"



Y WITH LAUGHTER!

Allied Maps "Must" List Of 6 Points

(*Continued from page* 1)

farcical that that monstrous thing which caused so many heartaches should have succumbed to a simple elementary lesson in constitutional law read by the Supreme Court of the U. S." His platform follows:

1.—We must have an affiliated regional association in each state in the union.

2.—We must establish facilities for a quicker and more effective interchange of information and closer cooperation between the national and regional associations.

3.—We must be equipped to obtain judicial definition and vindication of exhibitors' rights in the matter of chain expansion.

4.—We must devise a method of marshalling independent buying power so as to compete with the chains and force the abandonment of monopolistic selling practices.

5.—We must encourage in every way possible the bringing in of new sources of product in order to reestablish competition in the selling of motion pictures.

6.—We must secure enactment of the Pettengill-Neely anti-compulsory block booking bill and the Duffy copyright bill.

Myers Discusses Expansion

Discussing expansion, Myers says: "That Allied must have at least one loyal regional association in every state is too clear for arugment. We must have active organization men in every congressional district to aid in the legislative program. And we must be able to overcome in a most decisive way the claim, always encountered in national problems, that the independent exhibitors do not know what they want because, forsooth, their very ranks are divided.

"Such division as crops up from time to time is due in part to the activities of subsidized pseudo-exhibitors whose inspiration comes directly from the Hays' office. It is also due in part to the fact that, in territories in which such division is manifested, there is no Allied unit to spread the gospel and for the independents to rally around.

"The great strides made during the past two years remind us, however, that effectiveness, not size, is the measure of the strength of an organization.

"A loose organization of distant associations, ruled over by satraps who respond to the pleas of the national association only when it is to their immediate advantage to do so, can accomplish nothing. On national issues these regionals must be integrated into a well-oiled, smoothly functioning machine."

Suit Against Shorts Forcing Developing

Milton C. Weisman plans to file suit against local exchanges for alleged forcing of shorts and the weekly payment plan on shorts in about two weeks, he stated Saturday. He added that the papers in the matter are now being checked.

Hollywood Flies Mourning Flags; Misses Its Rogers

(*Continued from page* 1)

relaxation to tired minds and bodies. He never dressed for the game, but always came on the field in boots or overalls and yet was considered one of the leading local exponents and experts in that sport.

Rogers once said, when he was named a Presidential candidate:

"A comedian can only last until he takes himself serious or his audience takes him serious and I don't want either one of those to happen to me until I'm dead, if then. So let's stop all this foolishness right now."

He received 22 votes.

An incident typical of the man is currently being related at Twentieth Century-Fox. The studio had fixed up his bungalow with electric kitchen equipment and decorated the rooms with western and Indian trophies while the grounds were planted with cactus plants. Rogers looked in and said it was swell but never returned until the late President Coolidge and his wife visited there. Then he apologetically said:

"They had to sit somewhere, didn't they?"

Appeared in Many Benefits

He had appeared at innumerable Motion Picture Relief Fund benefits, turning down big offers to do so. He was a Methodist, a Shriner and an ardent admirer of Evangeline Booth, head of the Salvation Army, and of Mark Twain.

Rogers always said white folks could not sing Negro spirituals and so always went to colored churches to hear them.

He always did exactly what he felt like doing while working before the camera, ad libbing at will with such excellent results his directors never interfered.

A Hollywood story, perhaps just a legend, has it Rogers never held a written contract with Winfield Sheehan when the latter was in charge of production. Rogers' word was his law.

He was the first in the film colony to use aeroplanes for commuting on a large scale and was credited with winning others over to this method of travel.

He always sat on the set composing his daily, newspaper-syndicated article letting the grips and the cameramen read copy before filing.

Rogers talked with kings, but he had the common touch.

Eulogized by N. Y. Press

Every newspaper in New York on Saturday published editorial eulogies to the memory of Will Rogers. Excerpts follow:

American—Rogers was many things—an actor of excellent ability, an orator of homely attractiveness, an observer of curious discernment, a gentle-spoken cynic when humbuggery called for ridicule, a humorist in the very traditions of Artemus Ward and Josh Billings with a quaint originality that was solely his own, and withal as truly and sagely a philosopher of life as were Emerson and Holmes and Mark Twain.

Daily Mirror—It is difficult to suggest any death that could deeply and sorrowfully affect as many Americans as does the death of Will Rogers.

He was the intimate friend, literally, of tens of millions of Americans. They knew his mind through his writings, knew his face, smile, his voice by the "movies." He had been read by millions and had spoken to millions, directly, and from the screen.

Daily News—Will Rogers had many talents, all of which he kept constantly at work, for himself and for the public amusement and improvement—though Rogers would have been the last to admit any intent to improve anybody.

He was a superb actor; perhaps the most representative American actor we have ever had, just as Mark Twain was our most representative American writer. Rogers also was the finest paragrapher in the country.

Evening Journal—Will Rogers was friend, mental companion, spokesman for the average, common sense American. . . . Above all, Will Rogers set a good example to every American, young and old, especially to the young.

He worked hard for what he got, and continued working hard after success came. . . . Will Rogers will long be remembered. No man in this country was better known or better liked. He will be remembered for his good humor, simplicity, manly friendship, utter frankness and for his courage.

First in America's Affections

Herald-Tribune— . . . world famous for his homely wit and representative comment, the other for his feats of flight. Will Rogers hadn't a living peer in the affections of America's millions.

Post—The Rogers of the lariat and the quip was the friend of Kings and Presidents. The Rogers of "Judge Priest" and "State Fair" and "Doctor Bull" was loved by millions the world over. They loved not merely Rogers, but something of what we like to think of as American.

Sun—Will Rogers was holder of a privileged and distinguished role—jester to the American public, which always expected and got from the jester an undercurrent of homely common sense, so simply and artlessly expressed that it reached everybody.

Times—A peculiar sense of national loss will be stirred by the tragic death of Mr. Rogers. He had a unique career, which we all like to think could have been run only in America. . . . Little need be said of Will Rogers's play-acting or appearance in moving pictures. They were a part of his versatility, and he carried them off with a gusto and impact of personality which usually left them beyond criticism. . . . It is certain that we shall not look upon Will Rogers's like again.

World-Telegram—Into a sentimental soil that has enshrined a David Harum, a Mark Twain and a Lindbergh this man, whose multiplex character comprised the appeal of all three, had sunk deep roots of human affection and respect.

Family Starts for West

Mrs. Will Rogers, her daughter, Mary, and youngest son, James, left New York Saturday for the family home at Beverly Hills. They were accompanied by Theda Blake, Mrs. Rogers' sister. An older son, Will, Jr., is already at the family home.

Mrs. Rogers and her daughter were at Skowhegan, Me., for the summer. The son, James, was visiting here.

Funeral arrangements for Rogers were being arranged at Beverly Hills over the week end.

Bodies in Seattle Today

SEATTLE, Aug. 18.—The bodies of Will Rogers and Wiley Post are due to arrive here tomorrow aboard a Pacific Alaska Airways plane from Juneau and will be immediately started on the way to their respective homes for funeral services.

Joe Crosson, Arctic flier and friend of Rogers and Post, flew from Juneau to Point Barrow, Alaska, where the bodies were placed aboard Crosson's plane on Saturday and started for Juneau. At that city the bodies were transferred to the Seattle plane.

Rogers' remains will be sent immediately to his Beverly Hills, Calif., home for funeral services, and Post's to the home of his parents near Maysville, Okla.

From Brisbane

Arthur Brisbane, in his column, "Today," which is published in the Hearst newspapers and syndicated to hundreds of others throughout the United States, on Saturday said, in part, of Will Rogers' death:

"It is probable that not half a dozen Americans have been known to the millions of this country as Will Rogers is known to them. They know his mind through his writings, and his face, his voice, and his smile, thanks to talking-moving pictures. . . .

"Millions of Americans will feel that in the death of Will Rogers they suffer loss of a personal friend."

Missouri Tax At Hand, But Not Machinery

(*Continued from page* 1)

mits, in that the tax may be uncollectible.

Rumors of a special session are being heard, particularly from Kansas City and St. Louis where it is believed that an extraordinary meeting of the assembly will be required to untangle "the sales tax mess."

Complicating the matter is Attorney General Roy McKittrick's opinion, given Aug. 7, that the one mill coins would not be legal for the collection of the one per cent sales tax in Missouri on sales of less than 10 cents.

"To require the payment of one mill on such transactions would be more than the law authorizes the seller to collect from the purchaser," said McKittrick.

"If Congress does not agree to these coins, we cannot tell when the state will be able to start collecting the tax," McKittrick has said.

If Forrest Smith, state auditor and collector of the tax, respects the opinion of McKittrick, he will have to issue stamps of one-tenth of a mill upward. But he already has looked into their use and found the cost will be prohibitive. Besides, those who must collect the tax—merchants, theatre men, etc.—do not like the coupon idea. Use of stamps is regarded by theatre men, merchants and others as almost impossible. Smith has returned to Jefferson City from Washington where he urged coinage of mill tokens.

Those most serious about the special session point out that the law is certain to be tested in the courts. It would be easier, they believe, to revise the law now than to subject it to a constitutional test when the method of collection is so doubtful.

E. E. Webber, operator of the Mary Lue, said he expected show business to fall off temporarily as a result of public antagonism to the sales tax.

◂ Purely Personal ▸

HELEN VINSON, JOHN ROYAL, NBC program director, EDWARD EVERETT HORTON, MRS. ERNO RAPEE, J. ROBERT RUBIN and BORRIS MORROS are aboard the *Normandie* due to dock here this morning. Tide willing.

•

WILLIAM RICCIARDI is scheduled to arrive at the coast by plane today for immediate work in Warners' "Stars Over Broadway."

•

JACK BELLMAN, JOE HORNSTEIN and EDDIE GOLDEN plan to attend the Allied of New Jersey meet this week in Atlantic City.

•

MORT SINGER returns from Chicago today to sit in on circuit-union negotiations here on a basic wage scale.

•

HERMAN FINKELSTEIN of the NATHAN BURKAN law office left this week-end on his annual vacation.

•

SOL LESSER may leave for the coast by plane today. It all depends on whether he closes a certain deal.

•

DAVE PALFREYMAN is due back today from a two weeks' vacation in Maine.

Brooklyn Deal Closed

Paramount agreed on Saturday to a continuance for one year from Sept. 1 of Si Fabian's operating deal on the Brooklyn Paramount. The continuance amounts to a one-year extension of the present arrangement as the terms in force during the past year remain unchanged, it was stated at Paramount.

Wall Street

Small Gains on Big Board

	High	Low	Close	Net Change
Columbia	76	75	75	— ⅛
Consolidated Film	4⅞	4½	4⅞	+ ⅛
Consolidated pfd.	17⅝	17¼	17¼	— ⅛
Fox	16	15¾	16	+ ½
Loew's	41⅞	41⅜	41½	+ ¼
Loew's pfd	105⅜	105	105	— ½
Paramount	5	4⅞	5	+ ⅛
Pathe	1⅛	1	1	.....
Pathe "A"	11¾	11½	11½	+ ⅛
RKO	2⅞	2¾	2¾	.....
Universal pfd.	33¾	33¾	33¾	—1¼
Warner	5⅝	5½	5½	.....
Warner pfd.	37¾	37¾	37¾	— ¾

Trans Lux Up ⅛ on Curb

	High	Low	Close	Net Change
Sentry Safety Control	⅜	⅜	⅜	.....
Sonotone	2	1⅞	2	.....
Technicolor	19¼	19⅛	19¼	— ⅝
Trans Lux	2⅝	2⅝	2⅝	+ ⅛

Paramount F. L. Bonds Gain 1 Point

	High	Low	Close	Net Change
General Theatre 6s '40 ctf.	13¾	13⅝	13⅝	— ⅜
Keith B. F. 6s '46	90⅛	90⅛	90⅛	.....
Loew's 6s '41 ww deb rights	103¾	103¾	103¾	+ ½
Paramount F. L. 6s '47	102½	102¼	102½	+1
Warner Bros. 6s '39 wd.	78¾	78½	78¾	+ ¼

(Quotations at close of Aug. 17)

Academy Technicians Ready for Election

HOLLYWOOD, Aug. 18.—Nominations for the board of governors and executive committee of the Academy were completed yesterday by the nominating committee for the technicians' branch.

The nominees, from among whom three will be elected to the board by the technicians' branch, are John Arnold, Farciot Edouart, Harris Ensign, Fred Hope, Nathan Levinson, Gene Milford, Wesley C. Miller, Max Parker and Van Nest Polglase. Nominations for the executive committee, seven to be elected, are Bernard Herzbrun, Fred Hope, Max Parker, Van Nest Polglase and Alexander Toluboff from the technicians' branch; Margaret Booth, Harold J. McCord and Gene Milford from the art directors' section; John Arnold, Farciot Edouart, Harris Ensign, Ralph Hammeras, Victor Milner, Henry Sharp and George Seid from the film editors' section; and Gerald Best, Bernard Freericks, Nathan Levinson, Wesley C. Miller, Loren Ryder and S. J. Twining from the photographic section.

The sound section of the technicians' branch is being permitted to make additional nominations by petition under the Academy by-laws during the next two weeks. Any 15 members of the branch may submit nominations.

Wilcox Rounds Out New Company Plans

(Continued from page 1)

Wilcox Prod., Ltd., and General Distributors, Ltd., C. M. Woolf's new company, will handle release as anticipated.

Each picture will cost £75,000. The first will be "The Street Singer" with Anna Neagle and Arthur Tracy and starts in three weeks with Wilcox directing. Second will be "The Blue Lagoon," which will be made in Honolulu in Technicolor. Ernest B. Schoedsack is due here shortly in connection with it. Efforts are being made to get either Joel McCrea or Richard Cromwell for the lead.

Tullio Carminati is planned for the third, a musical, with Miss Neagle in the support. An offer also has been made to Bing Crosby to star in the one outside picture he is permitted each year under his Paramount contract. Tom Walls and Ralph Lynn will co-star in two others.

Wilcox plans to direct two a year himself, supervise all of his independent product and continue supervision of the regular B. and D. output.

Sales in Sonotone Show 44% Increase

Sales of Sonotone hearing aids showed a 44 per cent increase during the first seven months of this year as compared with the like period last year, according to Dean Babbitt, general sales manager. The company's sales so far in 1935 amounted to $978,169, compared with $678,965 for the first seven months of 1934.

With the exception of a slight decline in Central Europe, due to exchange difficulties, all territories both in the United States and abroad have participated in the advance with the Pacific Coast states registering the sharpest gains, Babbitt said.

To Quiz Erpi Pacts

Hollywood, Aug. 18.—An RCA survey to determine whether Erpi's contracts with major studios are restrictive recording deals which prevent RCA from making pacts with studios is reported to be underway here. James Francis, RCA western general manager, and Frederick Leuschner, resident attorney for RCA, are said to be engaged in the study.

Charges M-G-M with Inaccuracies on Loy

HOLLYWOOD, Aug. 18.—Myron Selznick, agent, took it upon himself over the weekend to step into the Myrna Loy-M-G-M situation when he charged the producer with "certain inaccuracies" of statement relative to the studio's difficulty with the actress. Published statements in connection with the case demanded an explanation, Selznick said, and proceeded to give his.

Negotiation's for an adjustment of Miss Loy's M-G-M contract have been attempted by Selznick for the past year, he said, on his understanding that the studio had promised some adjustment at the time the contract was entered into.

In contradicting the studio's asserted claim that Miss Loy went to Europe without advising M-G-M, Selznick asserted that the actress had never been asked to return to Hollywood and that through her European trip and after her return to New York the company was in constant touch with her "and secured her services in making important publicity contacts with the press."

Selznick said Miss Loy's contract carries a 40-week per year work guarantee and that prior to her departure she was engaged daily in carrying out company instructions. However, he said, her salary was suspended while she was en route to Europe. She participated in exploitation activities on her return, he said, but the studio continued to withhold her salary, he charged, despite demands.

Paralysis Epidemic Tapers in Carolina

(Continued from page 1)

ticipating a return to normalcy in business next month.

A slight decline in the number of new cases has been noted this month over the three previous months and, while the number has reached more than 530, state health officials say the last of this month or the first two weeks of September should see the end of the epidemic.

In some sections where the paralysis was most prevalent grosses were off as much as 50 per cent. In some counties where no recent outbreaks have occurred, local officials have lifted restrictions against children congregating and theatres in these counties are again open. Throughout the state, theatre operators have co-operated with health officials in efforts to prevent further spreading of the disease by refusing admittance to persons under 15.

Rival Unions Approximate Merger Stage

(Continued from page 1)

tion of the court order. Both circuits have long-term contracts with Empire and are now understood to be amenable to a merger.

During the NRA fact-finding committee conferences several months ago Empire did not participate because of the court order. The conferences, which were held to formulate a basic wage scale for the local territory, provided Local 306 would take in members of Allied.

Provided the merger is effected, the two unions will marshal forces in a campaign against Local 306. Allied at present is picketing Loew houses in retaliation for the I.A.T.S.E. affiliate union drive against Harry Brandt.

At a meeting of the I.T.O.A. last week, members rallied to Brandt's support with financial assistance, but the head of the exhibitor unit declined, expressing confidence he would win out.

Resume Booth Scale Parleys Here Today

(Continued from page 1)

not meet Saturday. Mort Singer, who has been sitting in on the sessions with Leslie T. Thompson, is due back from Chicago today.

More than 250 Local 306 pickets were arrested last week on various charges. All but 55 were dismissed when arraigned before Magistrate Brodsky. As a result of an injury to a policeman, the sandwich men are experiencing rough treatment. Executives of the I. T. A. S. E. unit on Saturday declared the arrest of Albert Apterkar on felonious assault charges was "a frame up."

Cross picketing on Broadway is in full force. Every house on the stem has two men of either Local 306 of Allied union, according to who operates the house, marching up and down with placards. The circuit houses have Allied pickets and independent theatres have Local 306 sandwich men.

I. A. Head to Windy City

CHICAGO, Aug. 18.—George E. Browne, president of the I.A.T.S.E., now in New York, is expected here within the next few days to discuss a new local operators' wage scale.

Allied of Illinois is particularly worried about the union situation here and, unless many details are worked out before Sept. 1, considerable difficulty is anticipated. The six-day law passed in the last term of the legislature is regarded by independents as working a hardship on them inasmuch as extra men will have to be employed.

Browne in Mystery Moves

Mystery surrounds the activities of George E. Browne, head of the I.A.T.S.E. While the local offices of the International state he is not in town, authoritative sources claim he is in New York and keeping an observant eye on negotiations being carried on between circuits and Local 306.

BIGGEST OPENING
MUSIC HALL SINCE

. . . Let The New York

"BRILLIANT PICTURE"

"The series of fine, sensitive portraits of imaginative young women, which Katharine Hepburn has contributed to the screen with intuitive understanding, has been topped by her latest achievement . . . 'Alice Adams' is a brilliant picture presented with tender understanding . . . One of the most outstanding performances of the year . . . definitely places her in a list of candidates for any awards that Hollywood has to give."

—Kate Cameron, N. Y. Daily News

"HIGH ON HONOR ROLL"

"America's greatest actress, Katharine Hepburn, holds the Music Hall screen in an exquisite and what 'Alice

KATHARINE
HEPBU

IN BOOTH TARKINGTON'S P

ALICE A

with FRED MacMURRAY • FRED S

DIRECTED BY
GEORGE STEVENS
A PANDRO S. BERMAN
PRODUCTION
RKO-RADIO
PICTURE

FOR HEPBURN PICTURE AT
'LITTLE WOMEN" ★ ★ ★ ★

Critics Tell You Why . . .

Adams' herself might describe as a 'sadly happy' picture which, when the year's film total is totted, is certain to stand high on the honor roll. It is class for the masses . . . Hepburn requires no further claim to motion picture immortality than that she offers as 'Alice Adams' . . . It is an exceptional motion picture."

—*Regina Crewe, N. Y. American*

"HER FINEST WORK"

"Splendid screen version of 'Alice Adams' . . . An oddly exciting blend of tenderness, comedy and realistic despair . . . Hepburn's performance will rank with her finest work on the screen . . . The film is a triumph, too, for its director." —*Andre Sennwald, N. Y. Times*

ITZER PRIZE NOVEL

DAMS

ONE • EVELYN VENABLE

"EXCELLENT DRAMA"

"The screen version of Booth Tarkington's best novel, 'Alice Adams' . . . is an excellent screen drama, genuinely notable for its fine details of life in the lesser urban centers of the Middle West."

—*Richard Watts, Jr., N. Y. Herald-Tribune*

"CORKING GOOD FILM"

"Rarely does a picture so capture the flavor, the subtleties as well as the essentials of a book as does this new feature at the Music Hall . . . 'Alice Adams' is a corking good film . . . poignant and funny at the same time . . . Music Hall echoed with such constant laughter that some of the lines couldn't be heard."—*Eileen Creelman, N.Y. Sun*

"FINEST OF SEASON"

"The film is so superbly played by Katharine Hepburn and her supporting cast that it emerges as the finest screen entertainment of the summer season . . . Miss Hepburn gives a performance that is superb . . . a performance that captures all the loneliness and heartache of the character . . . Fred Stone does a fine job . . . Good, too, are the others . . . and they make 'Alice Adams' a film worth seeing."

—*William Boehnel, N. Y. World-Telegram*

"DESERVES SUPERLATIVES"

"Pin all the superlatives you want to on 'Alice Adams' . . . It deserves them . . . Katharine Hepburn gives one of the finest performances of her career."

—*N. Y. Evening Journal*

"SUPERB PERFORMANCE"

"Unalloyed delight . . . Miss Hepburn has never looked more stunning nor played with such distinction . . . It is a performance that is superb in every detail . . . In the screen version of Booth Tarkington's novel Miss Hepburn has found the kind of role for which her temperament and style are eminently suited."

—*Thornton Delehanty, N. Y. Post*

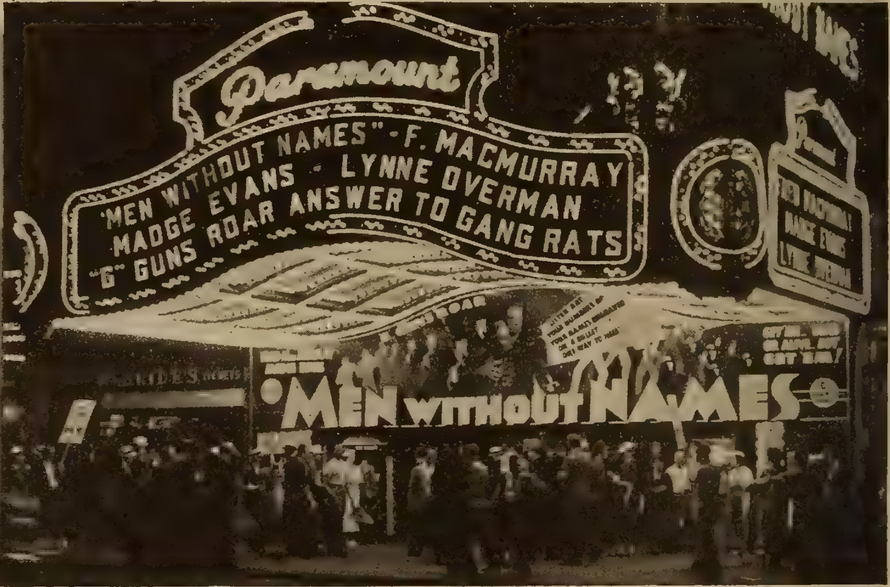
CAPITOL
W.C. FIELDS·MAN ON THE FLYING TRAPEZE
SENSATIONAL STAGE SHOW STARRING
LOU HOLTZ BELLE BAKER BLOCK & SULLY
LOU HOLTZ
BELLE BAKER
BLOCK SULLY
MOORE & REVEL
W.C. FIELDS MAN ON THE FLYING TRAPEZE

Photographed by
AL GILKS

Hot Weather Hits

. . . . DU PONT NEGATIVE

Photographed by
BEN REYNOLDS


Paramount
"MEN WITHOUT NAMES" - F. MACMURRAY
MADGE EVANS - LYNNE OVERMAN
"G" GUNS ROAR ANSWER TO GANG RATS
MEN WITHOUT NAMES

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The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 43 NEW YORK, TUESDAY, AUGUST 20, 1935 TEN CENTS

Ascap Tussle Takes on a Nat'l Aspect

Launch "Anti" Campaign On Three Fronts

A legislative and legal battle against Ascap on a national scale has been set in motion by exhibitors, radio broadcasters and hotel men and is believed to have been responsible for passage of Wisconsin's new tax and regulatory law and the recent enjoining of Ascap from operations in the state of Washington. In addition new drastic tax and regulatory measures have been passed in Louisiana and Georgia and are threatened on several other fronts, it was learned yesterday.

Ascap representatives, aware of the

(*Continued on page* 10)

RKO Lease on Para., Syracuse, Extended

RKO will continue to operate the Paramount, Syracuse, for another year, under the terms of an extension signed yesterday between Y. Frank Freeman, for Paramount, and RKO executives.

This is one of two theatres operated by RKO in Syracuse which is part of pooling negotiations under way between the circuit and Meyer Schine. who operates the Eckel. The Strand, a Warner house, is the second RKO unit being operated in Syracuse. Schine is due within the next few days to discuss the pool.

Kansas Legislature May Avoid Session

TOPEKA, Aug. 19.—Prospects of being able to avoid a special session of the Kansas legislature are being investigated by Clarence V. Beck, attorney general. If Beck finds that Kansas can begin taking advantage of the new national security setup at once without waiting for special enactments, the likelihood is that no special session will be called.

A 10 per cent admission tax is being considered as one means of raising the necessary revenue.

Buffalo Dog Racing Continued Unsettled

BUFFALO, Aug. 19.—The fate of dog-racing in this section remained unsettled after Judge Benjamin P. Milne found two men not guilty of a penal

(*Continued on page* 11)

Fox Stockholders' Meeting Delayed; Waiting on Court

Absence of a decision from State Supreme Court Justice Alonzo McLaughlin in Brooklyn on the application of Mrs. William Fox for an injunction to restrain Fox Film from consummating its merger with Twentieth Century resulted in a third adjournment of the Fox stockholders' meeting scheduled for yesterday.

Fox attorneys on Saturday filed their replies to the affidavits submitted by attorneys for Mrs. Fox and her All-Continent Corp. in support

(*Continued on page* 10)

Matthews New Head Of Projector Firm

CHICAGO, Aug. 19.—F. E. Matthews is new president and treasurer of Enterprise Optical Manufacturing Co., makers of Motiograph projectors, succeeding O. F. Spahr, who is no longer connected with the management of the company.

New directors are A. T. Spring, C. F. Springer and Matthews. Active management will be under direction of E. J. Weinke, in charge of production; W. H. Hirschfield, in charge of sales, and J. A. Neale, in charge of financing and auditing. A progressive and energetic sales policy will be undertaken immediately.

Spahr was with the firm over 15 years.

Subsequent Run Plan In Cleveland Dawdles

CLEVELAND, Aug. 19.—Nothing definite on adoption of a general subsequent run policy was done at the latest meeting of the Cleveland M. P. Exhibitors Ass'n. A last and final meeting is scheduled for an early date, at which time the exhibitor agreement providing for single features of all pictures playing a downtown seven-day first run, will either be unanimously adopted, or be entirely abandoned. Ernest Schwartz, president of the association, is of the opinion that the agreement will be adopted.

Proposed Cincy Body For Clearance Pact

CINCINNATI, Aug. 19.—A general meeting of independent exhibitors in the Greater Cincinnati area, to be followed by other meetings at intervals of approximately two weeks, as the nucleus of what is expected to crystallize into a permanent organization, was held at Variety Club. Discussions were centered around ways and means of getting together

(*Continued on page* 11)

Randforce Splurge

Having taken over the Tivoli, Brooklyn, yesterday from the late Harry Traub estate, Randforce is now negotiating for five additional theatres in the same borough. Acquisition of the Tivoli makes 47 for the circuit.

Metro Yet to Set Producing Abroad—Rubin

M-G-M's plans to produce abroad have not yet been definitely decided, J. Robert Rubin, vice-president and general counsel for the company, stated yesterday upon his arrival on the *Normandie* after a six-weeks vacation and business trip on the Continent.

Rubin asserted he had signed a number of contracts for literary works and musical compositions, but added he was not at liberty to disclose any information until he reported to his superiors. He added he did not sign any talent. Meeting him and his wife was his son, as well as William

(*Continued on page* 2)

Mayer Now Partner In New Jersey Spot

Arthur L. Mayer, in association with Rapf & Rudin, has taken over the Cort, Summerville, N. J. The theatre, seating 1,300, is being remodeled and will be ready for reopening about Sept. 1. The same interests have taken a lease on another house in the same town, but do not plan to reopen it.

Mayer also has a long-term lease on the new Rialto now being constructed on 42nd St. and Broadway. This theatre is expected to be ready for opening some time in November.

Production Off, But Pace Continues Fast

HOLLYWOOD, Aug. 19.—Although showing a gradual decline during the past month, production continued to hit a rapid stride here last week and registered little change over the preceding week's survey. The seven-day checkup of studio schedules revealed

(*Continued on page* 2)

Chance Games Facing First Legal Fight

Test Case Is Revolving Around Bronx House

First legal test of chance games in the local area is slated for today in the Magistrate's Court, Bronx. The theatre involved is the Burke, a Springer & Cocalis unit. Barr & Barr will represent the circuit.

Theatres in the New York area have been warned by the police during the past two days to "stop within a reasonable time" the chance games. Summonses were served late last week on the Burke and the Glenwood, Brooklyn. The Glenwood case was postponed until after the Springer & Cocalis issue was heard.

Milton C. Weisman, attorney for the I. T. O. A., and Harry Brandt, president of the unit, last week conferred with License Commissioner

(*Continued on page* 10)

Sheehan, By Choice "Free", Set to Sail

Winfield Sheehan, declaring he is free of all business obligations and "starting dates" for the first time in almost 25 years, is set to sail on his honeymoon tomorrow on the *Normandie* to be gone from Hollywood about three or four months.

Persistent reports that he had made a deal with Paramount yesterday

(*Continued on page* 10)

'Plane with Rogers' Body Nearing L. A.

LOS ANGELES, Aug. 19.—The bodies of Will Rogers and Wiley Post are expected here by 'plane late Tuesday or early Wednesday for funeral services on Thursday. The bodies arrived in Seattle yesterday from Alaska and a special Pan-American Airways plane was despatched from here to transport them over the final

(*Continued on page* 6)

Jersey Allied Draws 150 Theatre Owners

About 150 exhibitors are expected to attend the 16th annual convention of Allied of New Jersey, which opens a three-day session at the Ritz Carlton, Atlantic City, tomorrow morning, Sidney Samuelson states. He left for the shore yesterday and was accompanied

(*Continued on page* 10)

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

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Glennon in Studio Post for Paramount

Hollywood, Aug. 19.—Keith Glennon takes a newly created post at Paramount after making a survey of the back lot for John E. Otterson. He will be executive operations manager, appointed by Henry Herzbrun.

Glennon is resigning as general manager of the Erpi-operated General Service Studios to tackle his new post and will be succeeded in his old job by D. C. Hickson, his assistant.

F. W. C. Clan Gathering

Charles Skouras, operating head of Fox West Coast, arrives tomorrow from the coast for conferences with his brother, Spyros. Elmer C. Rhoden, pilot for Fox Midland, is also due tomorrow. He is coming to confer with the Skourases on a five-year operating contract for the mid-west group of Fox theatres.

Astor Preview Set

Mascot will hold a preview for the trade of "Harmony Lane" at the Astor Theatre at 11 A. M. Thursday.

REGINALD OWEN
in
"THE CALL OF THE WILD"
WILLIAM MORRIS OFFICE

Purely Personal

Joe Vogel, Eugene Zukor, William Rodgers, Ed Raferty, Jack Flynn, Joe Plunkett, Arthur Mayer, Harry Shiffman, Sam Shipman, Harry Brandt, Milton C. Weisman, Jack Shapiro, William Scully, Jack Springer, Morris Kutinsky and E. B. Hatrick kept the Astor waiters busy as bees during the lunch hour yesterday.

•

Manny Reiner of the M-G-M publicity staff, is at St. Elizabeth's Hospital, Washington Heights, for an operation. Bill D'Anziger returned yesterday after being out for some time recuperating from a head injury.

Quip of the Day

Harry Rapf was holding a production conference with an author and five assistants of his staff.

"What do you think of the new change in the story?" asked Rapf of the five assistants.

Each and all agreed the change was right and good.

"What do you think, now?" Rapf asked of the author.

"I think you're wrong," piped the author.

"I may be wrong," said Rapf, "but I'm always right."

J. M. Bickel of the Carrier Engineering Corp. is cruising on his brother, Frederick's yacht while on his vacation. The latter is more familiarly known as Fredric March.

•

Madeleine White of the Republic forces flew out to the coast over the weekend. She's on her vacation and is visiting with Mrs. Jess Curran and Mrs. Trem Carr.

•

E. W. Korngold, who has been signed by Paramount to work on the musical arrangement of the first Jan Kiepura film, has departed for Hollywood.

•

Cameron Rogers, who is doing the script of "David Livingstone" for James A. FitzPatrick, has gone to the coast to pay Darryl Zanuck a visit.

•

Harold Cohen, film critic on the *Pittsburgh Post-Gazette,* is in New York en route to Atlantic City. Has a bad cold condition which he hopes the sun will burn out.

•

Albert Lewis, associate producer at Paramount, leaves for the coast Thursday. Rufus Blair, also of Paramount, hies west tomorrow.

•

A. H. McCausland, representative of Irving Trust Co. as trustee of RKO, returned yesterday from a two weeks' vacation in New Hampshire.

•

James R. Grainger left for Detroit last night to close the new Universal lineup with the Butterfield circuit.

•

Hortense Schorr is vacationing.

•

John E. Otterson, Paramount president, now plans to leave the coast next Friday to arrive here on Monday.

•

Gordon White, Arnold Van Leer and Bruce Gallup lunched together at The Tavern yesterday. Scattered about elsewhere in the same room were Walter Eberhardt, Abe Waxman, James A. FitzPatrick, Eddie Rugoff, Charlie Moses, Abe Schwartz, Truman Talley and a Fox Movietone crowd including Harry Laurenson and Earle Allvine; Lawrence Bolognino, Jack Cosman, nicely tanned; George Weeks, ditto; Arthur Lee, Phil Meyer, Ray Johnston, Jack Fier, Herman Rifkin, here again from Boston; Walter Futter, who flew in from the coast yesterday; Emil Jensen, Hal Young, Jack Goetz, Harry Thomas, John Weber and Jack Trop.

•

Jack Levin celebrated a birthday yesterday, this time with something to be cheery about. It was another narrow squeak in an automobile accident in the country over the weekend with a minor eye injury the consequence. Levin has a unique record in autos. One year he had four accidents and three annually in the two years succeeding. Not once was he at the wheel.

•

Morris Epstein, First Division Exchange manager, will attend the Allied convention in Atlantic City this week.

•

John O'Connor looked the epitome of fashion yesterday in that Palm Beach suit with a brown tie and hose to match.

•

Al Lichtman, Spyros Skouras and Ned Depinet messed up the Fenimore Country Club links over the week-end.

•

Herman Rifkin, Republic franchise holder in Boston, was in town yesterday.

•

Ralph Whitehead, executive secretary of the A. F. A., returned from a 10 week trip over the weekend.

•

Ike Libson didn't get in from Cincinnati as expected last week.

•

Joseph M. Schenck keeping cool, or trying to, in snow white suits.

•

. . . Denver

Sam Dare, Columbia booker, vacationed in Albuquerque and Santa Fe, N. M. Taking Dare's place while he was gone was Tom Robins, billing clerk.

George Monroe is now city manager at Greeley, Col. He was moved there from the Colorado at Pueblo by the Westland Theatre Corp.

Charles Decker, manager of the Mesa, Grand Junction, Col., a Westland house, has resigned and has been succeeded by Milton Overman.

S. R. Langwith vacationed in "a little log cabin in the hills." Spent his time fishing, golfing and resting.

On Denver's film row were recently seen these exhibitors: B. P. McCormick, Canon City, Col.; E. J. Touey, Madrid, Neb.; C. W. Kelly, Greeley, Col.; C. P. Graves, Boulder, Col.; A. F. Kehr and son, Ogallala, Neb.; T. W. Thompson, Loveland, Col.; L. M. Teller, Madrid, Neb.; George Heimbarger, Greeley, Col.; Tom Kirby, Worland, Wyo.; and C. L. Canda, Jr., Westcliffe, Col.

Metro Yet to Set Producing Abroad–Rubin

(*Continued from page* 1)

Orr, Al Altman, Florence Browning, Harry Bernstein and Ernest Morrell.

John S. Royal, vice-president of NBC in charge of programs, stated he had visited 17 countries since he left here June 15. He declared the broadcasting company is making preparations to extend its programs internationally and that he studied educational programs on the air in Europe. Royal said he visited film studios in Germany and Russia. He added that opening of the new NBC broadcasting studio in Hollywood has been delayed until Dec. 1.

Edward Everett Horton returned after appearing in "The Private Secretary" for Twickenham Studios in England. He left for the coast yesterday to begin work in "Skinner's Dress Suit" at Universal and said he understood the new title for the picture is to be "His Night Out." After the Universal assignment, he will go to Fox for one, then to Paramount and after this, back to Fox. In April he will go abroad again to appear in another Twickenham film. After this he will make one for Korda. Then he goes to G. B. for one.

Other passengers included Helen Vinson, Boris Morros, Erno and Mrs. Rapee; Emanuel D. Silverstone, representing London Films here; and Seymour Rinzler, son of Sam, Brooklyn circuit operator. Rinzler was abroad seven weeks on a vacation. Miss Vinson made a picture in England for G. B. Morros visited his sick mother in Russia. The Rapees vacationed while Silverstone conferred with Alexander Korda, London Films head.

Production Off, But Pace Continues Fast

(*Continued from page* 1)

41 features and two short subjects working in the sound stages as compared with 41 features and four shorts for the previous week.

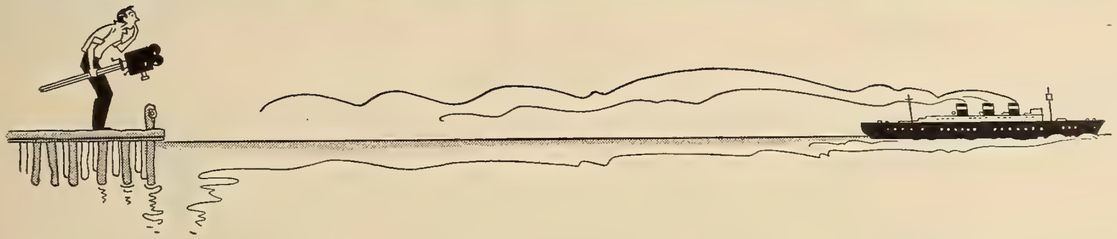
Paramount took the lead in activity for the feature length category with eight pictures in work, none preparing or scheduled for the cameras within the next two weeks and seven in the cutting room for polishing up. M-G-M seven, zero and nine; Warners seven, two and eight; RKO six, one and seven; Universal five, three and two; Columbia four, two and eight; Fox three, two and five; Goldwyn zero, one and one with the independent group chalking up one, one and zero.

Short subject production dropped off. M-G-M had one short in work, two preparing and four editing. Warners had one, one and one; Universal zero, one and zero; Columbia zero, one and two; RKO zero, two and four. The independents had zero, zero and one.

Binns to Australia

Ralph E. Binns of the Warner office in China has been transferred to the Australian office where he will become assistant to Ralph Clark, general manager in New Zealand and Australia.

WE DON'T BELIEVE IN STALLING!



While the other newsreel outfits have been making plans to send their lads to cover the Italian front in Ethiopia... THE PARAMOUNT BOYS HAVE ALREADY STARTED CALLING HAILE SELASSIE BY HIS FIRST NAME... while others have been shouting about the big things they are going to do... *we've been doing big things*... already Paramount has the actual inside pictures of the gathering of the tribes... already Paramount has the names and numbers of all the players... already Paramount has cans and cans of on-the-spot action pictures of the boys behind the guns... right here in the States in Paramount News Issue number 4 ready for you to screen as well as in subsequent issues, here are a few of 'em... look 'em over

Hyah, Haile!

PARAMOUNT NEWS ... THE EYES AND EARS OF THE WORLD!

Here y'are, men,

"THE BIGGEST OP

—Now read the N. Y. American for the reason Broadway is roaring its head off at the Strand!

Songs, dances and witty sayings, all by Mrs. Brown's big-mouthed boy Joe, fill the Strand screen with first-rate fun that will add to Mr. Brown's prestige as a star comic, and likewise to the patronage of the theatres whose marquees and screens are decorated by 'Bright Lights'. It is, quite definitely, Joe E.'s most important vehicle, and provides the Warner clown with any number of opportunities to display both versatility and virtuosity as an entertainer. The settings, the songs are all that can be desired, and the constant center-staging of the star, clowning, singing, dancing and romancing gives the picture plenty of the Brown brand of entertainment, which is just what his customers order. He is the top and his romping antics stand out through every sequence. But credit, too, to Miss Dvorak and Miss Ellis. 'Bright Lights' is probably the best direction thus far contributed by Busby Berkeley. He has pointed his story for laughs, his dramatic scenes ring true, and the entire atmosphere of the piece is realistically established and maintained.

Business?—Neck-and-neck with 'The Irish In Us'—and who could ask for anything more!

A First National Picture Vitagraph, Inc., Distributors

JO

Singing, dancin

"BR

Rousingly supp

Ellis • Joseph

. . . Accompanie

"You're An E

Daughter". . .

grand and gl

NING IN HISTORY"

and we can prove it!

Frisco's the town and the Warfield, a real deluxer if ever there was one, is the house. Here's the wire exactly as it reached us the morning after August 12 when our new pride and joy had its standing-room-only pre-release premiere:

BRIGHT LIGHTS BREAKS ALL OPENING DAY RECORDS STOP PICTURE A POSITIVE RIOT WITH AUDIENCE STOP NEWSPAPER REVIEWS ALL GREAT

Yessir, that's Joe's big show for you—and that's the reason 'A' houses from the Hudson River to Honolulu Bay will put up their brightest lights on August 31, national release date of

E E. BROWN

owning—and ready to earn more exhibitor dollars than ever before, in

IGHT LIGHTS"

ed by his biggest cast — Ann Dvorak • William Gargan • Patricia
awthorn • The Five Maxellos • and the Berkeley Beauties
y these top-notch tunes by Dixon & Wrubel and Kalmar & Ruby—
l of Heaven", "Toddlin' Along With You", "She Was An Acrobat's
aged and directed by Busby Berkeley and produced in the
ous style that is exclusively WARNER BROS!

'Plane with Rogers' Body Nearing L. A.

(*Continued from page 1*)

leg of the 5,000-mile flight from the scene of the Arctic tragedy.

Tentative plans for Rogers' funeral have been made for 2 P. M. Thursday at the Wee Kirk o' the Heather at Forest Lawn Memorial Park. Burial may be either here or in Oklahoma. A resolution was also offered in the Senate yesterday which would permit burial of both Rogers and Post in Arlington Cemetery, Washington, D. C. Final arrangements are now awaiting the arrival of Mrs. Rogers, her two sons and a daughter from the east. They are expected tomorrow.

Post's body will be taken from here to the Oklahoma home of his parents for burial.

Will Pause in Tribute

As a tribute to the memory of Will Rogers all offices of Fox Film, including exchanges, will close at noon Thursday and all theatres operated by National Theatres Corp., Fox subsidiary, will darken their screens for two minutes that afternoon.

Other circuit operators and numerous individual theatre owners also have signified their intention of paying a similar tribute by darkening their screens momentarily on the afternoon on which funeral services for Rogers will be held in Los Angeles.

News Clip Makes Front Page

New Haven, Aug. 19.—It took the Will Rogers-Wiley Post tragedy to get a local theatre on the front page of the *Register*. The evening paper was able to "scoop" on a picture of the pair taking leave for the ill-starred voyage, by cutting the shot from a frame of Fox Movietone News appearing at the College theatre.

New Haven newspapers have been reluctant to grant any free space to local theatres, have made the co-op ad an impossibility because of increase in rates and have also refused to sell space to or list the programs of local radio station W1XBS and the New Haven and Bridgeport station, W1CC, both of which carry theatre and other advertising.

20th-Fox Plants Shut Thursday

Hollywood, Aug. 19. — Twentieth Century-Fox will close its Westwood and Hollywood plants at noon, Thursday, in tribute to Will Rogers, whose funeral will be held that day.

M. P. T. O. Unit Regrets

Philadelphia, Aug. 19.—The M. P. T. O. of Eastern Pennsylvania has sent a message of condolence to Mrs. Will Rogers. The message in part said: "This industry mourns an irreparable loss."

Post Was to Do Serial

Hollywood, Aug. 19.—Louis Weiss of Stage and Screen Prod., held a contract with the late Wiley Post for a serial, it is learned here. The film was to have a Dep't of Justice background.

Weiss tonight completed shooting on "Custer's Last Stand," a 15-episode serial, at the same time shooting a feature version to be called "Custer's Last Ride." He is due in New York with the first three chapters of the serial about Sept. 10.

James Schorgl Dies

James Schorgl, United Artists salesman out of Kansas City, is dead from a peritonitis condition which set in following an appendectomy, Harry Gold, U. A. sales executive, was advised yesterday.

Ill for 10 Days

Kansas City, Aug. 19.—Jimmy Schorgl had undergone an emergency operation for appendicitis about 10 days ago at the Menorah Hospital.

Looking 'Em Over

"Prenez Garde a la Peinture"

(*John S. Tapernoux*)

As far as American audiences are concerned, the main trouble with "Prenez Garde a la Peinture" ("Look Out for the Paint") is that it contains too much talk. This, however, is a fault that those who know French will not make much of, for the dialogue is amusing at all times. The filmgoer without a knowledge of the tongue may find the production a bit tedious though very easy to understand since there are English subtitles in profusion.

Taken from the Rene Fauchois comedy which was the source of the Sidney Howard play of several seasons ago, "The Late Christopher Bean," the film, an Epoc production, tells of a French country doctor who is suddenly thrust into the limelight when art collectors invade his home in search of paintings left by an artist who has acquired posthumous fame.

The doctor is maddened by the thought he has destroyed many of the painter's works left in his care in the belief that they were so much trash. Much of the comedy is supplied by the family's frantic efforts to unearth the paintings that were not destroyed. The experience serves to win the doctor over to the idea of his daughter marrying a struggling young painter.

The film possesses many grand moments of fun and has been nicely photographed. Among those in the fine cast are Asquistapace, Renee Dennsy, Simone Simon, Milly Mathis, Jean Brunil and Charlotte Clasis.

Henry Chomette handled the direction commendably.

No production code seal. Running time, 85 minutes. "G."

"The Desert Trail"

(*Republic*)

Despite its weak and unconvincing story, "The Desert Trail," one of the Lone Star series starring John Wayne, ought to be acceptable to western fans, thanks to a lavish display of action and humor.

The picture gets into its stride when Wayne and a pal, a gambler, are suspected of having committed a murder. Wayne knows at least who one of the real murderers is, so he sets out to get him. Meanwhile the law continues its pursuit of him and his friend. Things get hotter for the two men when they are accused of having engineered a stage hold-up. Wayne and his companion are cleared when the brother of the girl he loves (Mary Kornman) confesses on his death-bed that he and the man sought by Wayne perpetrated both crimes. The film ends with Wayne and Miss Kornman in each other's arms.

Others in the cast include Paul Fix, Eddie Chandler, Carmen La Roux, Lafe McKee, Al Ferguson and Henry Hall. The direction is credited to Cullen Lewis.

No production code seal. Running time, 54 minutes. "G."

Raise Charity Funds

New Haven, Aug. 19.—The much-heralded annual outing at Saybrook not only netted approximately 200 exchange managers, staff members, and exhibitors a great day, but also sufficient proceeds to donate sizeable amounts to the Register Fresh Air Camp and Jewish Community Camp as gifts of the industry in this territory. Festivities under the direction of Jack Byrne, Nat Furst and Barney Pitkin, began mid-morning and lasted until midnight.

Pantages Closing Tonight

Los Angeles, Aug. 19.—The Pantages will close Tuesday night until Aug. 31, when it will reopen with the premiere of "Top Hat." Beginning Sept. 1, the house will adopt a day-and-date policy with the Hillstreet.

Clinton, Adams Named

Chicago, Aug. 19.—Following the reorganization effected by Ralph Whitehead, the A. F. A. will have two representatives here. Bert Clinton has been appointed to supervise circuses, carnivals and fairs that come under his outdoor jurisdiction and Elmer W. Adams will handle vaudeville, clubs, cafes and indoor presentations.

Like Lawson in Post

Toronto, Aug. 19.—Enthusiasm prevails in film circles over the appointment of J. Earl Lawson, K.C., M.P., as Minister of Justice in the Dominion Cabinet at Ottawa. In the past six years, Lawson has been the legal representative of independent theatre owners on many occasions.

Ed Lawler Elopes

Seattle, Aug. 19.—Ed Lawler, secretary to Frank L. Newman, president of Cascade Theatres, surprised friends and employers alike by a sudden elopement and marriage. In Everett he was married to Ethyl Scott. They are honeymooning in Canada.

Interstate Buys 3 Theatres in Dallas

Dallas, Aug. 19.—The Interstate Circuit, Inc., has purchased the White, Dal-sec and Forest, three neighborhood houses, from M. S. White.

Admission prices in these houses have been 25 cents at the White and 15 cents at the other two. Policy under Interstate operation is yet to be determined, although it is stated by that office that the contract clause governing other subsequent run houses which limits Class A pictures to a 25-cent admission will be observed by the circuit.

The low-price houses will be operated either on B pictures or will charge 25 cents for the A pictures. The change will be made Sept. 1.

This expansion is in line with the Interstate policy to control the metropolitan subsequent run situations in Texas cities as a protection to first runs.

Acquire New House

Leff & Meyers have taken over the 72nd St. Playhouse from the Bank for Savings. Extensive alterations are being made for reopening by Labor Day. David Berk and J. Krumgold acted for the circuit while Cadwalader, Wickersham & Taft represented the bank.

Ohio IATSE Assails Shows in Schools

Columbus, Aug. 19.—A resolution opposing the practice of high schools throughout the state of renting their auditoriums for theatrical purposes, thereby diverting business from established theatres, was adopted yesterday at the convention of the Ohio I.A.T.S.E. and operators' union at the Deshler-Wallick at which E. J. Tinney, international representative, presided. Another resolution asked that union projectionists be employed in the state censor board booth.

Both resolutions were presented to today's session of the Ohio State Federation of Labor, which was attended by the delegates present at yesterday's I.A.T.S.E. meeting.

Harry E. Colman was reelected executive secretary of the I.A.T.S.E unit, with the following named to the executive board: R. W. Mills, Springfield, chairman; S. J. Aubrey, Toledo; Morgan Johnson, Columbus; Charles Schumacher, Canton; W. W. Hofferbert, Dayton; John Shuff, Akron; T. P. Caniff, Steubenville.

Bagnall Quits 20th-Fox

Hollywood, Aug. 19.—George Bagnall, Twentieth Century-Fox treasurer, today handed in his resignation. He said he had no future plans. No successor has been named.

Dods in 20th-Fox Post

Hollywood, Aug. 19.—Hector Dods, former Twentieth Century cutting department head, today moved to Twentieth Century-Fox in the same capacity, replacing Louis Loessler, who has resigned.

S. and C. Outing

Employes of the Springer & Cocalis circuit, about 50 in all, will be the guests of J. W. Springer at an all-day outing tomorrow. Springer's home in Mamaroneck will be the scene of the picnic.

Out of respect to the memory of

Will Rogers

the offices of Fox Film Corporation and its exchanges will close at noon Thursday, August twenty-second. The theatres operated by National Theatres Corporation will darken their screens for two minutes during that afternoon. Other theatre operators have signified their intention of paying a similar tribute.

Fox Film Corporation

"Curly Top," "Gondolier" Twin City Top

MINNEAPOLIS, Aug. 19.—"Curly Top" and "Broadway Gondolier" divided whatever honors there were in the Twin Cities last week. The former got $5,000 at the Century, which was $1,000 ahead of average and $4,500, or $1,000 ahead, at the Riviera in St. Paul. "Broadway Gondolier" did $500 over normal to a $6,000 take at the State and ditto at the Paramount across the river.

In other first runs, no excitement was evident. Minneapolis first runs bulked $22,300 when average for them is $21,000. In St. Paul, the aggregate was $16,000, or $1,500 to the good.

Estimated takings:

Minneapolis

Week Ending Aug. 14:

"CURLY TOP" (Fox)

CENTURY—(1,680), 25c-40c, 7 days. **Gross:** $5,000. (Average, $4,000)

"DON'T BET ON BLONDES" (Warners)

LYRIC—(1,238), 20c-25c, 5 days. **Gross:** $800. (Average for week, $1,500.)

"SANDERS OF THE RIVER" (U. A.)

LYRIC—(1,238), 20c-25c, 2 days. **Gross:** $400. (Average for week, $1,500)

Week Ending Aug. 15:

"THE IRISH IN US" (F. N.)

ORPHEUM—(2,900), 25c-40c, 7 days. **Gross:** $5,500. (Average, $5,500.)

"BROADWAY GONDOLIER" (Warners)

STATE—(2,300), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,500)

"AWAKENING OF JIM BURKE" (Col.)

TIME—(300), 20c-25c, 7 days. **Gross:** $1,600. (Average, $1,500)

"ESCAPE ME NEVER" (U. A.)

WORLD—(400), 25c-55c, 7 days, 6th week. **Gross:** $3,000. (Average, $3,000)

St. Paul

Week Ending Aug. 15:

"BROADWAY GONDOLIER" (Warners)

PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,500)

"CURLY TOP" (Fox)

RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $4,500. (Average, $3,500)

"THE IRISH IN US" (F. N.)

ORPHEUM—(2,000), 25c-40c, 7 days. **Gross:** $4,000 (Average, $4,000)

"MAD LOVE" (M-G-M)

TOWER—(1,000), 15c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

Charlotte Bothered By Paralysis Scare

CHARLOTTE, N. C., Aug. 19.—The infantile paralysis scare that has been holding down grosses for the past several months was somewhat diminished last week with the result that two pictures enjoyed good grosses. "The Irish in Us" led with $4,500 for a six-day run and the "Man on the Flying Trapeze" was second with $2,000 for a three-day run.

Estimated takings for the week ending Aug. 17:

"THE IRISH IN US" (F. N.)

BROADWAY—(1,114), 25c-40c, 6 days. **Gross:** $4,500. (Average, $4,000)

"OLD MAN RHYTHM" (Radio)

CAROLINA—(1,400), 25c-40c, 3 days. **Gross:** $1,750. (Average, $2,500)

"LADY TUBBS" (Univ.)

CAROLINA—(1,400), 25c-40c, 3 days. Stage: "Rhapsody in Rhythm." **Gross:** $1,500. (Average, $2,500)

"LOVER DIVINE" (G. B.)

IMPERIAL—(949), 25c-30c, 3 days. **Gross:** $1,000. (Average, $1,500)

"MAN ON FLYING TRAPEZE" (Para.)

IMPERIAL—(949), 25c-30c, 3 days. **Gross:** $2,000. (Average, $1,500)

Shirley Does $17,500; Over Twice Normal in Cleveland

CLEVEAND, Aug. 19.—"Curly Top" more than doubled average business in its opening week at the Hippodrome, grossing $17,500 against an average of $8,000. It moves over to the Allen for a continued downtown run.

The second week of "The Irish in Us" at the Allen went $2,700 over the line to a $5,750 gross.

"The Man on the Flying Trapeze" at Loew's State with $11,500 total on the week was $1,500 above par. "She" was slightly under average with $13,500 gross at the RKO Palace on a vaudefilm program featuring Hal Kemp and his orchestra.

"Woman Wanted" was fair at Loew's Stillman, grossing $3,500. Average is $4,000.

Total first run gross was $52,250. Average is $40,000.

Estimated takings for the week ending Aug. 16:

"THE IRISH IN US" (F. N.)

ALLEN—(3,300), 30c-35c-42c, 7 days, 2nd week. **Gross:** $5,750. (Average, $3,000)

"CURLY TOP" (Fox)

WARNERS' HIPPODROME—(3,800), 30c-35c-42c, 7 days. **Gross:** $17,500. (Average, $8,000)

"SHE" (Radio)

RKO PALACE—(3,100), 30c-42c-60c, 7 days. Stage: Hal Kemp & Orchestra. **Gross:** $13,500. (Average, $15,000)

"MAN ON THE FLYING TRAPEZE" (Para.)

LOEW'S STATE—(3,400), 30c-35c-42c, 7 days. **Gross:** $11,500. (Average, $10,000)

"WOMAN WANTED" (M-G-M)

LOEW'S STILLMAN—(1,900), 25c-35c, 7 days. **Gross:** $3,500. (Average, $4,000)

Montreal Perks Up, But Still Off Base

MONTREAL, Aug. 19.—With only three first runs operating, aggregate business for the week ending Aug. 17 continued to look small but was appreciably better than the previous seven days when an all-time low was recorded. The Palace brightened to an $8.000 with a double bill headed by "She."

Total first-run business was $22,500. Average is $26,500.

Estimated takings for the week ending Aug. 17:

"SHANGHAI" (Para.)

"PARIS IN SPRING" (Para.)

CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $7,500. (Average, $9,500)

IMPERIAL and LOEW'S both closed.

"SHE" (Radio)

"GOING HIGHBROW" (Warners)

PALACE—(2,600), 25c-35c-40c-50c-65c, 7 days. **Gross:** $8.000. (Average, $11,000)

"EVENSONG" (GB)

"FIGHTING STOCK" (British)

PRINCESS — (2,272), 30c-35c-50c-65c. **Gross:** $6,000. (Average, $6,000)

Dexter Returning

Gayne ("Bob") Dexter, at one time director of advertising for the original First National, is on his way back to the states from Sydney. An Australian, Dexter has been out of the country for a number of years and, while "down under," edited *Everyones,* film trade paper there.

Academy Listing Credits

HOLLYWOOD, Aug. 19.—The Academy will issue a 72-page bulletin on credits soon. Credits for 84 productions will be listed representing pictures over the period from April 1 to Aug. 1.

Deluge in Akron

Akron, O., Aug. 19.—Report persists here that one of the leading circuits, name not disclosed, will invade this town with at least three houses, and possibly more, to be acquired or built. Local film men are not taking it seriously, however.

The Schine circuit is expanding in all directions in Ohio.

"Rhythm" and Buddy Rogers Denver's Top

DENVER, Aug. 19.—Buddy Rogers and his band on the stage of the Orpheum helped "Old Man Rhythm" mightily to an $8,500 gross for the week. At $3,900 more than average, it was a week there.

"The Call of the Wild" did alright by itself, too, at the Denver, where a normal $5,000 went to $8,000. The picture goes to the Broadway for an extended run.

"The Keeper of the Bees," which did a normal $4,000 at the Denham, is the first independent to play first run here in some time.

Total first run business ran to $26,900. Average is $19,800.

Estimated takings for the week ending Aug. 15:

"FRONT PAGE WOMAN" (Warners)

ALADDIN—(1,500), 25c-35c-50c-60c, 7 days. **Gross:** $2,200. (Average, $2,000)

"LOVE ME FOREVER" (Col.)

BROADWAY—(1,500), 25c-40c, 7 days following a week each at the Denver and Aladdin. **Gross:** $1,200. (Average, $1,200)

"KEEPER OF THE BEES" (Rep.)

DENHAM—(1,500), 25c-35c-40c, 7 days. **Gross:** $4,000. (Average, $4,000)

"CALL OF THE WILD" (U. A.)

DENVER—(2,500), 25c-35c-50c, 7 days Stage band. **Gross:** $8,000. (Average, $5,000)

"OLD MAN RHYTHM" (Radio)

ORPHEUM—(2,600), 25c-35c-40c, 7 days. Buddy Rogers in person. **Gross:** $8,500. (Average, $4,600)

"GINGER" (Fox)

PARAMOUNT—(2,000), 25c-40c, 7 days. **Gross:** $3,000. (Average, $3,000)

"Wild" Runs Riot In Omaha; $8,950

OMAHA, Aug. 19.—"The Call of the Wild" went $3,950 over normal at the Omaha to an $8,950 total. "Brewster's Millions" was its running mate, but "Wild" was credited with being the chief draw. This kind of gross approaches the phenomenal.

The Brandeis did all right, too, with "The Irish in Us" and "Unknown Woman" at $7,250 as compared with $4,500 average. The engagement ran nine days, however.

The Omaha is holding over, but

(*Continued on page* 11)

Shirley Does Big $12,300 In Milwaukee

MILWAUKEE, Aug. 19.—Advertised as a road show attraction with a hike in top prices from 40 to 55 cents, "Curly Top" rode high, wide and handsome to a $12,300 gross against an $8,000 average at the Wisconsin. "The Irish in Us" was good for $5,800 at the Warner and the Riverside took $6,000 against an average $5,500. Otherwise there was nothing exciting or stirring along the Riviera.

Estimated takings for the week ending Aug. 15:

"MAN ON FLYING TRAPEZE" (Para.)

"AFTER THE DANCE" (Col.)

PALACE—(2,800), 25c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

"BEHIND GREEN LIGHTS" (Mascot)

RIVERSIDE—(2,300), 15c-20c-25c, 7 days. Stage: Five Balabanows, York & Tracy, Three Millers Bros., Harvey, Cookie Leighton, Happy Nelson. **Gross:** $6,000. (Average. $5,500)

"MANHATTAN BUTTERFLY" (Imperial)

"KENTUCKY BLUE STREAK (Burr)

STRAND—(1,400), 15c-25c, 6 days. Stage: Aloha Wanderwell. Gross: $1,100. (Average, $1,250)

"IRISH IN US" (F. N.)

WARNER—(2,400), 25c-40c, 8 days. **Gross:** $5,800. (Average, $5,000)

"CURLY TOP" (Fox)

WISCONSIN—(3,200), 25c-35c-55c, 7 days **Gross:** $12,300. (Average, $8,000)

"Farmer" Buffalo's Leader at $12,500

BUFFALO, Aug. 19.—In the face of soaring temperatures, attendance here held its own. At the Buffalo, "Farmer Takes a Wife" was over the top by $2,000, pulling a gross of $12,500, and at the Lafayette "The Raven" and "Lady Tubbs" drew $5,500 against a norm of $5,300. "Every Night at Eight" at the Great Lakes held to par at $7,000.

Total first run business was approximately $35,300; average, $36,800.

Estimated takings for the week ending Aug. 16:

"FARMER TAKES A WIFE" (Fox)

BUFFALO—(3,500), 30c-50c, 7 days. **Gross** $12,500. (Average, $10,500)

"WE'RE IN THE MONEY" (Warners)

HIPPODROME—(2,100), 30c-50c, 7 days. **Gross:** $5.500. (Average, $7.000)

"EVERY NIGHT AT EIGHT" (Para.)

GREAT LAKES—(3,000), 25c-40c, 7 days. **Gross:** $7,000. (Average, $7,000)

"PURSUIT" (M-G-M)

"LADIES CRAVE EXCITEMENT" (Republic)

CENTURY—(3,000), 25c, 7 days. **Gross:** $5,100. (Average, $5.500)

"LADY TUBBS" (Univ.)

"THE RAVEN" (Univ.)

LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $5,500. (Average, $5,300)

Louisville Rosier, Despite Paralysis

LOUISVILLE, Aug. 19.—At least three downtown first runs are making a fair showing, in spite of the unfortunate continuance of the ban on children under 14 years of age. Several new infantile paralysis cases in the city have had a tendency to cause adults to shy away from crowds of any kind, and word-of-mouth conversation has not helped matters any. Children are just not coming down town and family trade has suffered for this reason.

All houses are glad if they can

(*Continued on page* 11)

SPEAKING OF CANS

• • • Ordinarily the Universal newsreel does not turn around and bite the Pekingese poodles which yap at its heels.

• • • We are accustomed to being imitated and followed.

• • • But now one of our imitators is trying to sell you its newsreel by assuring you that it has "cans and cans" of news shots of the Italo-Abyssinian war even before the war starts.

• • • Universal Newsreel does not sell you any canned goods.

• • • If Mussolini and Haile Selassie take shots at each other with real guns instead of with jawbones, Universal will give you the hot stuff.

• • • It won't come from canned goods. It will be the real McCoy.

• • • It would be dishonest to absolutely guarantee that we will lick the world on real news of any Ethiopian scrap—but on past performances, Universal Newsreel should be your best bet on real stuff—with nothing from the can.

• • • If you can buy your newsreel independently, you will buy the Universal Newsreel. If you are the buyer for chain theatres you will have to buy from your own producer and take what you can get out of the can.

CHARLES FORD, SPEAKING

(*I am the editor of the smartest newsreel, but, after all, what can an editor do without the smartest cameramen?*)

Chance Games Facing First Legal Fight

(Continued from page 1)

Paul Moss in regard to the game situation. It was agreed at the conference that Weisman submit brief.

Loew's last week discontinued Screeno in eight houses. Circuit officials wanted the practice dropped before police took action.

Both the Burke and Glenwood have been playing Lucky, which is distributed here by Parco.

Bank nights may be the rage in many states, but in New Jersey it's no go, according to Sidney Samuelson, president of Allied of New Jersey, who declares that, in his opinion, the practice is illegal and a violation of the lottery laws.

An important circuit operator recently approached Samuelson to exert his influence in trying to legalize bank nights, but the Allied head turned him down.

Bullfighter Presses Judgments vs. Fox

A motion was filed in the New York Supreme Court yesterday by counsel for Sidney Franklin, professional bull fighter, directing that two judgments be entered against the Fox Film Corp. and Fox Movietone News, Inc. The first judgment is sought for $1,239, allegedly due as expense money for arrangement of certain exhibitions of bull fighting and a second judgment asked for an assessment of damages on the ground that the defendants violated his rights of privacy in using photographs for trade purposes without his written permission. He originally asked for $100,000 damages.

The petition sets forth that prior to Aug. 16, 1929 Wm. G. O'Brien, employed by Movietone News as a contact man, requested Franklin to allow pictures to be taken of him which Franklin agreed to permit with the provision, so Franklin charges, that they were not to be exploited but strictly to be used for newsreel purposes.

Franklin charges that two years later the defendant sold his pictures to the Bray Pictures Corp. and were subsequently incorporated in a picture called "Throwing the Bull," which he says was a violation of his rights. A general denial has been entered by the defense that Franklin's pictures were ever used for any other purpose except in their newsreel capacity. The hearing was set for Aug. 30.

Hear Bank Night Aug. 26

CLEVELAND, Aug. 19.—The local court of appeals has definitely set Aug. 26, for hearing the Bank Night case in which Meyer Fischer, Fountain Theatre, appealed Common Pleas Judge Frederick Walther's decision denying his position for an injunction to stop it at the Haltnorth. Basis of the appeal is unfair competition.

"I tank I come home for your Birthday Party"
Sept. 28th · MICKEY MOUSE WILL BE 7 YEARS OLD!

Fox Stockholders' Meeting Delayed; Waiting on Court

(Continued from page 1)

of her application for a restrainer and it was anticipated that the court might make its decision in the case yesterday. The court already has stated that it does not feel it has the right to interfere with the merger unless the plaintiffs show that its proponents have acted fraudulently.

In the absence of Judge McLaughlin's decision the adjourned meeting of stockholders was put off until 4 P. M. today. The adjournment is a formality to keep the meeting open for emergency action in the event of an unfavorable decision from the court. If Mrs. Fox's action is denied the stockholders' meeting will be permanently adjourned without further action.

Sheehan, By Choice "Free", Set to Sail

(Continued from page 1)

brought the statement that he was sticking to the statement made when he retired from Fox. He has made no business commitments of any kind, he declared, and will not until he returns from abroad.

A bon voyage luncheon will be given him by his friends at the Lotos Club today. Those expected include George M. Cohan, Edward P. Mulrooney; O. O. McIntyre; Charles Francis Coe; George J. Atwell; A. Bernard Moloney; Walter C. Howey; Walter J. Moore; John J. McElligott; W. G. Van Schmus; Webster Todd; Nathan Burkan; Dr. Menas Gregory; Leon Gordon; former Chief Inspector John O'Brien; P. S. Harrison; Martin Green; John C. Flinn; Martin Quigley; Richard Watts, Jr.; Howard Barnes; Terry Ramsaye; Ray Henderson; Maurice McKenzie; Andre Sennwald; John J. McCarthy; Morton Downey; Patrick F. Scanlan; Sid Silverman; Edward M. Fay; Colvin Brown; Jack Connelly; James Hanley; Thornton Delehanty; C. V. R. Thompson; J. V. Connolly; Eddie Dowling; William Boehnel; Don Mersereau; J. J. McCarthy and Red Kann.

Writes "Freezing" Yarn

HOLLYWOOD, Aug. 19.—E. Bruce Humberstone, director, has completed a script based on the "freezing" experiments of Dr. Ralph S. Willard of Hollywood. The story is entitled "A 1,000 Years From Now."

Mrs. Mabelle E. Humberstone, mother of the director, died here over the weekend. She was 52 years old. She was a grandniece of Edwin Booth. Besides her son, a daughter, Jean and her husband, Frank B. Humberstone, survive.

F. P. C. Meets Aug. 28-30

TORONTO, Aug. 19.—The annual convention of Famous Players Canadian will be held here Aug. 28-30 when theatre managers from many cities and towns of the Dominion will be in attendance.

It is expected that President N. L. Nathanson will return from his business and holiday trip to England in time to be present.

Ascap Tussle Takes on a Nat'l Aspect

(Continued from page 1)

active opposition, describe it as a campaign to "harass" the Society and exhaust it with the defending and contesting of adverse legislation and litigation. The organization, however, is taking no immediate steps to test the constitutionality of the Wisconsin, Louisiana or Georgia legislation which has been enacted because, according to a spokesman, no effort has been made by the states to collect the taxes provided for in the measures or to enforce any of their other provisions against the operations of the Society. Until such steps have been taken by the states, it was said, Ascap will make no defensive move even though it believes the bulk of the legislation enacted against it to date to be unconstitutional.

The extremity of the new type of legislation being proposed, and of that already enacted, is typified by the Louisiana law which provides for payment of a $5,000 annual tax for each parish within the state in which an organization licensing public performers of copyrighted music operates. There are 60 parishes in Louisiana, which would make Ascap's annual tax for operating in that state $300,000.

Representatives of the Society assert that Ascap's revenue from the state averages approximately $42,000 per year. Thus the nature of the tax legislation, obviously, would put Ascap out of existence in the state if the measure was enforced. Ascap officials say the same intent is apparent in legislation enacted or proposed in other states.

Jersey Allied Draws 150 Theatre Owners

(Continued from page 1)

by his wife and Sally Fisher, his secretary.

Samuelson, who is rounding out his fifth year as head of the unit, will be reelected Friday. Few changes, if any, in the present executive roster, will be voted.

Edward A. Golden, general sales manager of Republic, is scheduled to talk at the banquet Thursday night.

Horwitz to Allied Meet

CLEVELAND, Aug. 19.—M. B. Horwitz, director of The Independent Theatre Owners of Ohio, affiliated with Allied, leaves Monday to attend the Allied convention in Atlantic City.

Find Neighborhoods Lead in Milwaukee

MILWAUKEE, Aug. 19.—The average Milwaukean goes to neighborhood theatres not quite five times a month and to a downtown theatre slightly less than three times per month. Members of large families, the survey shows, go to pictures less frequently than those in smaller families and the best moviegoers are single persons. These are preliminary observations brought to light through a questionnaire mailed by Oscar E. Olson, business manager of Local 164.

The information will be used in the union's forthcoming wage negotiations.

Louisville Rosier, Despite Paralysis

(*Continued from page* 8)

break about average, and majority are suffering severe slump. The Rialto with "Every Night at Eight" did a little below average, getting $4,800. Libson's Mary Anderson deemed $5,000 on "The Irish in Us" sufficiently encouraging to hold over. At Loew's State "Woman Wanted" did fair business, $4,700 being slightly below average. "The Black Room" (Columbia) didn't help any.

Copious rainfall, followed by extremely high temperatures, has had no appreciably bad effect on grosses. If the paralysis situation would improve, every one would be smiling again.

Total first run grosses were $20,350. Average is $18,500.

Estimated takings for the week ending Aug. 16:

"EVERY NIGHT AT EIGHT" (Para.)
RIALTO — (3,000), 15c-25c-40c, 7 days. **Gross:** $4,800. (Average, $5,000)

"WOMAN WANTED" (M-G-M)
"BLACK ROOM" (Col.)
LOEW'S STATE—(3,100), 15c-25c-40c, 7 days. **Gross:** $4,700. (Average, $5,500)

"OLD MAN RHYTHM" (Radio)
"MAN OF ARAN" (G. B.)
BROWN—(1,500), 25c-40c, 5 days. **Gross:** $1,600. (Average, $1,700)

"WELCOME HOME" (Fox)
"MANHATTAN MOON" (Univ.)
STRAND — (1,500), 15c-25c-40c, 7 days. **Gross:** $2,400. (Average, $2,800)

"THE IRISH IN US" (Warners)
MARY ANDERSON — (1,000), 25c-40c, 7 days. **Gross:** $5,000. (Average, $3,200)

"Wild" Runs Riot In Omaha; $8,950

(*Continued from page* 8)

substituting "Brewster's Millions" with "Lady Tubbs."

Total first run business was $23,550. Average is $17,000.

Estimated takings for the week ending Aug. 14:

"THE IRISH IN US" (F. N.)
"UNKNOWN WOMAN" (Col.)
BRANDEIS—(1,200), 25c-35c-40c. 9 days. **Gross:** $7,250. (Average, $4,500)

"CALL OF WILD" (U. A.)
"BREWSTER'S MILLIONS" (U. A.)
OMAHA—(2,200), 25c-40c. 7 days. **Gross:** $8,950. (Average, $5,000)

Week Ending Aug. 15:

"EVERY NIGHT AT EIGHT" (Para.)
"MYSTERY OF EDWIN DROOD" (Univ.)
ORPHEUM—(3,000), 25c-40c. 7 days. **Gross:** $7,350. (Average, $7,500)

16 Continuances; Out

SEATTLE, Aug. 19.—After 16 continuances in the past year, a belated NRA case against Sam Sax and the Rex was dismissed by Justice William R. Bell. Sax was charged with violating the code on wages paid projectionists on June 4, 1934, by the King County prosecutor's office. Continuances since that time filled nearly a full page in the court record book.

The theatre is now operated by John Danz, as part of his Sterling chain. Sax is no longer with the house.

Rule Screeno Off

CINCINNATI, Aug. 19.—Screeno, barred in the city because of the lottery angle, also is definitely out in the county. Sheriff Geo. A. Lutz has ordered the stunt discontinued at the Andalus, St. Bernard, and another house at Cheviot. Both situations are close-in suburbans, but outside the city limits.

Wall Street

Fractional Losses on Big Board

	High	Low	Close	Net Change
Columbia	75	73	73	—2
Consolidated	5	4¾	4¾	— ⅛
Cons., pfd	17⅛	17	17⅛	— ⅛
Eastman	146½	145	145	—1½
Eastman, pfd	155	154½	154½	—1
Fox	15¾	15½	15½	— ½
Loew's, Inc.	41⅞	40⅝	41	— ½
Loew's, pfd	105	105	105	.....
Paramount	4⅞	4¾	4¾	— ¼
Pathe	1⅛	1	1	.....
Pathe "A"	12	11¼	11¼	— ¼
RKO	2⅞	2¾	2¾	.....
Universal, pfd ...	34	33¾	34	+ ¼
Warner Bros.	5⅝	5¼	5¼	— ¼
Warner, pfd	36¾	36¾	36¾	—1

Sonotone Gains ⅛ on Curb

	High	Low	Close	Net Change
Sonotone	2⅛	1⅞	2⅛	+ ⅛
Technicolor	19½	19	19⅜	+ ⅛
Sentry Safety	⅜	⅜	⅜	.....

RKO Bonds Drop 2¼

	High	Low	Close	Net Change
General Theatre Equip. 6s '40 ctf	13½	13½	13½	— ⅛
Keith B. F. 6s '46	90⅛	90⅛	90⅛	.....
Loew's 6s '41 ww deb rights ..	103¾	103¾	103¾	+ ½
RKO 6s '41 pp....	55½	55½	55½	—2¼
Warner Bros. 6s '39 wd	78¾	77	77	—1¾

(Quotations at close of Aug. 19)

Buffalo Dog Racing Continued Unsettled

(*Continued from page* 1)

law violation in a test case on gambling. The decision, pending for more than three weeks, was handed down after Erie County's Sheriff Michael Maher and District Attorney Newcomb had visited the Maryvale track, in Cheektowaga, and succeeded in closing the profit-sharing certificate booths.

Judge Milne found no evidence of gambling in the case of Carl Wolfe, president of the concern operating the track, and Roy Wilson, ticket seller for the profit-sharing certificate system.

The track has bitten deeply into Buffalo theatre grosses since its opening five weeks ago. Blanketing the city with passes and operating under lights, the project has been pulling crowds of 8,000 and 9,000 people. Originally scheduled to close at the end of this week, operations may continue throughout this month and part of September if such crowds can and are willing to spend their money in the certificate plan or a similar device.

Proposed Cincy Body For Clearance Pact

(*Continued from page* 1)

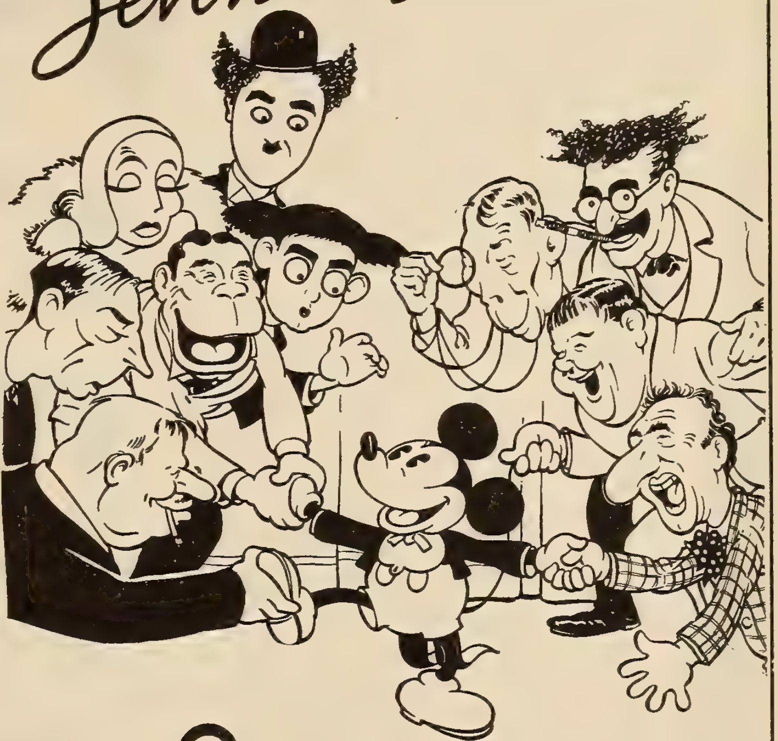
with the distributors and majors on a clearance schedule more equitable to the subsequents.

Temporary hesitation in the formation of a local unit is predicated on lack of cooperation, financial and otherwise, which characterized previous organizations here, and which ultimately caused them to disband.

Warners Reopening 2

NEW HAVEN, Aug. 19.—Two closed theatres will be reopened by Warners about the middle of September, it is reported. The Broadway, Norwich, open week-ends the past five months, will reopen as a second run instead of first. The Bristol, closed for several years, will also reopen as a second run.

Congratulations Mickey on your Seventh Birthday!



On September 28th, 1935, Mickey Mouse will be exactly seven years old Already this event is receiving unlimited enthusiastic publicity in newspapers and magazines; famous band-leaders are broadcasting Walt Disney tunes over the air; manufacturers of all types of Mickey Mouse merchandise are giving Mickey thousands of window displays. International broadcasts will encircle the globe with London, New York, Paris and Hollywood joining the celebration.

Smart showmen have already jumped on the band wagon by scheduling "Walt Disney Revues" for their theatres. Other exhibitors anxious to capitalize on the tremendous public interest being aroused, are booking every available Silly Symphony and Mickey Mouse subject.

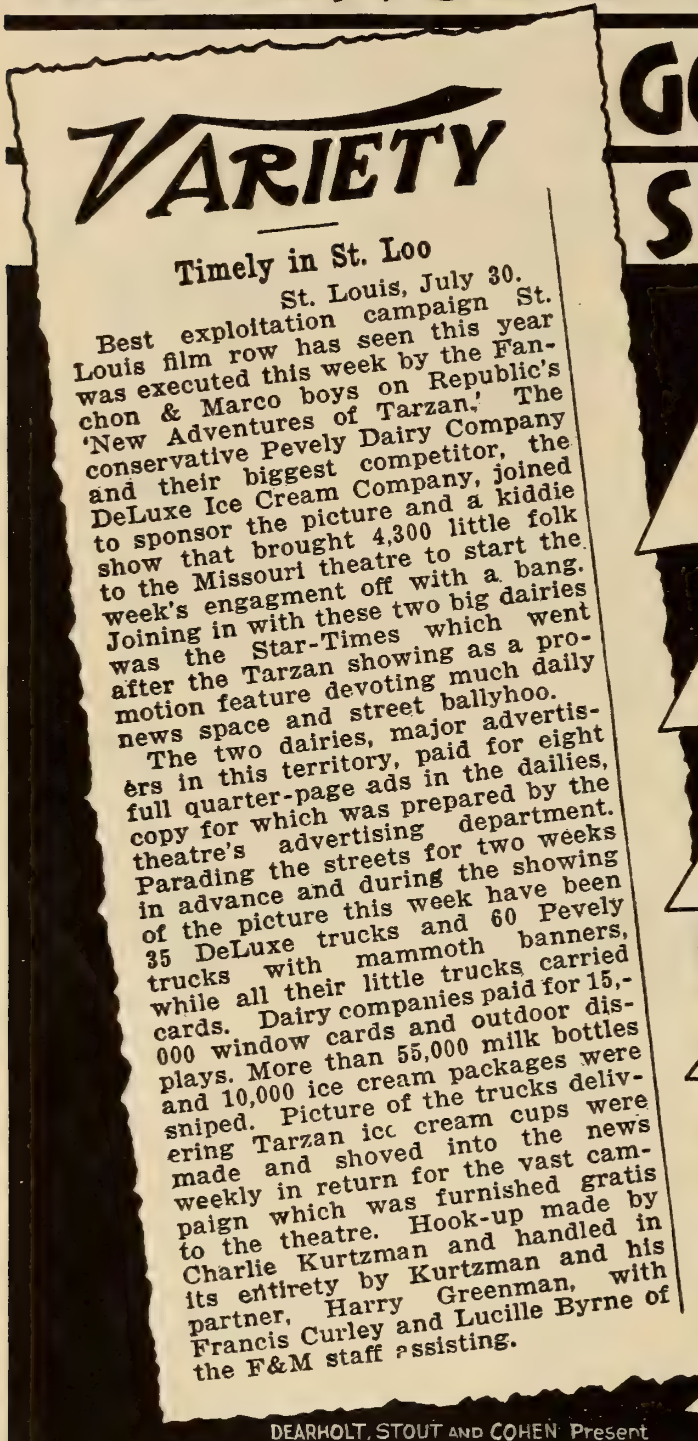
Don't be left out in the cold. Visit your United Artists Exchange today and get your share of prosperity.

SEPTEMBER 28th to OCTOBER 4th

7th Anniversary Week!

THE MISSOURI THEATRE, ST. LOUIS

GOES TO TOWN *with a* SUPER-ATTRACTION!



VARIETY

Timely in St. Loo

St. Louis, July 30.

Best exploitation campaign St. Louis film row has seen this year was executed this week by the Fanchon & Marco boys on Republic's 'New Adventures of Tarzan.' The conservative Pevely Dairy Company and their biggest competitor, the DeLuxe Ice Cream Company, joined to sponsor the picture and a kiddie show that brought 4,300 little folk to the Missouri theatre to start the week's engagment off with a bang. Joining in with these two big dairies was the Star-Times which went after the Tarzan showing as a promotion feature devoting much daily news space and street ballyhoo.

The two dairies, major advertisers in this territory, paid for eight full quarter-page ads in the dailies, copy for which was prepared by the theatre's advertising department. Parading the streets for two weeks in advance and during the showing of the picture this week have been 35 DeLuxe trucks and 60 Pevely trucks with mammoth banners, while all their little trucks carried cards. Dairy companies paid for 15,000 window cards and outdoor displays. More than 55,000 milk bottles and 10,000 ice cream packages were sniped. Picture of the trucks delivering Tarzan ice cream cups were made and shoved into the news weekly in return for the vast campaign which was furnished gratis to the theatre. Hook-up made by Charlie Kurtzman and handled in its entirety by Kurtzman and his partner, Harry Greenman, with Francis Curley and Lucille Byrne of the F&M staff assisting.

BEST EXPLOITATION CAMPAIGN ST. LOUIS FILM ROW HAS SEEN THIS YEAR!

KIDDIE SHOW WITH 4300 STARTS WEEK WITH A BANG!

NEWSPAPERS WENT AFTER "TARZAN" WITH DAILY SPACE AND STREET BALLYHOO!

8 FULL QUARTER PAGE ADS TIED IN WITH LARGE ICE CREAM DAIRIES!

PARADE OF 95 TRUCKS WITH MAMMOTH BANNERS TWO WEEKS IN ADVANCE!

15,000 WINDOW CARDS—55,000 MILK BOTTLES—10,000 ICE CREAM PACKAGES SNIPED!

DEARHOLT, STOUT AND COHEN Present

EDGAR RICE BURROUGHS'

The NEW ADVENTURES OF TARZAN

Starring

HERMAN BRIX

WORLD'S GREATEST ATHLETE

BOOKED BY PARAMOUNT, WARNER BROS., RKO, COMERFORD, FANCHON MARCO, REED AND ENTIRE SAENGER CIRCUIT, LOUISIANA

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 44 NEW YORK, WEDNESDAY, AUGUST 21, 1935 TEN CENTS

All Boroughs Plan to Test Chance Games

By Agreement, Suits Are Due Next Week

By agreement with License Commissioner Paul Moss and various parties interested in chance games, including exhibitors and sponsors of them, test cases will be held in all five boroughs next week.

More than 25 arrests have been made within the last few days, following two weeks of warning by police officers. Theatres belonging to prominent independent circuits such as Springer & Cocalis, Rugoff & Becker, Isle Theatres and Leff & Meyers have been summoned to court for failure to

(*Continued on page* 9)

K. C. Zoning Schedule Is Given Distributor

KANSAS CITY, Aug. 20.—A committee of independent exhibitors, composed of E. S. Young, Central and Roanoke; Charles Potter, Admiral and Baltis; E. Rolsky, St. John and National; E. E. Webber, Mary Lue, and A. H. Shaffer, Strand, has presented copies of the clearance schedule petition evolved by independent exhibitors last week to exchange managers. Managers are expected to pass the petition on to their home offices without action.

All but two independent suburban exhibitors have signed the petition and both are out of town. They are

(*Continued on page* 10)

Theatre Attendance Up, Gov't Reports

WASHINGTON, Aug. 20.—Theatre attendance throughout the early summer was at a higher level than last year, it is indicated in figures made public tonight by the Internal Revenue Bureau, showing July collections from the admission tax at $1,276,914 as against $1,046,162 in the same month a year ago.

Meet Again to Talk Over 2,000-Ft. Reel

Managers of exchange operations for major companies renewed discussions of factors involved in the adoption by the industry of the 2,000-foot reel at a meeting held yesterday at the M.P.P.D.A. As at the first meeting on the subject held last week, the discussion was informal and centered on

(*Continued on page* 4)

Best Since May

Cleveland, Aug. 20.—"Curly Top" outgrossed every picture that has played Warners' Hippodrome since "G-Men" played the week of May 3 and established a record. "Curly Top" came within $2,000 of that record with a $17,500 take. And it was plenty hot.

Solid Allied Ranks Is Aim Of Samuelson

By BILL ORNSTEIN

ATLANTIC CITY, Aug. 20.—Solidification within the ranks will be sought by Sidney E. Samuelson, president, in his opening speech Wednesday as Allied of New Jersey starts the first of a three-day annual convention at the Ritz-Carlton here. Samuelson has always been in favor of a strong organization with each of its members helping the other instead of fighting him.

"When it comes to our members'

(*Continued on page* 6)

Weber Charged with Tyrannical Powers

NEWARK, Aug. 20.—Joseph N. Weber, president of the American Federation of Musicians, today was charged with oppression and the application of tyrannical powers in a petition for an injunction to restrain the federation from revoking the charter of Local 248 of this city and setting up a competing union.

The application stated that the charter was being withdrawn because the local had reduced the salary of its recording secretary from $2,600 a year to $350 when it was faced with bankruptcy because of the unemployment of 80 per cent of its members.

WARNERS SELLING TO IND'P'TS HERE

Century Gets Opening Deal—Follows Break With RKO

After several unsuccessful attempts to get together with RKO, Warners yesterday took the first step in making good its threat to sell independents.

A. W. Smith, Jr., vice-president in charge of eastern and Canadian sales, sold his product complete to 30 Brooklyn and Long Island theatres in the Century circuit.

Signing of the Warner deal places Century in the same first run level as Loew's and RKO. A. H. Schwartz has been fighting for years to get first run product in opposition to the two major circuits without success. About two years ago, Century ended a booking and buying arrangement with RKO, but several months ago made a pooling deal with Skouras Theatres on a number of Long Island proper-

(*Continued on page* 4)

Will Finalize Union Merger Shortly Now

Attorneys for Allied M. P. Operators, Empire State union, Century and Springer & Cocalis circuits are understood to have approved plans for merging the two operators' unions. Executive committees of the two unions are expected to meet next week to ratify the amalgamation. It is stated that the union of both unions would bring into one group 900 mem-

(*Continued on page* 4)

Sirovich Driving on Copyright Proposals

WASHINGTON, Aug. 20. — A last-minute effort to get the copyright bill through the House will be made by Representative Sirovich if the various interests can get together on the measure, it was learned today.

Confident that he can secure an agreement on practically all controversial points, Sirovich made it known that if this is accomplished he will seek House action in the hope that confreres can iron out any differences with the Senate and report back in time to have the bill passed before adjournment.

Thousands Will View Will Rogers' Body

LOS ANGELES, Aug. 20.—The body of Will Rogers will lie in state for five hours beginning at 7 A. M. Thursday

(*Continued on page* 9)

Corporate Income Tax Rate Runs from 12½ to 15%

By CLARENCE LINZ

WASHINGTON, Aug. 20.—Corporations in the industry will be subject to income tax at rates ranging from 12½ to 15 per cent under the new revenue bill as agreed to today by House and Senate conferees.

In lieu of the present flat rate of 13¾ per cent a tax of 12½ per cent will be levied on taxable corporation income up to $2,000; 13 per cent on income between $2,000 and $15,000; 14 per cent on income from $15,000 to $40,000 and 15 per cent on all incomes in excess of $40,000.

The capital stock tax, now a dol-

(*Continued on page* 9)

Fox Merger Again Set Back by Court

The adjourned meeting of Fox Film stockholders scheduled for yesterday was again delayed as a result of State Supreme Court Justice Alonzo McLaughlin's failure to enter a decision on the action brought by Mrs. William Fox to restrain Fox Film from con-

(*Continued on page* 2)

3 Syracuse Theatres Pool Holdings There

A three-theatre pool, involving Keith's, Paramount and Eckels in Syracuse was completed yesterday by RKO circuit officials and J. Meyer Schine. The terms provide the pool is to be managed jointly with Keith's becoming the "A" house, one of the others a "slough" house and the third, a second run. These allocations have not yet been made.

The Strand, a Warner house, which RKO has been operating for the last year, is not included, the circuit having thus far failed to renew its lease. It may go into the pool later.

Over $7,500,000 to Be Spent by Small

HOLLYWOOD, Aug. 20.—Ten features costing in excess of $7,500,000 will be produced over a 12-month period by Reliance, it was announced today by

(*Continued on page* 10)

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

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Buys 3 Big London Houses; GB Stepping

By BRUCE ALLAN

LONDON, Aug. 20.—Gaumont British has purchased three of the H. and G. theatres in London and is preparing to step out after others.

Acquired from H. and G. Kinemas, Ltd., in which the Hyams brothers and Major Gale are the principals, are the Trocadero, Elephant and Castle; the Troxy, Commercial Road; and the Trocette, Tower and Bridge Road at a price reported at £700,000. The houses will be operated by Gaumont British Super Cinemas & Cinemas, Ltd., a new company.

The Kinematograph Renters' Society ban on Gaumont theatre expansion apparently has been defeated by formation of the new company.

Paramount was originally after the H. and G. circuit in London. Generally understood to have been the reason for his visit, Phil Hyams came to New York about a year ago with executives of the Paramount's British distributing organization. Nothing, however, materialized.

"Seas" for Third Week

"China Seas," first picture on the Capitol's all film program, will be held over for a third week. This is the first to be held for such a run since "David Copperfield" played there last January.

Insiders' Outlook

By RED KANN

THE beginnings of an unusual situation began to take form yesterday when it became an established fact that the Warners, selling away from RKO, had sold their complete lineup to Abe Schwartz and his Century Circuit. Sounding like just another film deal, this one is far removed from merely that. And the reasons are several as well as good. . . .

▼

Last season, the Warner lineup split into equal parts and, share and share alike, went to Loew's and RKO. This season, Loew's bought the half of Paramount which had been wending its way into the RKO camp for some years under franchise. Numerically, therefore, the Loew outfit had what it needed what with the second Paramount split replacing the thirty purchased in 1934-35 from Warners. The obvious place for the Warners to turn, of course, was RKO. They met. They dickered. They found themselves only $190,000 apart. And so apart they are staying. . . .

▼

Andy Smith sponsored published stories that he would sell away from RKO and to the independents in this area. There were snickers when there weren't smiles; the old timers remarked Smith's diplomatic strategy was old-fashioned, well-known and well-worn. They thought he was kidding and, to let you in on a minor secret, so did we. Now comes along the deal with Schwartz to prove to those who smiled too soon that here was no idle talk. Contracts somehow or other manage to retain their power to impress. . . .

▼

What happens now? This happens: The Century chain, spread out over Brooklyn and into Long Island towns becomes a first run circuit. While it cannot have the product availabilities which are either Loew's or RKO's, the Warner deal—first run, mind you — takes those Schwartz houses, lifts them by their marquees and propels them into the classification of neighborhood first runs. Just like many of the houses operated by the two major circuits. In effect, although patently not so powerfully entrenched as to become a menace, Loew and RKO operators have this morning that which they have never wanted and have thus far avoided: a direct-opposition third circuit in their always sacrosanct territory. . . .

▼

Knowing full well the stroke of good fortune which has come his way, the Schwartz headquarters were busy yesterday making plans. They include conversion of five houses from twice weekly into week stands, thrice weekly to twice weekly and so on up the line, including a general hike in admissions. Having started this upset, Smith, it becomes apparent, will go further and by additional deals with additional independents in other city zones make possible for them what he has made possible for Schwartz. This is old stuff for the Warners. Their Philadelphia zone one season failed to close with M-G-M, which did there what Smith is starting here. The heat was considerable. . . .

▼

As a matter of fact, it was quite a day for Schwartz on another score as well. The Warner-RKO deliberations which went aground found echo in that circuit's dealings with G.B. Once reported to have been signed, yesterday brought to light twin facts: (1) that no signatures had been affixed and (2) G.B.'s eighteen had been placed with Century, also on a first run basis. Schwartz, therefore, has a seventy-eight total to play around with, or just about half of the product assembled by Loew's for this new season. It looks like quite a fall, seasonally speaking. . . .

▼ ▼

Paramount is yet to be heard from on the Myrna Loy-Metro contract tangle. Hitherto unpublished dope: H. and M. Pictures Corp.—that's Hecht and MacArthur—holds an agreement to make two pictures, each costing $250,000, and an option on a third; Paramount to finance. But the distributor also has the right to approve stories and casts. The question is simple enough: Will Paramount incur Nick Schenck's displeasure by handling a picture with the disputed player in the lead? Worth cogitating over, also, is this: This week it's Metro with the star trouble. Next week, it may be Paramount. . . .

▼

Truman Talley is sizzling over Bob Gillham's newsreel copy, published on the page facing this one yesterday. It was a crack at Fox Movietone's Laurence Stallings expedition to Ethiopia, in which Paramount made the flat statement: "We don't believe in *Stalling!*" and "the Paramount boys have already started calling Haile Selassie by his first name." A handful of pages back, Charlie Ford, who edits Universal Newsreel, gave Talley further cause for fury when he chirped "one of our imitators is trying to sell you its newsreel by assuring you that it has 'cans and cans' of news shots of the Italo-Abyssinian war even before the war starts." This department is enjoying it, particularly at full page rates. . . .

Fox Merger Again Set Back by Court

(*Continued from page* 1)

summating the merger with Twentieth Century. The stockholders' meeting was postponed until today at 3 P. M. in anticipation of a decision from the court by that time.

The Twentieth Century-Fox Film merger was overwhelmingly approved by Fox stockholders at the initial meeting held last Thursday, but further steps toward consummation of the plan are awaiting Judge McLaughlin's decision on the court action.

Delinquencies Halt Circuit's Election

Election of officers and directors of the recently organized Independent Theatres Circuit, Inc., met a temporary setback yesterday. The delay was due to delinquency of exhibitors who have signed up in sending in checks, it was stated.

About 80 local houses have signed pledges to go along with the circuit, but according to the committee's plans no elections will take place until everyone puts the money on the line.

Harry Brandt, president of the I.T.O.A., has stated he will include his 42 theatres provided there are 75 paid up members. This number has not yet been reached, but is expected within the next week or so. In the event Brandt joins, he will most likely be named president at $1,000 a week.

Milton C. Weisman, attorney for the I.T.O.A., will call a meeting of all the signatories as soon as the 75 submit payments pledged. He has already turned down the presidency.

Astor All Set for "Crusades" Opening

The stage is set for the first two-a-day opening of the season at the Astor tonight when "The Crusades" makes its bow.

Mounted policemen and patrolmen have been assigned to handle the traffic and crowds expected at the opening to listen to the program of events that will be carried from inside the theatre to the street by means of loudspeakers. The entire proceedings will be broadcast over station WHN.

For the past three weeks the Astor itself has undergone a complete renovation.

Cecil B. DeMille is in from the coast to attend the opening of his film and Henry Wilcoxson, who is starred, will also be present tonight.

Connolly Leaves to Set Up War Coverage

Jack Connolly, general manager of Pathe News, sails on the *Normandie* today to participate in the organization of two camera units to cover the anticipated Italo-Ethiopian war. Pathe is tying up with the Pathe newsreel companies in France and England on a three-way deal. He expects to be back here in about three weeks.

"OKAY BOYS, YOU CAN START THE WAR NOW!"

The World's Ace Newsreel Man is on the job

Hearst Metrotone News' One and Only—

VARGES is in ETHIOPIA!

That's News! Captain Ariel Varges has moved in from the battle-fields of China. He's probably moved into Haile Selassie's guest room because he's the pal of Abyssinia's Emperor. Varges, the most famous cameraman alive, has covered practically every modern war. He works in the front-line trenches and his inside-stuff appears in HEARST METROTONE NEWS. *There's a new Lion of Judah*—**LEO of M-G-M!**

Ind'p'ts Here Being Supplied By Warners

(*Continued from page 1*)

ties. Physical exchange of the theatres is slated to take place Sept. 1.

Also signed up by Schwartz are 18 G. B. pictures. Both deals give Century 78 first runs. The first Warner 1935-36 release is expected next month. Century plans to change policies in practically all of its units. Five of the 30 will play week stands. A number of houses now changing three times a week will switch shows twice. Some double feature houses will revert to single bills. Admissions will be increased all along the line.

During the last months of the code, Century brought a clearance and zoning complaint against RKO. The case lasted for many weeks with Louis Nizer, secretary of the New York Film Board, retained specially by the major circuit. Mitchell Klupt represented Century. The independent circuit tried to break down the week's clearance the RKO Alden, Jamaica, and Strand, Far Rockaway, held over the Fantasy, Rockville Centre. After many weeks, the local board decided in favor of RKO as far as Far Rockaway was concerned, but voted against the major outfit on the Alden. Both circuits appealed to Campi, but after one hearing the code expired at the hands of the U. S. Supreme Court, leaving the protection in status quo.

Cancelled Para. Agreement

RKO, which has had half of Paramount on a franchise, several months ago cancelled the long-term agreement. Shortly after negotiations were begun on a one-year deal for 50 per cent of the new lineup. After several conferences, Paramount turned down RKO's offer and threatened to sell to independents. While Paramount was keeping RKO guessing to whom it was selling, a surprise was sprung when Loew's closed for the balance of the 65 films.

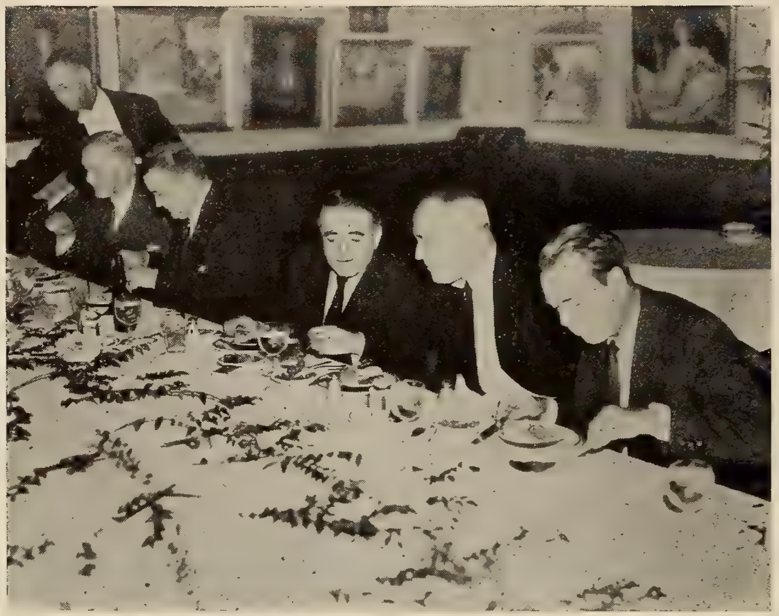
With the second Paramount deal, Loew's had to forget about the 50 per cent of the Warner features it had last year. RKO, last season, had 30 Warner films and, losing Paramount, negotiated with Smith for the 60 new features to fill the gap. The price discussions between Nate Blumberg and John O'Connor of RKO and Smith didn't last long when Warners threatened to sell away from the major circuit.

Although Smith could not be reached for verification, it was reported that Warners had sold Century a first run contract for the Patio, Brooklyn, and in the event a deal was later consummated with RKO, the Kenmore would play day-and-date. RKO did not go for the idea of Warners elevating the Patio, which has been a third run for the past five years, to top run and would not consider a blanket deal in view of this lone contract, it is reported.

Schwartz was only too willing to sign for all Warner features and shorts first run. A deal was closed in short order.

Not only has RKO lost Paramount and Warners, but also G.B. After a deal had been all set between the circuit and the third distributor, and announcements had been made to the trade press, a turn in events took place and G.B. officials called the affair quits. Several important independent circuits, including Harry Brandt, are understood after the 18 pictures. The Century deal is said to be the snag in RKO's deliberations with G.B.

Old Timers Swap Stories



Cosmo-Sileo Co.

Winfield Sheehan and George M. Cohan, exchanging stories of the New York of an earlier day at the luncheon given the former yesterday at the Lotos Club. Left to right: Edward P. Mulrooney, chairman of the State Liquor Control; Charles Francis Coe, author and president of the club; Sheehan, Cohan and Martin Quigley.

Enlivened by Morton Downey singing four songs as he played his own piano accompaniment including a couple of lively Irish tunes, friends of Winfield Sheehan yesterday gathered at the Lotos Club to give him a farewell luncheon. He sails today on the *Normandie* with his bride, the former Maria Jeritza, for an extended European trip.

Downey submitted to an encore, remarking at the same time, "it was a hell of a lot in return for chicken served under a glass"; Charles Francis Coe, author who had worked for Sheehan while the latter was with Fox and who is also president of the Lotos Club, acted as master of ceremonies in a thoroughly informal manner; Edward P. Mulrooney, former police commissioner and now chairman of the State Liquor Control, and George M. Cohan spoke and said things about the guest of honor which appeared to make him go into a pleasant blush.

One serious note was struck when Cohan offered a silent toast to the memory of Will Rogers. The 40 men present rose to their feet to comply.

The group included W. G. Van Schmus, Walter J. Moore, Nathan Burkan, Ray Henderson, Maurice MacKenzie, John O'Brien, Jack Connolly, E. M. Fay, Martin Quigley, Colvin Brown, Terry Ramsaye, Don Mersereau, Sid Silverman, P. S. Harrison, Eddie Dowling, John C. Flinn, J. J. McCarthy, Richard Bennett, James Hanley, O. O. McIntyre, George J. Atwell, A. Bernard Moloney, Walter C. Howie, John J. McElligott, Webster Todd, Dr. Menas Gregory, Leon Gordon, Patrick F. Scanlan, C. V. R. Thompson; the following film critics: Andre Sennwald, *New York Times;* Richard Watts, Jr., *New York Herald-Tribune;* William Boehnel, *New York World-Telegram;* Thornton Delehanty, *New York Evening Post;* as well as Howard Barnes of the drama department of the *New York Herald-Tribune* and Red Kann.

Morris Leaves to Fix 'Dream' Dates Abroad

Sam E. Morris, vice-president in charge of foreign distribution for Warners, sails at noon on the *Normandie* to make arrangements for runs of "A Midsummer Night's Dream" in important continental cities. Another job which takes him overseas is a conference with Irving Ascher on the company's British production program. From 15 to 20 features will be made in London this year to meet Warners' quota requirements.

Present plans are to open the picture in London and Stratford-on-Avon simultaneously with the New York and other American key city premieres the week of Oct. 9.

Winn, New District M'g'r for Warners

James Winn, Warners' branch manager in Chicago, was advanced to the post of midwest district manager for the company yesterday by Grad Sears. Winn will headquarter in Chicago.

The advancement gives Winn, former St. Louis branch manager for Warners, supervision over St. Louis, Kansas City, Omaha, Des Moines, Minneapolis and Milwaukee, in addition to Chicago. His successor as branch manager in Chicago has not been named yet.

Will Finalize Union Merger Shortly Now

(*Continued from page 1*)

bers, thereby solidifying the campaign against Local 306.

Allied yesterday continued its picketing of Broadway houses. Establishing some sort of precedent, two of the local's pickets yesterday started parading at the Astor, which opens tonight with "The Crusades" on a two-a-day policy.

Magistrate Brodsky has warned Local 306 that if there are any further arrests of pickets in the Times Square section he would immediately impose sentence on 14 men who were arrested last week. He has reserved decision on these cases until Sept. 9. More than 150 of Local 306's members were arraigned before Brodsky last Friday and a number of others will be brought before him this Friday on various charges.

Negotiations between major circuits and Local 306 for the establishment of a new basic wage scale continue smoothly and are expected to wind up the latter part of the week. The talks pivot around a two-year deal, effective Sept. 1. Circuits are expected to be granted concessions in the scale now in effect.

Meet Again to Talk Over 2,000-Ft. Reel

(*Continued from page 1*)

the advantages and disadvantages to exchanges of the proposed changeover with a view to preparing the managers for making recommendations to their respective companies in about one month. The changeover has been urged by the Academy of M. P. Arts & Sciences for Jan. 1 next.

The group will meet again early in September to renew discussions.

Wall Street

Eastman Up 1¾ on Big Board

	High	Low	Close	Net Change
Columbia	73	71¼	73	.....
Consolidated	4¾	4⅜	4¾	.....
Cons., pfd	17⅛	16⅞	16⅞	— ¼
Eastman	146¾	145½	146¾	+1¾
Fox	15⅞	15⅝	15⅝	+ ⅛
Loew's, Inc.	40⅞	40½	40⅝	— ⅜
Loew's, pfd	104⅞	104⅞	104⅞	— ⅛
Paramount	4⅞	4⅝	4¾	.....
Pathe	1⅛	1	1⅛	+ ⅛
Pathe "A"	11	11	11	— ¼
RKO	2⅝	2½	2½	— ¼
Universal, pfd	33¾	33¾	33¾	— ¼
Warner Bros.	5¼	5	5¼	.....
Warner, pfd	36	36	36	— ¾

Little Change on Curb

	High	Low	Close	Net Change
Sonotone	2⅛	2⅛	2⅛	.....
Technicolor	19	18½	18⅝	— ¾
Trans-Lux	2½	2⅜	2½	.....

Small Loses on Bonds

	High	Low	Close	Net Change
General Theatre Equip. 6s '40 ctf	13¼	13	13	— ½
Keith B. F. 6s '46	90	89⅞	90	— ⅛
Loew's 6s '41 ww deb rights	103¼	103⅛	103⅛	— ⅝
RKO 6s '41 pp	55	55	55	— ½
Warner Bros. 6s '39 wd	77¼	76½	77	.....

(Quotations at close of Aug. 20)

AS A MARK OF RESPECT TO THE MEMORY OF WILL ROGERS ALL UNIVERSAL OFFICES WILL CLOSE TOMORROW AT NOON. . . . . . ALTHOUGH UNIVERSAL HAS NEVER HAD THE HONOR OF A BUSINESS CONNECTION WITH MR. ROGERS, I REALIZE THAT HE IN HIS OWN WAY CONTRIBUTED MUCH TO OUR INDUSTRY AND TO OUR SENSE OF WHAT IS DECENT AND CLEAN. I PAY THIS TRIBUTE TO HIM EVEN THOUGH I KNOW THAT SUCH A TRIBUTE WOULD EMBARRASS HIM IF HE WERE STILL WITH US. IT IS UNIVERSAL'S OFFERING TO HIS SPLENDID FAMILY AND TO HIS GLORIOUS MEMORY.

Carl Laemmle

President, Universal Pictures

◂ Purely Personal ▸

ALBERT LEWIS, associate producer for Paramount, hies west tomorrow after setting the first two of six productions he will make. The duo are "The New Divorce" with Gary Cooper and Carol Lombard, and "A Son Comes Home." Lewis is considering signing two stage players here, but will confer with studio officials before bringing them to the coast. He plans to return to New York after Christmas to look over the play mart.

•

Herb Berg sent Hal Horne, publisher of *Mickey Mouse Magazine*, a dollar for a year's subscription. Replied Hal:

"This is the first time I have had anyone pass the buck to me and really enjoyed it."

Quip of the Day

A new De Mille story.

Emerging from the projection room where he had screened "The Crusades" in its finished form the director, it was noticed, was softly crying.

"Why, Mr. De Mille, what's wrong?"

"It's epic," he replied. "It's epic."

Thomas Meighan, recently out of the hospital after an operation, was on the receiving end of an international radio broadcast from London last night. The program was headed by former Mayor James J. Walker.

•

Charles R. Metzger, Indiana exhibitor leader, was a visitor about town yesterday en route to the New Jersey Allied convention, which opens at Atlantic City today. Same for W. Al Steffes of Minneapolis.

•

Fred Kent, attorney for the E. J. Sparks circuit, had to cancel plans for a Canadian vacation and rush back to Jacksonville, Fla., yesterday. Frank Rodgers, general manager of the circuit, leaves for home today.

•

Bill Pine takes to the air lanes tomorrow, but will visit Detroit, Chicago and Des Moines before returning to the Paramount studio.

•

Marian Byrne of the William Morris office has flown to the coast on business.

•

Ben and Mrs. Goetz will be among the passengers on the *Normandie* when that boat sails today.

•

Katherine Brown, eastern story editor of RKO, is vacationing in Bermuda.

•

Dave Palfreyman taking innoculations for colds after a vacation near the Canadian border.

•

Frank F. Kolbe, Pathe president, hiking across 45th St. in the whitest of linens.

•

Jules Levy is spending a few days in Philadelphia on a product deal.

•

David Bernstein, Leopold Freidman, Joe Vogel, Dave Loew, Lou K. Sidney, Oscar Doob, E. C. Grainger, Sidney Justin, Ben Fink, Jack Flynn, William F. Rodgers, Sam Dembow, Toby Gruen and Ralph Rolan were spotted at the Astor during the lunch recess yesterday.

•

W. Ray Johnston, Herman Gluckman, Bernie Mills, Ed Finney, James A. FitzPatrick, Hal Horne, Harry Brandt, Jack Springer, Dave Palfreyman, George Dembow, Ben Rosenberg, Arthur Lee, George Weeks, Dave Chatkin, Sam Rinzler, Walter Futter, Emil Jensen, Arnold Van Leer, Marvin Schenck, Nellie Revell, Al Hovell, Charles Moses, Louis Frisch and Edward Rugoff comprised most of the film group convening at The Tavern for conversation and food yesterday.

•

Walter Futter plans on leaving for the coast today. He's been in town since Sunday and is anxious to make a quick exit.

•

William Brandt has been discharged from the Jewish Hospital and is at home taking it easy.

•

Harry Rabinowitz of Theatre Displays Co., Albany, is in town on poster business.

•

Harry Egert and Louis Weinzimmer are mourning the loss of their stock of posters, destroyed yesterday in a fire.

•

John D. Clark, George Skouras, Sam Cocalis, Peter Adams and Jack Ellis were among the mid-day food specialists at Sardi's yesterday.

•

. . . London

Ray Lewis of *Canadian Moving Picture Digest*, in town in course of holiday tour of England.

Sam Goldman has been promoted from the general managership of the Carlton, Haymarket, to the post of general inspector of Paramount London theatres. H. Dimmock, from the Finsbury Park Astoria, goes to the Carlton.

John Findlay, back from instructional trip to Fox Movietone City and taking over job as production executive at Fox-British studio, Wembley.

Jeffrey Bernerd on vacation.

C. J. Donada has opened two additions to the County Cinemas chain at Hull and Godalming.

A Sidelight or Two

Atlantic City, Aug. 20.—Sidney Samuelson has been working day and night since Sunday trying to get everything in ship-shape for the big three-day pow-wow. Assisting him are his wife and Sally Fisher, his secretary. Sidney feels more or less at home at the Ritz. It's the same hotel where the convention was held last year.

+

Dave Snaper, who operates a number of New Jersey houses, is driving by car from his home and is due Wednesday morning.

+

Leon Rosenblatt may not be able to attend. He's a hard fighter for the organization, but has a bad cold which may keep him in bed for the next few days. John Benas and Isadore Welt, Rosenblatt's affiliates, are expected to represent the Rosenblatt-Welt circuit. As a matter of record, Benas is slated to talk on product Thursday.

+

Moe Streimer, U. A. branch manager, is another who will not be on the local scene. Streimer is seriously ill at home and has been confined to his bed for three weeks. Nat Beier may drop in Thursday night for the banquet.

+

From exchanges, the following have signified attending: Eddie Carroll and Louis Kutinsky, from RKO. The former arrives tomorrow by car and the latter is due Thursday. Joe Lee of Fox, Thursday. Irving Gumberg of G. B., tomorrow morning. Sig Wittman, Leo Abrams anl Phil Winnick, Universal, on Thursday. George Dembow, Morton Van Praag and Ben Rosenberg, National Screen, on Thursday afternoon. Dave Levy, M-G-M, late Thursday. Harry Hummel, Roy Haines and Charles Kenneth, Warners, Thursday, Eddie Golden, Herman Gluckman and Jack Bellman, Republic, on Thursday night.

Joe Hornstein arrived at four this afternoon to set up his display. He had two hours to complete the job inasmuch as the hotel would not permit any work on exhibits after 6 P. M.

+

Jack Goldstein of Rex Premiums, New York, will be here tomorrow. He's not bringing any of the china he sells along.

+

Earle Sweigert and Percy Block of the Paramount Philadelphia exchange will take the place of representatives from the New Jersey office. Ed Bell, New Jersey manager, has several appointments lined up which he can't break.

+

Howard Parker of New York and David S. Moliver of Philadelphia, operators of Lucky, will play the game at the banquet Thursday evening.

+

M. G. Felder, who has the Maplewood, Maplewood, and is adding two others on Sept. 15, is coming on from New York by car Thursday. He's new as an exhibitor, but for many years was distributor of Bio Carbons in New York.

+

Jerome Kridel, a director of Allied of New Jersey, has been here all day working with Samuelson on last minute details. He's been of great assistance.

+

Charles L. O'Reilly, president of the T. O. C. C., and Harry Brandt, head of the I. T. O. A., neighboring units, will not be on hand. Both exhibitor heads have worked together with Samuelson on several occasions, but can't get away for the shore meet this year. Brandt tomorrow has a meeting of his unit at the Astor to discuss labor.

Solid Allied Ranks Is Aim Of Samuelson

(*Continued from page 1*)

relations with other exhibitors, there is a record of service, of internal arbitration of difficulties between members by the executive committee, conciliation on cut price admissions; securing product in highly competitive situations and preventing invasion of the territory of one member by another," the New Jersey head states.

"There are two definite instances to illustrate the principle of organization strength," he added. "In one case a member found himself deluged by unfair non-theatrical competition. Within a week, by proper representations, the organization was successful in eliminating the competition. In another case, a member found himself in competition with free government shows. It took a little longer, but the opposition was done away with in a few weeks. In stopping the latter type of competition, a spread of free shows throughout the state was also halted."

Samuelson holds that the future of the independent will be more definitely secured when he builds closer and finer contacts with his patrons through the medium of organized civic groups. He says the organization has been unusually active in making contacts of this character. In two instances members reported increases at the boxoffice from contacts by civic organizations.

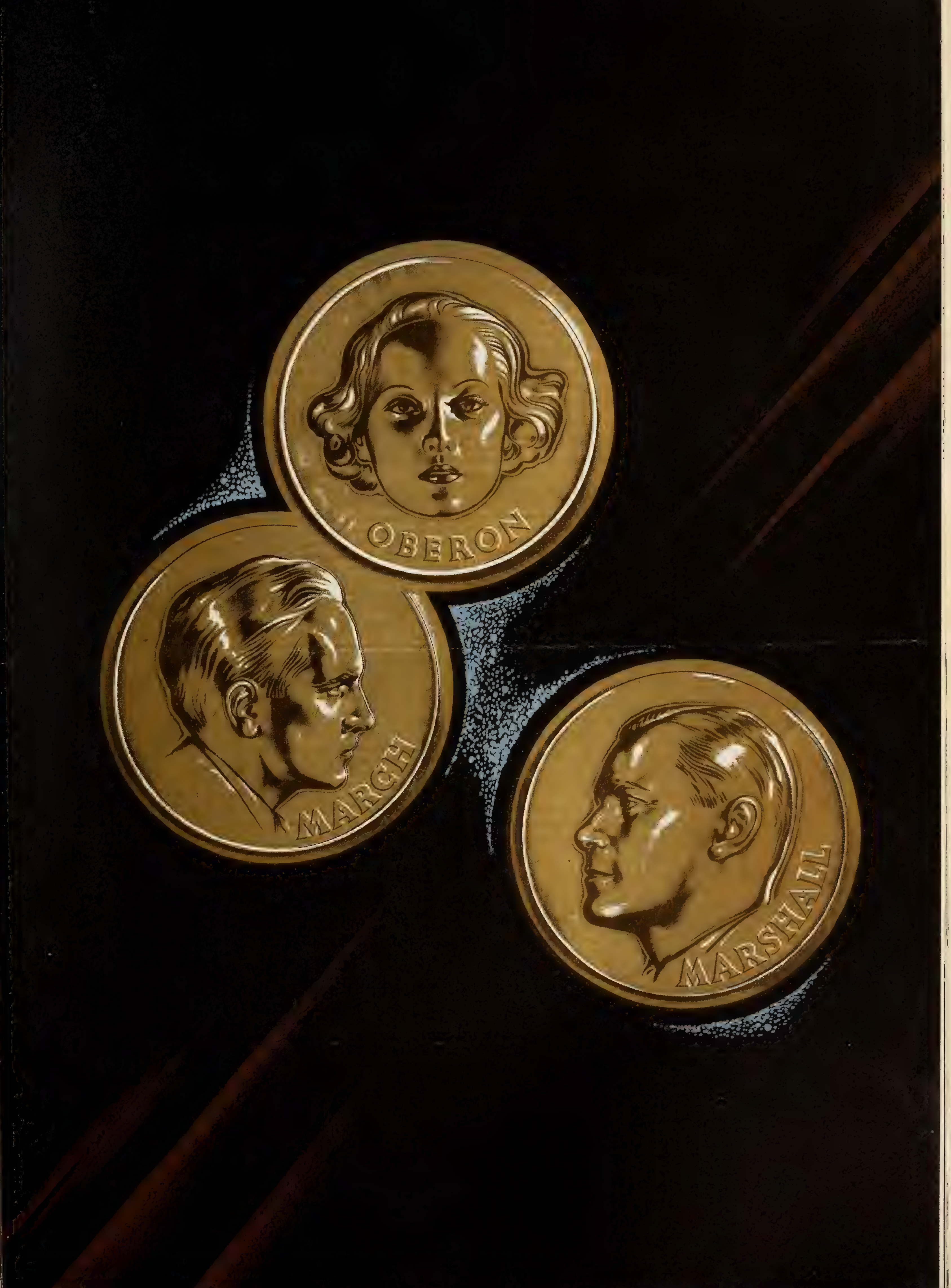
One particular bugaboo eliminated since the last convention here is dog racing. Samuelson points with pride to the fact that the puppy tracks have been cleared from the state of New Jersey. Fear of added taxes has also been done away with. The local Allied president claims these feats would not be possible had full organization support been lacking.

The program for Wednesday is as follows: Eastern regional meeting in the Gold room at 10 A.M., following which there will be a lunch recess. Eastern directors will meet briefly after lunch. At 2:30, Samuelson will talk to all conventionites, discussing the business and social programs. At 4 P. M., a sailing party will be held for women and children. At 8:30 P.M., and for two hours, a reception will be in order in the Trellis Room. Dancing at the Ritz Garden will bring the waltzers and one-steppers on the floor at 10 P.M.

Toronto Exhibitors Win Tax Concession

Toronto, Aug. 20.—Following vigorous complaints from exhibitors, Premier M. F. Hepburn tonight announced an amendment to the amusements tax act providing tax exemption on all tickets up to and including 25 cents sold to children under 16 years of age.

This was the first victory for theatre owners in the long tax fight, but they pointed out the concession meant a saving of only $50,000 in a year, whereas tax increases put into effect last June meant a total increase in the amusements levy of more than $2,000,000 in 12 months. Pressure on the government will continue.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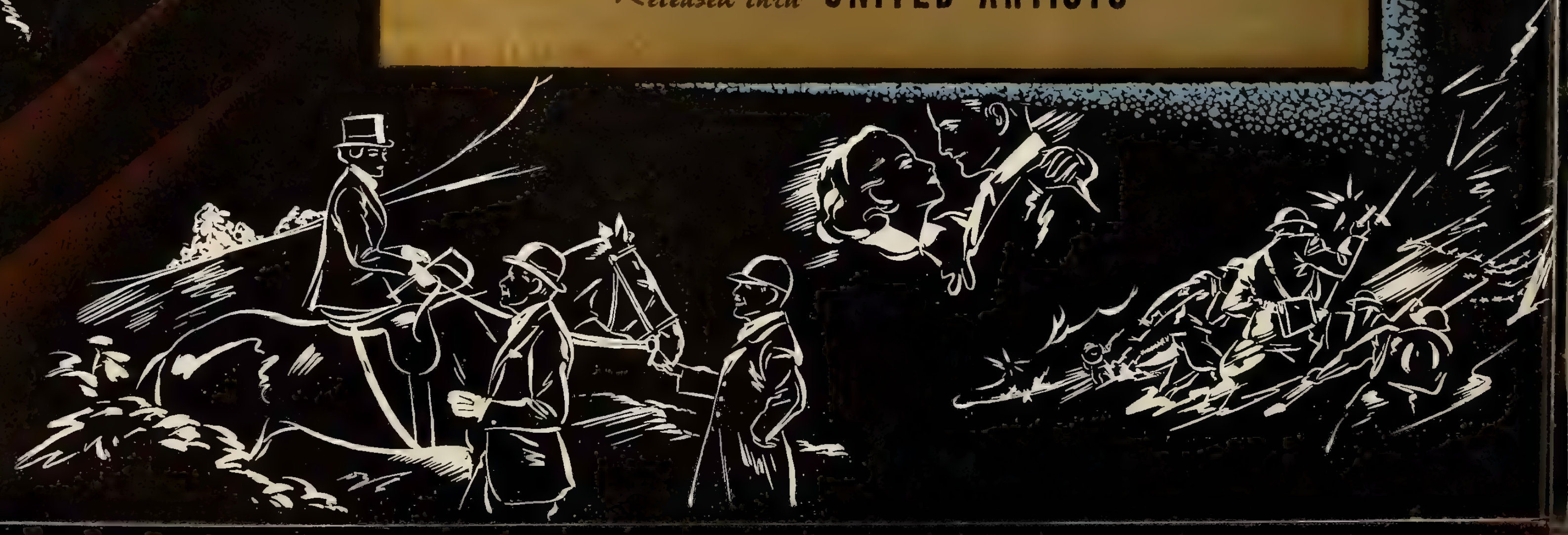

Thousands Will View Will Rogers' Body

(*Continued from page* 1)

at Forest Lawn Memorial Park in Glendale in order to give the thousands of admirers of the actor in this vicinity an opportunity to pay homage to his memory. Private funeral services will be held at 2 P. M. the same day at Wee Kirk o' the Heather and will be conducted by Dr. J. Whitcomb Brougher, a close family friend.

The remains will be placed in a crypt at Forest Lawn temporarily. Eventually, they will be transferred to the family burial plot at Chelsea, Okla.

Production Will Halt

Hollywood, Aug. 20.—Production at all studios will cease on Thursday during the funeral of Will Rogers. Studio officials at a meeting presided over by Will Hays and Louis B. Mayer voted unanimously today for a general shutdown. Exchanges throughout the country have been asked to close also. Each studio will hold separate services with ministers of various faiths officiating.

More to Join Tribute

All Educational offices and the Paul Terry cartoon studio at New Rochelle will join Fox Film in closing at noon tomorrow as a tribute to the memory of Will Rogers, funeral services for whom will be held at 2 P. M. tomorrow at Wee Kirk o' the Heather, Los Angeles. Hundreds of theatres throughout the country are expected to darken their screens for two minutes during the afternoon as a further tribute to Rogers.

Pall Cast Over Troupe

Grafton, Mass., Aug. 20. — The death of Will Rogers has cast a deep pall of gloom over the troupe making "Ah! Wilderness" here, for the famous actor-humorist originally had been offered the father role played on the stage by George M. Cohan.

Just before leaving Hollywood Clarence Brown had pleaded with Rogers to take the part. Will declined, saying he needed a vacation and was going on a plane trip to Alaska with Wiley Post.

Brown, himself a pilot, has flown Rogers many times and also flew in formation with Post on the coast.

FWC Books Rogers

Hollywood, Aug. 20.—"Steamboat 'Round the Bend," one of Will Rogers' last pictures, has been booked into the Loew's and Chinese here by FWC for a one-week engagement starting Saturday. The booking was limited because the campaign for "China Seas," scheduled to start Aug. 31, was too well along to be changed.

"Curly Top," currently playing at Loew's and the Chinese, will be pulled after 10 days and booked into the United Artists, which opens its doors for that purpose. The Rogers film will go into the United Artists after its first run providing "Curly Top" slips, otherwise it will be rushed into neighborhood houses.

Chicago Opening Friday

Chicago, Aug. 20.—"Steamboat Round the Bend" goes into the Roosevelt in the "loop" here starting Friday. The last Rogers, "Doubting Thomas," which met with mediocre success downtown and first run neighborhood houses has done a standout business in second and third run neighborhoods since the fatality. The picture is being held over in all of the houses and is doing capacity business.

Old One-Reelers Revived

Chicago, Aug. 20.—A number of one-reel pictures made about seven years ago featuring Will Rogers on an air tour of Europe are now being released again. Superior Pictures are handling the product which was made by Amity Pictures.

Charles Kamp handled them when they first came out some years ago. H. E. Waldron, of the Sheaffer Fountain Pen Co., produced.

Rogers Was His Tops

Kansas City, Aug. 20.—Will Rogers was the greatest star attraction at Jefferson City, Mo., according to Arnold Gould, manager of the Capitol. The record set by Rogers in the old Miller there never has been even approached, Gould asserted.

Services for Brunet

Funeral services were held here yesterday at the Church of the Blessed Sacrament for Henri Brunet who has been in charge of exchange maintenance for Columbia for the past six years. The body was sent to Plano, Ill., immediately after the services for burial.

Brunet died Saturday at the Holy Name Hospital, Teaneck, N. J.

Eugene Ellmore Dies

Eugene Ellmore, veteran local exhibitor, has passed away. At the time of his death he was interested in the Cameo, Bronx, with M. Sarnoff, who is temporarily operating the house alone until Ellmore's estate is settled.

Dance Hall Destroyed

Providence, Aug. 20.—Wilbur's-on-the-Taunton in Somerset, just outside Fall River, one of the largest dance halls in Southern New England, has been destroyed by fire with a loss set at $15,000. The blaze was of unknown origin and worked so fast that firemen had no chance to save the structure. The pavilion has played some of the biggest name bands during the summer and was managed by Cyril P. Feeney, former newspaperman.

See 121, Cut 8

Columbus, O., Aug. 20.—Ohio censors reviewed 121 reels for the week ending Aug. 15, ordering eliminations in but eight reels.

Pete Wood Vacationing

Columbus, O., Aug. 20.—Pete Wood, secretary Ohio I.T.O., accompanied by his wife, is spending a vacation in northern Michigan.

Advance Has "Ariane"

Advance Film Exchanges have acquired the distributing rights in this country for "Ariane."

St. Louis House Opens

St. Louis, Aug. 20.—The Schubert, which has been closed most of the summer, has reopened here.

Corporate Income Tax Rate Runs from 12½ to 15%

(*Continued from page* 1)

lar per $1,000 of declared valuation, on which the House made no recommendation, will be increased to $1.40, this representing a concession by the Senate from its proposed rate of $1.50.

House conferees receded from their demand for excess taxes ranging from five to 20 per cent on profits in excess of eight per cent and accepted the Senate provision for a tax of six per cent on profits between 10 and 15 per cent of declared valuation and 12 per cent on higher profits. The present tax is five per cent on all profits above 12½ per cent.

In disposing of these items the House conferees agreed to a Senate amendment permitting corporations the privilege of declaring a new valuation.

In dealing with income received by corporations from other corporations the conferees agreed to apply the regular corporation taxes against 10 per cent of the amount so received, in lieu of the 15 per cent to which the Senate would apply the tax.

Senate provisions increasing the surtax rates on the net income of personal holding companies were accepted, the schedule ranging from 20 per cent on such net income not exceeding $2,000 to 60 per cent on income in excess of $1,000,000. This section is aimed less at the development of revenue than at the discouragement of the existence of such holding companies as a means of evading the regular surtaxes.

Assistants Prepare For Academy Vote

Hollywood, Aug. 20. — Assistant directors' representation on the Academy's executive committee will be drawn from the following 19 nominations:

Al Alborn, Sid Bowen, Gordon Hollingshead, Beauchamp, Jasper Blystone, Fred F. Fox, Charles Hansen, Horace Hough, Ikerd, Charles Kerr, Ray Lissner, Jay C. Marchant, Booth McCracken, Joe McDonough, Eddie Oferna, Selander, Frank X. Shaw, Eric G. Stacey and J. D. Starkey.

The names cleared through the assistant directors' own nominating committee composed of R. L. Selander, Al Alborn, Clem Beauchamp and Percy Ikerd.

All Boroughs Plan Chance Games Test

(*Continued from page* 1)

comply with the cease and desist order.

When the case against S. & C.'s Burke came up in the Bronx Magistrate's Court yesterday it was postponed until Aug. 30. This theatre was playing Lucky. Rugoff & Becker's Oceana at Brighton Beach has been served notice to appear in the Coney Island court tomorrow in connection with Movie Sweepstakes. The St. George, Staten Island, an Isle theatre, will have a representative in the West Brighton police court on Aug. 29. The case was up before and postponed until next Thursday.

The manager of Leff & Meyers' De Luxe, Bronx, was served with a summons Monday night. The Tremont, same borough, has also been serviced. Aug. 27 is the date set for trial for the Glenwood, Brooklyn. On Aug. 26, the Manhattan, an S. & C. unit, will have its legal representative in court on Lucky.

Meanwhile, Consolidated Amusements has joined Loew in elimination of games. Six houses in the independent circuit were playing Lucky once a week.

Exhibitors as well as agents for the various games are anxious for a showdown and are looking forward to the test cases next week.

Censor Davey Talk; Used "Hell" on Air

Columbus, Aug. 20.—A precedent in radio broadcasting was established here yesterday when the local station WAIU cut Governor Davey off the air for two minutes for using the words "hell," "damn" and "humorous stories" in his renewed attack on George W. Rightmire, president of Ohio State University, whose appropriation he recently reduced.

Talking before the Ohio State Federation of Labor convention, Davey, in his attack, said:

"If Rightmire is unable to operate the university on a reduced budget and can't get along on $10,000 yearly salary he'd better get the hell out of the university."

Consolidated Dividend

A dividend of 25 cents a share has been declared by the board of directors of the Consolidated Film Industries, payable Oct. 1 to stockholders of record as of Sept. 10.

AIR CONDITIONING CHARTS

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K. C. Zoning Plan Given Distributors

(*Continued from page 1*)

Jay Means of the Oak Park and Bagdad, president of the ITO, and J. F. Rigney of the Westport.

Exhibitors feel fairly confident that their petition, backed so wholeheartedly by independent exhibitors, will have weight in the setting up of any schedule here this fall. Presentation of the petition and schedule is considered well-timed because buying for the new season has not yet started and it is understood Elmer C. Rhoden of Fox Midwest will not go to New York to complete product deals till the end of next week.

Some exchange managers have, it is understood, expressed their opinion that independents were wise in working out a schedule before buying for the new season's products had started, especially in view of its 100 per cent backing by independent suburbans. Distributors have, heretofore had occasion to point out to independents the ineffectiveness of presenting a plan or objections *after* circuits have bought.

Young regards as good the possibility of getting all the petition asks and believes that independents are certain to get something more than they would have gotten if they had not made the effort at this time. While Rolsky regards the effort a move in the right direction, he is not quite so optimistic as Young.

The proposed clearance schedule is very similar to one in use for two or three years before NRA except that giveaways are penalized—with singles, 28 days behind regular spot; with doubles, 56 days behind.

Briefly reviewed, the schedule: 28 days between first and first suburban runs, which have 28 days over 25 cent subsequent. These have 14 days over 20 cent, which have 14 over 15, which have 28 over 10 cent.

Fox Midwest management is said to have liked the clearance schedule when it was in effect before, and independents liked it about as well as anything they have had. A large share of independent exhibitors feel Rhoden is reasonable, and hence feel the plan has a good chance of going through.

Over $7,500,000 to Be Spent by Small

(*Continued from page 1*)

Edward Small, head of the company. Plans for the new program were formulated during the recent visit here of Harry Goetz. Pictures on the program now in production are "Red Salute" and "The Melody Lingers On." Remaining films are "The Last of the Mohicans," "Beau Brummel," "The Son of Monte Cristo," "Gunga Din," "The Man in the Iron Mask," "David Garrick," "Titanic" and "The Beggar's Opera." Small may make an additional film dealing with a timely subject.

Small goes to England later this year to discuss "The Son of Monte Cristo" and "Beau Brummel" scripts with Robert Donat and confer with Rudyard Kipling on "Gunga Din."

Out Hollywood Way

Hollywood, Aug. 20.—Jane Withers' film, "This is the Life," finished at Twentieth Century-Fox on Friday, continuing the chain of Fridays scattered through the young star's picture career. She won her first part on a Friday. "Bright Eyes" started and ended on a Friday. Her long term contract was signed on a Friday, and "This is the Life" went into production on a Friday.

◆

Casting: Bert Gordon added to Universal's "Alone Together." . . . Margaret Armstrong, Eddie Borden, Otto Hoffman, Brooks Benedict and George Lollier added to the cast of "Annie Oakley" starring Barbara Stanwyck at Radio. . . . Margaret Lindsay into the cast of "Frisco Kid." She returned from Honolulu Sunday. Fred Kohler, John Wray and Claudia Coleman signed for the same picture. . . . Robert Barratt in "Captain Blood." . . . Warren William to play opposite Kay Francis in "I Found Stella Parrish," under direction of Mervin Le Roy. . . . Spring Byington and Allen Jenkins cast in "Broadway Hostess." . . . Dinky Dean Reisner will make his grown-up screen debut in "Let Freedom Ring" which is being directed by his father, Chuck Reisner, for M-G-M. . . . Barbara Barondess cast in "A Tale of Two Cities." . . . Robin Adair and Earl Hodges signed for "The Perfect Gentleman." . . . Katharine Alexander signed by Samuel Goldwyn for a part in "Splendor."

Victor McLaglen assigned starring role in "14th Street" by Twentieth Century-Fox, an original by Gene Fowler with David Butler directing. . . . Jessie Ralph spotted in the Lawrence Tibbett film, "Metropolitan" . . . John King, formerly baritone soloist with Ben Bernie's band, to be starred in "Yellowstone," which Henry MacRae will produce at Universal. Jane Rogers to play feminine lead. Andy Devine has a comedy part. . . . Rudolph Cameron assigned the role of talent scout in "This Is the Life," Twentieth Century-Fox production featuring Jane Withers. . . . Niles Welch, Marbeth Wright, Betty Brown, Lee Bailey, Edith Haskins, Patsy Lee, Mildred Morris, Crystal Keats, Del Richards, Irene Winder, Nondas Casselman and Ruth Mayon, added to the cast of "Ball of Fire," featuring Alice Faye. . . .

◆

Contracts: M-G-M gave to Dudley Digges and Edward Norris, junior player who has been under tutelage of Oliver Hinsdell in the M-G-M school. . . . Gwen Wakeling, stylist, signed for the Twentieth Century-Fox style department by Darryl F. Zanuck.

◆

Story Purchases: "The Farmer in the Dell," novel by Phil Stong, by Radio. No cast or director assigned. . . . Carl Laemmle, Jr. has bought "Glory Hole" by Theodore Reeves for the third Jack Holt picture. . . . "The Twain Shall Meet," original by Charles F. Royal, bought by Larry Darmour for Ken Maynard.

◆

Directors: Tay Garnett's first under a new Twentieth Century-Fox ticket will be "Men Remington Knew," from the story, "The Law West of the Pecos." . . . Roy Del Ruth draws director spot on "Message to Garcia" after "Thanks A Million." . . . Alfred E. Green to direct Bette Davis in "Hard Luck Dame." . . . Charles Barton's first under his new long-term contract with Paramount is "Nevada," a Zane Grey. . . . Gordon Wiles, recently given the Spanish production, "Rose of France," as his first directorial assignment, gets "Charlie Chan in San Francisco," which he will start at Fox Aug. 26. Was formerly an art director there. The story was written by Robert Ellis and Helen Logan.

1935 Style

New Haven, Aug. 20. — Harry Lavietes of the Pequot says, when the 'phone rings, it's no longer "what are you playing tonight," but "what are you giving away tonight?" and "what, nothing for the men?"

British Merger Off

London, Aug. 20.—Reunion Films, Ltd., the Victor Creer - Peter Witt company which was expected to be one of the constituent units of Anglo-American Renters, Ltd., states the amalgamation is off and that it is raising fresh capital for individual expansion.

J. W. Gossage, G. B. Morgan, F. W. Sheppard and Peter Witt are new directors. Reunion released "Masquerade in Vienna" in U.K. It will use its new money for further buys and for British production.

Start "King's Plate"

Toronto, Aug. 20.—Production of "The King's Plate" is under way locally by the Booth Prod., Ltd., of Toronto and Ottawa, which is being sponsored by J. R. Booth, wealthy paper and lumber man.

Featured are Toby Wing, Wheeler Oakman, Kenneth Duncan and Vaughan Glaser, a Toronto stock company actor.

Yohalem Quits Mascot

Hollywood, Aug. 20.—George Yohalem, supervisor for Mascot, has severed relations with the company after what was reported to be a disagreement. He had one more picture to go under his contract, but it is understood the contract was bought up.

6 Pickets Held Guilty

Six theatre pickets, arrested in front of the Oriental, Brooklyn, on July 24, were found guilty of disorderly conduct in Coney Island Court yesterday. They will be sentenced on Friday.

Ralph V. Myerson Dead

New Orleans, Aug. 20.—Ralph V. Myerson, local Universal salesman, dropped dead in Jackson, Miss., it was learned here today. He was a native of Jacksonville, Fla.

Variety Club

Cincinnati

Cincinnati, Aug. 20.—Joe Goetz, chief booker RKO Midwest division, is taking the second section of his vacation, looking up old acquaintances at Dayton, O.

Nelson G. Trowbridge is back from a summer spent in and around Monroe, Mich.

A. J. Holt is battling with the intricacies of bachelorhood while his better half is sojourning in the mountains of North Carolina.

Ike Libson is in New York to attend an RKO Midwest director's meeting.

Col. Arthur Frudenfeld, confined to Christ Hospital, is reported improving.

Hays Office Rules Against "Maedchen"

Hollywood, Aug. 20.—"Maedchen in Uniform" has been banned from American screens by the local Hays office, according to a letter received today by John Krimsky, who handled the film in this country in association with Gifford Cochran. The film, played in the United States three years ago, has since been dubbed with English subtitles.

In his letter to Krimsky it was said by Joseph I. Breen that "the picture was in violation of the Production Code and unacceptable for public exhibition in theatres before mixed audiences."

Krimsky said he would immediately appeal to the board of directors of the M. P. P. D. A. in New York. He added if the appeal is turned down he will release the film himself in independent houses.

Goldwyn Will Spend $300,000 in Expansion

Hollywood, Aug. 20. — Samuel Goldwyn will spend more than $300,000 to increase production facilities at United Artists, he said today. He also plans to add to the personnel. This will be Goldwyn's initial step in his plan to spend $18,000,000 during the coming year on U. A. films. Construction will start immediately on a new stage measuring 132 by 225 feet.

Subscription House Planned in Boston

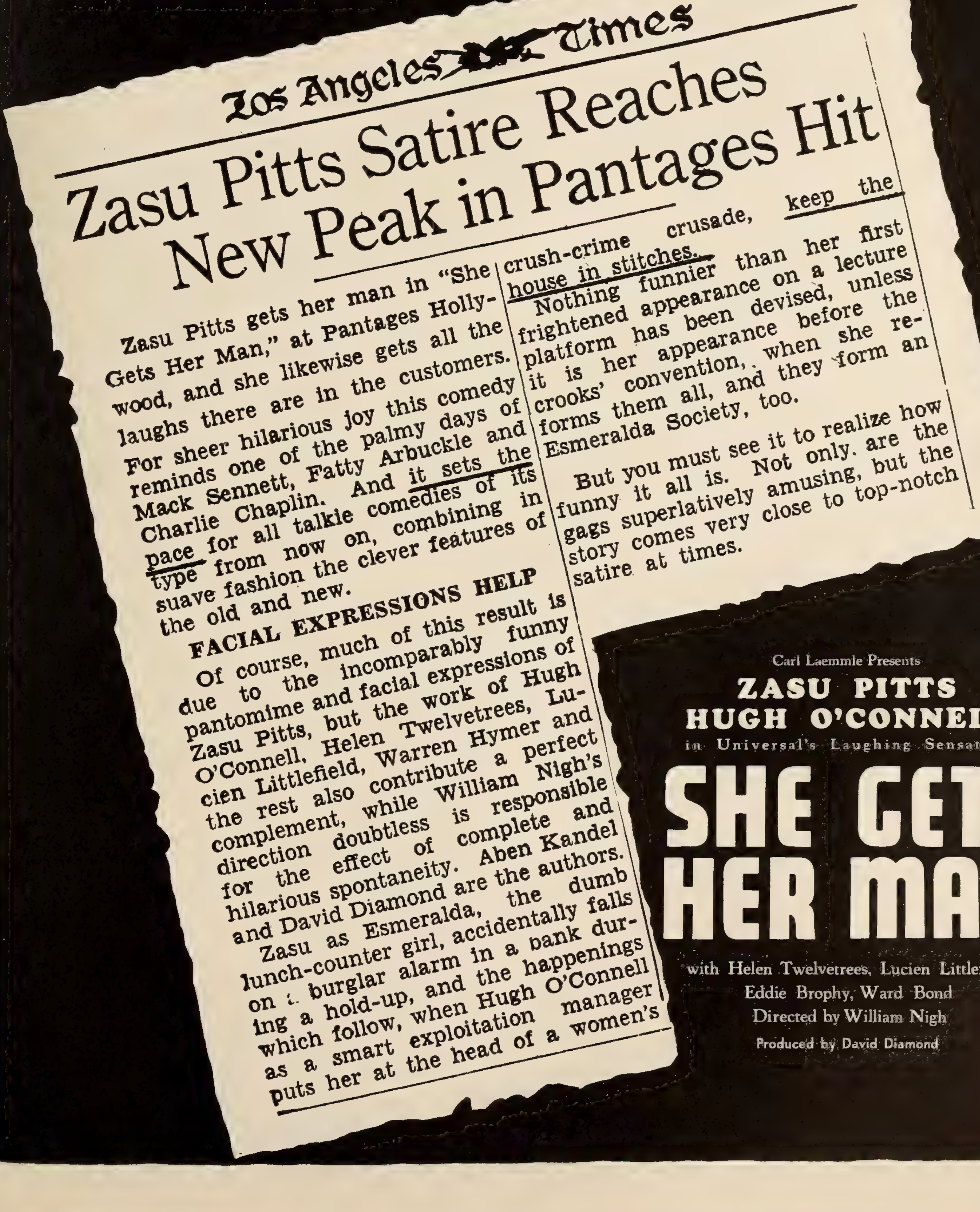
Boston, Aug. 20.—A nucleus of 5,000 subscribers will start a permanent theatre in the Hub for presentation of new plays and revivals with New York casts, it is announced by sponsors of the plan. The Majestic, closed after two unsuccessful film ventures, will probably be the site. Lawrence Robinson, formerly connected with Elmer Rice, is the managing director of the project. Inasmuch as picture theatres have been free of stage competition for the past few months, exhibitors are particularly interested in the scheme.

Re-signing Sylvia Sidney

Hollywood, Aug. 20.—Sylvia Sidney will sign a new Paramount contract tomorrow calling for five films during the year at a tilt in salary, it was learned from an authoritative source today. The actress will start the first, "Mary Burns, Fugitive," on Monday for Walter Wanger.

"IT SETS THE PACE"!

"IT KEEPS THE HOUSE IN STITCHES"!



Los Angeles Times

Zasu Pitts Satire Reaches New Peak in Pantages Hit

Zasu Pitts gets her man in "She Gets Her Man," at Pantages Hollywood, and she likewise gets all the laughs there are in the customers. For sheer hilarious joy this comedy reminds one of the palmy days of Mack Sennett, Fatty Arbuckle and Charlie Chaplin. And it sets the pace for all talkie comedies of its type from now on, combining in suave fashion the clever features of the old and new.

FACIAL EXPRESSIONS HELP

Of course, much of this result is due to the incomparably funny pantomime and facial expressions of Zasu Pitts, but the work of Hugh O'Connell, Helen Twelvetrees, Lucien Littlefield, Warren Hymer and the rest also contribute a perfect complement, while William Nigh's direction doubtless is responsible for the effect of complete and hilarious spontaneity. Aben Kandel and David Diamond are the authors.

Zasu as Esmeralda, the dumb lunch-counter girl, accidentally falls on a burglar alarm in a bank during a hold-up, and the happenings which follow, when Hugh O'Connell as a smart exploitation manager puts her at the head of a women's crush-crime crusade, keep the house in stitches.

Nothing funnier than her first frightened appearance on a lecture platform has been devised, unless it is her appearance before the crooks' convention, when she reforms them all, and they form an Esmeralda Society, too.

But you must see it to realize how funny it all is. Not only are the gags superlatively amusing, but the story comes very close to top-notch satire at times.

Carl Laemmle Presents

ZASU PITTS

HUGH O'CONNELL

in Universal's Laughing Sensation

SHE GETS HER MAN

with Helen Twelvetrees, Lucien Littlefield
Eddie Brophy, Ward Bond
Directed by William Nigh
Produced by David Diamond

"Irish" with $19,200 Tops Washington

WASHINGTON, Aug. 20.—Earle last week rang the bell—and then some—when "The Irish in Us" smashed through to a $19,200 gross, bettering par by $800, which was mildly augmented by Phil Spitalny's all-girl orchestra on the stage.

The Metropolitan also topped the average, with "Paris in Spring" taking $5,000, over by $700.

Loew's Fox at $20,000 for "The Man on the Flying Trapeze" and the third edition of the all-Washington revue, "Going Native," on the stage, had one of the best weeks in more than two months. Figure is, nevertheless, $900 under the average. Other houses fell short of average.

Total first run business was $66,600. Average is $73,700.

Week Ending Aug. 13:

"JALNA" (Radio)

RKO-KEITH'S—(1,836), 25c-55c, 7 days. **Gross:** $9,200. (Average, $10,600)

Week Ending Aug. 15:

"THE IRISH IN US" (F. N.)

EARLE—(2,218), 25c-77c, 7 days. Stage: Phil Spitalny and his girl orchestra, and **Gross:** $17,500. (Average, 7 days, $12,000.)

"ORCHIDS TO YOU" (Fox)

LOEW'S COLUMBIA—(1,245), 25c-40c, 7 days. **Gross:** $2,500. (Average, $3,600)

"MAN ON FLYING TRAPEZE" (Para.)

LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage: Third edition of all-Washington revue, "Going Native." **Gross:** $20,000. (Average, $20,900)

"FARMER TAKES A WIFE" (Fox)

LOEW'S PALACE—(2,370), 35c-77c, 7 days. **Gross:** $10,700. (Average, $15,900)

"PARIS IN SPRING" (Para)

METROPOLITAN—(1,591), 25c-40c, 7 days. **Gross:** $5,000. (Average, $4,300)

"Curly Top" Leader In Portland, $7,000

PORTLAND, Ore., Aug. 20.—"Curly Top," in its second week at the Paramount, nabbed a take of $7,000, or $2,000 over average. "The Irish in Us" at the Broadway also went into a second week and made its average take of $5,000. "Becky Sharp" was also held for a second week at the Orpheum and measured up to average.

Total first run business was $26,700. Average is $24,700.

Estimated takings for week ending Aug. 10:

"THE IRISH IN US" (Warners)

(2nd Week)

BROADWAY—(1,912), 25c-35c-40c, 7 days. **Gross:** $5,000 (Average, $5,000)

"CARDINAL RICHELIEU" (U.A.)

BLUE MOUSE—(1,700), 15c-25c, 7 days. **Gross:** $1,700 (Average, $1,700)

"THE SCOUNDREL" (Para.)

"UNKNOWN WOMAN" (Col.)

MAYFAIR—(1,700), 25c-35c-40c, 7 days. **Gross:** $3,000 (Average, $3,000)

"BECKY SHARP" (Radio)

(2nd Week)

ORPHEUM—(1,700), 25c-35c-40c, 7 days. **Gross:** $5,000 (Average, $5,000)

"CURLY TOP" (Fox)

(2nd Week)

PARAMOUNT—(3,008), 25c-35c-40c, 7 days. **Gross:** $7,000 (Average, $5,000)

"SANDERS OF THE RIVER" (U.A.)

UNITED ARTISTS—(945), 25c-35c-40c, 7 days. **Gross:** $5,000 (Average, $5,000)

After "Lonesome Pine"

HOLLYWOOD, Aug. 20. — Walter Wanger is negotiating with Klaw and Erlanger for the talking rights to "The Trail of the Lonesome Pine." Paramount controls silent film rights. It is understood Wanger will film the story in color if he gets it.

"Irish" First In Pittsburgh With $19,000

PITTSBURGH, Aug. 20.—With the momentum it has managed to gather in the last few months, the Stanley continues to turn a nice profit week after week. Once again, it leads the town by a wide margin, this time with "The Irish in Us" and the Texas Mustangs' Band from Southern Methodist University, the combination turning in a fine gross of $19,000.

However, the Stanley was the only one of the three first-runs to better average business last week. The new W. C. Fields picture, "The Man on the Flying Trapeze," was a distinct disappointment at the Penn, doing only around $6,000, while at the Warner "The Black Room" and "Old Man Rhythm" couldn't lift that site above $3,600.

Total grosses in three first runs were $28,600. Average is $24,300.

Estimated takings for the week ending Aug. 15:

"MAN ON FLYING TRAPEZE" (Para.)

PENN—(3,300), 25c-40c, 6 days. **Gross:** $6,000. (Average, $7,500)

"IRISH IN US" (Warners)

STANLEY—(3,600), 25c-55c, 6 days. Stage: Texas Mustangs' band and college revue. **Gross:** $19,000. (Average, $13,000)

"BLACK ROOM" (Col.)

"OLD MAN RHYTHM" (Radio)

WARNER—(2,000), 25c-40c, 6 days. **Gross:** $3,600. (Average, $3,800)

"Alibi Ike" Best In Better Lincoln

LINCOLN, Aug. 20.—The breaking heat wave and subsequent cool weather raised the business ante generally all over town here after expectancy was for a very dull week. "Alibi Ike" was the current toast, swinging along to $2,700, or $500 over the norm for the Lincoln. "Broadway Gondolier" surprised at the Stuart by making nearly average play to $3,000 after a bad showing was almost bet on.

The Varsity's continued operation without newspapers is a puzzle, but the present dual, "Man Who Knew Too Much" and "After the Dance," hit $1,100, $100 to the good. The Orpheum went with a bang on a first half dual of "Billy the Kid" and "Going Highbrow," but only so-soed on the tail end with "She" and "Honeymoon Ltd." The week got $1,600, off a C note.

Total first run business was $9,200. Average is $8,850.

Estimated takings:

Week Ending Aug. 14:

"NORTH OF ARIZONA" (Steiner)

"MAD LOVE" (M-G-M)

COLONIAL—(750), 10c-15c, 7 days. **Gross:** $800. (Average, $850)

"BILLY THE KID" (M-G-M)

"GOING HIGHBROW" (Warners)

"SHE" (Radio)

"HONEYMOON LTD." (Mono.)

ORPHEUM—(1,200), 10c-15c-20c, 7 days. **Gross:** $1,600. (Average, $1,700)

Week Ending Aug. 15:

"MAN WHO KNEW TOO MUCH" (G. B.)

"AFTER THE DANCE" (Col.)

VARSITY—(1,100), 10c-15c-20c, 7 days. **Gross:** $1,100. (Average, $1,000)

"ALIBI IKE" (Warners)

LINCOLN—(1,600), 10c-15c-20c, 7 days Gross: $2,700. (Average, $2,200)

Week Ending Aug. 16:

"BROADWAY GONDOLIER" (Warners)

STUART—(2,000), 10c-25c-40c, 7 days. **Gross:** $3,000. (Average, $3,100)

In Connecticut

Bridgeport, Conn., Aug. 20.—The Globe reverts to weekly amateur shows Aug. 22 under name of "Radio Night." Winners from New Haven will be guest starred.

Warner's Palace, Norwalk, is taking another try at bank night.

The Majestic will play occasional presentation during the coming season.

The Lyric, Waterbury, has closed for alterations.

Cook books and fashion magazines are latest giveaways here. Both are being tried by the West End Theatre.

The Palace, Stamford, is trying amateur boxing nights with 85-cent top.

Sally Rand, "Gondolier", Chicago Best

CHICAGO, Aug. 20.—Sally Rand on the stage and Dick Powell on the screen in "Broadway Gondolier" gave the Chicago $36,500 and the town's lead. The take was $1,900 ahead of the norm.

Olsen and Johnson in a stage unit called "Everything Goes" helped "Lady Tubbs" into the $20,000 class at the Palace, a hike of $1,000 ahead of average. Fight pictures were held responsible for giving the Garrick $7,700 where the feature was "The Man on the Flying Trapeze." In other loop houses, the going was uneventful.

Total first run business was $122,400. Average is $122,100.

Estimated takings:

Week Ending Aug. 14:

"IN SPITE OF DANGER" (Col.)

STATE - LAKE—(2,776), 20c-30c-35c. 7 days. Stage: Duncan Sisters and vaudeville revue. **Gross:** $13,200 (Average, $13,000)

Week Ending Aug. 15:

"BROADWAY GONDOLIER" (W. B.)

CHICAGO—(4,000), 25c-50c-68c. 7 days. Stage: Sally Rand and stage revue. **Gross:** $36,500. (Average: $34,600).

"ALIBI IKE" (W. B.)

ORIENTAL—(3,940), 25c-40c. 7 days. Stage: Joan Marsh and Hollywood Wampas Frolics, Mark Fisher and band. **Gross:** $15,100. (Average, $15,000)

"LADY TUBBS" (Univ.)

PALACE—(2,509), 25c-35c-50c, 7 days. Stage: Olsen and Johnson in "Everything Goes." **Gross:** $20,000. (Average, $19,000)

"DANTE'S INFERNO" (Fox)

ROOSEVELT—(1,591), 25c-35c-50c. 9 days. **Gross:** $12,600. (Average: $11,000)

Week Ending Aug. 12:

"CALL OF THE WILD" (U. A.)

UNITED ARTISTS—(1,700), 30c-40c-50c. 3 days. **Gross:** $3,400.

"FARMER TAKES A WIFE" (Fox)

UNITED ARTISTS—(1,700), 30c-40c-50c. 4 days. **Gross:** $8,600. (Average, $17,000)

"SHANGHAI" (Para.)

APOLLO—(1,400), 25c-35c-50c. 7 days. **Gross:** $5,300. (Average, $6,000)

"MAN ON FLYING TRAPEZE" (Para.)

GARRICK—(900), 25c-35c-40c. 7 days. **Gross:** $7,700. (Average, $6,500)

Book Bowes Amateurs

CHICAGO, Aug. 20. — The Major Bowes Amateur Show has been booked by B. & K. into the deluxe Chicago for one week starting Aug. 23.

Robinson on Stage Leader In Motor City

DETROIT, Aug. 20.—Bill Robinson and his dancing feet helped matters considerably at the Michigan where, in combination with "Front Page Woman," the gross went $3,400 over average to $23,400.

Second week of "Curly Top" at the Fox ended at $400 above normal first week averages, $15,400; this was good. Elsewhere little of interest was apparent.

Total first run business bulked $57,900. Average is $60,000.

Estimated takings for week ending Aug. 15:

"ORCHIDS TO YOU" (Fox)

ADAMS—(1,770), 10c-40c, 7 days. **Gross:** $3,100. (Average, $5,000.)

"CURLY TOP" (Fox)

FOX—(5,100), 15c-55c, 7 days, second week. Stage, 5 acts vaudeville. **Gross:** $15,400. (Average, $15,000.)

"ESCAPADE" (M-G-M)

"MURDER IN THE FLEET" (M-G-M)

FISHER—(2,975), 10c-40c, second run. **Gross:** $4,200. (Average, $5,000.)

"FRONT PAGE WOMAN" (Warners)

MICHIGAN—(4,100), 15c-55c, 7 days. Stage, Bill Robinson and four acts vaudeville. **Gross:** $23,400. (Average, $20,000.)

"MURDER MAN" (M-G-M)

"CALM YOURSELF" (M-G-M)

STATE—(3,000), 10c-40c, 7 days. **Gross:** $3,600. (Average, $5,000.)

"MAN ON FLYING TRAPEZE" (Para.)

UNITED ARTISTS—(2,070), 15c-55c, 7 days. **Gross:** $8,200. (Average, $10,000.)

Heat in Oklahoma City Exacts Toll

OKLAHOMA CITY, Aug. 20.—The heat left its mark here last week, although total first run business managed to run $200 ahead of average. The take was $18,700, comparing with a normal $18,500.

"Murder Man" at the Criterion did $5,500, a gain of $500, thus marking that house as the lone hand in beating averages. Major Bowes' amateur show played the Warner with "Lady Tubbs" as its running mate, but the best that happened there was an average $5,000.

Estimated takings for the week ending Aug. 17:

"MURDER MAN" (M-G-M)

CRITERION—(1,700), 10c-26c-36c-55c, 7 days. **Gross:** $5,500. (Average, $5,000)

"THE IRISH IN US" (F. N.)

MIDWEST—(1,500), 10c-26c-36c-56c, 7 days. **Gross:** $4,000. (Average, $4,000)

"SMART GIRL" (Para.)

CAPITOL—(1,500), 10c-20c-26c-36c-41c, 7 days. **Gross:** $1,800. (Average, $2,000)

"THE ARIZONIAN" (Radio)

LIBERTY—(1,500), 10c-15c-26c-36c-41c, 4 days. **Gross:** $2,000. (Average $2,500)

"THE FIREBIRD" (Warners)

LIBERTY—(1,500), 10c-15c-26c-36c-41c, 3 days. **Gross:** $400. (Average for week, $2,500)

"LADY TUBBS" (Univ.)

WARNER—(1,900), 20c-35c-50c-75c, 7 days. **Gross:** $5,000. (Average, $5,000.) Reopened for week's run with Major Bowes' Amateur show on stage.

M-G-M Plant Adding

HOLLYWOOD, Aug. 20.—M-G-M is building new cutting rooms to house the insert and montage departments, which are in charge of Ray Mannes.

Stage 19 is being completely renovated and insulated with a new fibrous absorbent material.

Hot Days in Quaker Town Leave Mark

PHILADELPHIA, Aug. 20.—Four consecutive hot days cut heavily into grosses. This being the end of the contract season, nothing very exciting was offered.

"Curly Top" did not quite make the full three weeks expected of it at the Fox and was taken off after 14 days. Gracie Barrie and her all-girl revue were also held over for an extra week. The combination did a neat $11,000 on its last six days.

Two films disappointed. "Every Night at Eight" at the Stanley had little appeal and did $8,000. The Boyd pulled "Jalna" after playing it only five days. It was scheduled for six. It drew $6,000; very poor. The Arcadia took "Shanghai" at second run and made it pay, if not dividends, at least all expenses. Held for eight days, it clicked for $2,400.

Total first run business was $50,700. Average is $63,900.

Estimated takings for the week ending Aug. 16:

"SHANGHAI" (Para.)
ARCADIA—(600), 25c-40c-50c, 8 days, 2nd run. **Gross:** $2,400. (Average, 6 days, $2,400)

"JALNA" (Radio)
BOYD—(2,400), 40c-55c, 5 days. **Gross:** $6,000. (Average, six days, $12,000)

"WE'RE IN THE MONEY" (Warners)
EARLE — (2,000), 25c-40c-50c, 6 days. Stage: Frank and Milt Britton Band; Weldon and Honey, Serge Flash, Tee Tina and Tito, Modern Age Dancers. **Gross:** $13,500. (Average, $12,000)

"CURLY TOP" (Fox)
FOX — (3,000), 40c-55c-65c, 6 days, 3rd week. Stage: Gracie Barrie and her all-girl revue; Loma Worth; Pansy, the human horse; Edna Sedgwick, Five Wonder Girls. **Gross:** $11,000. (Average, $12,000)

"SHE" (Radio)
KARLTON—(1,000), 25c-35c-40c, 6 days. **Gross:** $2,100. (Average, $3,500)

"THE IRISH IN US" (Warners)
KEITH'S — (2,000), 30c-40c-50c, 6 days. **Gross:** $2,600. (Average, $4,000)

"EVERY NIGHT AT EIGHT" (Para.)
STANLEY — (3,700), 40c-55c, 6 days. **Gross:** $8,000. (Average, $12,000)

"WOMAN WANTED" (M-G-M)
STANTON — (1,700), 30c-40c-50c, 6 days. **Gross:** $5,100. (Average, $6,000)

Clicks in Seattle

SEATTLE, Aug. 20. — "China Seas chalked up the biggest opening day gross for a mid-week opening at the Fifth Avenue in more than a year. Put on "cold" when the previous attraction failed to draw, the picture registered a take of approximately $1,350.

Big in Cincinnati

CINCINNATI, Aug. 20. — "China Seas" opened at the RKO Albee to a flying start, accompanied by raves from local reviewers.

Outdoor Park Goes

CINCINNATI, Aupg. 20. — Chester Park, one of the oldest amusement resorts in southern Ohio, which for several seasons played outdoor vaudeville and pictures, failed to open this year. The buildings are being dismantled, and the grounds will be used for other purposes.

The park originally was under supervision of the late Col. I. M. Martin, who subsequently operated the Orpheum, 2,100-seat suburban. The house now is owned and operated by the heirs of the Martin estate.

Leo Carrillo On Stage Top In Bean Town

BOSTON, Aug. 20.—Leo Carrillo on the stage of the Metropolitan, with "Every Night at Eight" on the screen, gave the Metropolitan a $24,000 gross, or $2,000 ahead of normal.

The Fenway and Paramount, for the first time in months, went to single features and established a summer record for themselves with "Dante's Inferno" at $5,000 for the former and the same picture for the latter with $8,000.

Loew's State dipped to $8,000, which was $4,000 under normal with a revival of "Smilin' Thru." Its running mate was "After the Dance," a Columbia picture, which failed to help.

Weather was fair and hot and the new pari-mutuel tracks established a new high which didn't help theatre grosses one whit.

Total first run business was $56,500. Average is $68,500.

Estimated takings for the week ending Aug. 16:

"DANTE'S INFERNO" (Fox)
FENWAY—(1,382), 30c-50c, 7 days. **Gross:** $5,000. (Average, $4,500)

"JALNA" (Radio)
KEITH'S MEMORIAL—(2,907), 25c-65c, 6 days. **Gross:** $5,500. (Average, $12,000)

"SMILIN' THRU" (M-G-M)
"AFTER THE DANCE" (Col.)
LOEW'S STATE—(3,537), 25c-55c, 7 days. **Gross:** $8,000. (Average, $12,000)

"EVERY NIGHT AT EIGHT" (Para.)
METROPOLITAN — (4,332), 35c-65c, 7 days. Stage: Leo Carrillo heading big stage show. **Gross:** $24,000. (Average, $22,000).

"DANTE'S INFERNO" (Fox)
PARAMOUNT—(1,793), 25c-50c, 7 days. **Gross:** $8,000. (Average, $7,000)

"MANHATTAN MOON" (Univ.)
"TRIUMPH OF SHERLOCK HOLMES" (Olympic)
RKO BOSTON—(3,246), 25c-50c, 7 days. **Gross:** $6,000. (Average, $11,000)

Labor Fuss in Toronto

TORONTO, Aug. 20.—A flare-up in judicial circles has been precipitated about by the Toronto District Labor Council in sending a protest to Hon. A. W. Roebuck, Attorney-General for Ontario, against Magistrate Jones of Toronto who recently convicted four labor men on a charge of disturbing the peace while picketing the Granada. The labor men accuse the judge of "abusive, vindictive and ungentlemanly language."

Montgomery's Solo Set

HOLLYWOOD, Aug. 20. — Robert Montgomery's first solo starring film at M-G-M will be "Small Town Girl" which will go into production about Sept. 20 on his return from a European vacation. Maureen O'Sullivan will play opposite. Hunt Stromberg will produce. Mildred Cram adapted for the screen the Ben Ames Williams story.

Mrs. Balaban Marries

TERRE HAUTE, Ind., Aug. 20.—Mrs. Goldie Balaban of Chicago, mother of the Balaban brothers, married in Chicago Max Levin, member of the firm of Levin Brothers of Terre Haute, long known dealers in theatrical supplies and carnival goods. The Levins immediately left for a honeymoon trip to Atlantic City and will make their home here on their return.

22 Years; No Stop

Naugatuck, Conn., Aug. 20.—Elaborate plans are being made for the 22nd anniversary celebration of the Alcazar on Aug. 25. The house has operated continuously since 1912 under supervision of George F. Rabbott, who takes pride in the fact that "old-timers" make the annual celebration a single annual occasion for "visiting the movies."

"Gondolier" With $6,750 Seattle Lead

SEATTLE, Aug. 20.—It was "Broadway Gondolier" which delivered the best performance in this city last week. At $6,750 it gave the Orpheum $1,750 more than routine business for that stand and moves to the Blue Mouse for continued run.

The Paramount, which played "Man on the Flying Trapeze" and "Murder Man," ran ahead of what has been its usual business by doing $5,200, a gain of $200. Other theatres were so-so, the 5th Ave. pulling "The Farmer Takes a Wife" after five days and a $3,650 gross.

Total first run business ran to $27,950. Average is $30,000.

Estimated takings for the week ending Aug. 16:

"CALL OF THE WILD" (U. A.)
BLUE MOUSE—(950), 25c-40c-55c, 7 days, (4th week, extended run from Orpheum). **Gross:** $3,550. (Average, $4,000)

"FARMER TAKES A WIFE" (Fox)
FIFTH AVENUE—(2,500), 25c-40c-55c, 7 days. **Gross:** $4,800. (Average, $7,000)

"LOVE ME FOREVER" (Col.)
LIBERTY — (1,800), 15c-25c-35c-50c, 7 days, (4th week). **Gross:** $3,650. (Average, 1st week, $4,000)

"BECKY SHARP" (Radio)
MUSIC BOX—(950), 25c-40c-55c, 7 days. (3rd week). **Gross:** $3,200. (Average, 1st week, $4,000)

"BROADWAY GONDOLIER" (Warners)
ORPHEUM—(2,450), 25c-40c-55c, 7 days. **Gross:** $6,750. (Average, $6,000)

"MAN ON FLYING TRAPEZE" (Para.)
"MURDER MAN" (M-G-M)
PARAMOUNT — (3,050), 25c-30c-40c, 7 days. **Gross:** $5,200. (Average, $5,000)

"Gondolier" Clicks

PORTLAND, Ore., Aug. 20.—"Broadway Gondolier" had a $2,000 opening day at the Orpheum and may be held over for another week on the strength of its early business.

"Dream" for Pittsburgh

PITTSBURGH, Aug. 20. — Warners have penciled "A Midsummer Night's Dream" into the Nixon, Pittsburgh's only legitimate house, for a two-a-day run starting Oct. 28.

It will be the first roadshow picture here since "Queen Christina" played the same house two years ago.

Option Three Players

HOLLYWOOD, Aug. 20.—Paramount has taken up options on three contract players, Johnny Downs, John Howard and Sam Hinds.

Shirley Nabs Another Top; It's in Cincy

CINCINNATI, Aug. 20.—Credit for the outstanding box-office job last week goes to "Curly Top" at the RKO Palace, which pulled an approximate $14,000 on a nine-day run. The seven-day average at this stand is $10,000. "The Raven" ran a full week at the RKO Family, which ordinarily plays split weeks, resulting in an estimated $2,600, compared with a $2,450 normal. "Woman Wanted" went out at the RKO Albee after the fifth day when "China Seas" was substituted to fill the week and hold over.

Total first run business was $42,600. Average is $48,200.

Estimated takings for the week ending Aug. 16:

"WOMAN WANTED" (M-G-M)
RKO ALBEE—(3,300), 35c-42c, 5 days. own show. **Gross:** $19,200. (Average, $18,400.)

"CURLY TOP" (Fox)
RKO PALACE—(2,700), 35c-42c, 9 days. **Gross:** $14,000. (Average, 7 days, $10,000.) Moves to RKO Capitol.

"SMILIN' THRU" (M-G-M)
RKO CAPITOL—(1,200), 35c-42c, 7 days. **Gross:** $6,300. (Average, $6,500.)

"MEN WITHOUT NAMES" (Para.)
RKO LYRIC—(1,400), 25c-30c-40c, 7 days. **Gross:** $5,000. (Average, $6,500.)

"HELL'S ANGELS" (U. A.)
RKO GRAND—(1,200), 25c-30c-40c, 7 days. **Gross:** $2,200. (Average, $2,750.)

"THE RAVEN" (Univ.)
RKO FAMILY—(1,000), 15c-25c, 7 days. **Gross:** $2,600. (Average, $2,450.)

"BROADWAY GONDOLIER" (Warners)
KEITH'S—(1,500), 30c-42c, 7 days, 2nd week. **Gross:** $3,800. (Average, $6,500.)

"THE OLD HOMESTEAD" (Liberty)
STRAND—(1,200), 15c-25c, 7 days. **Gross:** $1,100. (Average, $1,500.)

"Jalna," Plus Revue, Tops in Providence

PROVIDENCE, Aug. 20.—The RKO Albee with "Jalna" and a revue, "Folies de Paree," topped all downtown houses with a sensational $14,000 take for the week. Next in line was the Majestic, which cracked out $8,500 with "Alibi Ike," a gain of $1,500 over par. "Keeper of the Bees" and "Dizzy Dames" pulled only $5,000 at the Strand and Loew's was down $2,500 with "The Girl Friend" and "Pursuit."

Start of the racing season and sizzling weather bothered attendance some and the legitimate houses at Newport and Matunuck are taking several patrons away from the movies.

Total first run business, $38,100. Average business, $40,500.

Estimated take for the week ending Aug. 15:

"THE GIRL FRIEND" (Col.)
"PURSUIT" (M.G.M.)
LOEW'S STATE—(3,800), 15c-40c, 7 days. **Gross:** $9,500. (Average, $12,000)

"ALIBI IKE" (Warners)
"HARD ROCK HARRIGAN" (Fox)
MAJESTIC—(2,400), 15c-40c, 7 days. **Gross:** $8,500. (Average, $7,000)

"KEEPER OF THE BEES" (Republic)
"DIZZY DAMES" (Liberty)
STRAND—(2,300), 15c-40c, 7 days. **Gross:** $5,000. (Average, $6,500)

"JALNA" (Radio)
RKO ALBEE—(2,300), 15c-40c, 7 days. "Folies de Paree," revue, on stage. **Gross:** $14,000. (Average, $7,000)

"HOORAY FOR LOVE" (Radio)
RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $1,100. (Average, $1,000)

12 DYNAMIC EPISODES!!

The Majestic Black Stallion 'REX' - Fast As The Wind, and His Snarling, Baying Pal, 'RINTY', The Wonder Dog, In A Series Of Amazing Adventures.

NAT LEVINE Presents

Adventures of
REX AND RINTY

TWELVE BOX OFFICE TITLES:

1. THE GOD HORSE OF SUJAN
2. SPORT OF KINGS
3. FANGS OF FLAME
4. HOMEWARD BOUND
5. BABES IN THE WOODS
6. DEAD MAN'S TALE
7. END OF THE ROAD
8. A DOG'S DEVOTION
9. THE STRANGER'S RECALL
10. THE SIREN OF DEATH
11. NEW GODS FOR OLD
12. PRIMITIVE JUSTICE

A Big Cast Including

KANE RICHMOND
NORMA TAYLOR
SMILEY BURNETTE
WHEELER OAKMAN

A
MASCOT
SERIAL

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 45 NEW YORK, THURSDAY, AUGUST 22, 1935 TEN CENTS

Holds Jersey Law Stymies Bank Nights

Samuelson So Informs Allied Meeting

By BILL ORNSTEIN

ATLANTIC CITY, Aug. 21.—That the New Jersey state law prohibiting pari-mutuel betting also applies to bank nights has been stated on "good legal authority," Sidney Samuelson, president of Allied of New Jersey, told delegates at the organization's convention, which opened here today.

He told delegates to discontinue the practice or take their chances on facing a $2,000 fine. He observed that if the nights are made legal in Jersey, under the same law dog racing would also be permitted to return as

(*Continued on page* 6)

Allied Talks Sales Plans; Acts Later

ATLANTIC CITY, Aug. 21.—Eastern directors of Allied States discussed sales policies of major companies at their meeting here today but passed no resolutions. A plan of action will be adopted later, however, according to Walter B. Littlefield, chairman.

Attending the session were Abram F. Myers, Washington, D. C.; Sidney Samuelson, New Jersey; William Hicks, Arthur B. Price, and Sam Soltz, Baltimore; A. E. Lichtman, Washington; E. Harold Stoneman, Boston; William C. Smedley, Coopers-

(*Continued on page* 6)

RCA to Handle Sales On Trans-Lux System

The RCA Manufacturing Co. of Camden, N. J., has completed arrangements with the Trans-Lux Movies Corp. whereby the former's RCA Photophone division will handle the leasing of Trans-Lux rear projection equipment, either in conjunction with its own "High Fidelity" sound reproducing system or with competitive sound apparatus, according to Edwin M. Hartley, Photophone manager. The Trans-Lux equipment will be hereafter termed RCA Trans-Lux.

Opening of 'Crusades' Attracts Celebrities

Paramount's "The Crusades" opened at the Astor last night with an overture of flood lights, radio speeches from the lobby and celebrities.

Among those spotted in the audience

(*Continued on page* 7)

Mourning for Rogers Today Assumes Nat'l Proportions

The industry and its millions of patrons will pay tribute to the memory of Will Rogers throughout the country today.

Approximately 12,000 screens in as many theatres in every corner of the land are expected to be darkened for two minutes, most of them at the corresponding hour at which funeral services are being said for Rogers in Los Angeles, the Hays office estimated yesterday. In many houses in the east, however, the screens will be darkened in the evening when audiences are at their peak. In many theatres the silence will be supplemented with other brief memorials.

All offices of Fox, Universal and Educational will close for the day at noon. The Radio home office will close at three o'clock. All Hollywood studios have been asked by Will H. Hays to close for the day at 2 P.M.

Four memorial services for Rogers will be held in Los Angeles for the public at the same time that his family and intimate friends are attending the

(*Continued on page* 6)

Laud Universal

Atlantic City, Aug. 21. — Delegates attending the Allied of New Jersey convention here lauded Universal today for its plan to close all of its offices at noon Thursday out of respect to the memory of Will Rogers.

Opinion was unanimous that the step was a fine gesture on the part of the company, which took paid space in *Motion Picture Daily* on Tuesday over Carl Laemmle's signature to announce its intention.

Britain Avers Television in By Next Spring

By BRUCE ALLAN

LONDON, Aug. 12.—An official statement from Major G. V. Tryon, Postmaster General, indicates that test transmissions from the government television station at Alexandra Palace in North London will begin in six months' time. A regular public service will follow "as soon as practicable," it is stated.

Transmission equipment at A. P. will be supplied by Baird and E. M. I.

(*Continued on page* 6)

Empire Now Denies Move with Allied

Denials that the Empire State operators' union would consolidate with Allied M. P. Operators were made yesterday by representatives of Em-

(*Continued on page* 7)

Bay State Decision Bumps Racing There

BOSTON, Aug. 21.—By a ruling from which there can be no appeal, Judge Charles H. Donahue of the Supreme Judicial Court has smothered an in-

(*Continued on page* 2)

Gets a Stay Halting New Pathe Plans

Further procedure in the reorganization of Pathe was stayed yesterday pending an appeal to the Appellate Division of the action brought by Ben Hilbert, a stockholder, to prevent consummation of the reorganization on the grounds that the law authorizing the holding of extraordinary meetings of stockholders, such as the one at which the Pathe plan was approved, is unconstitutional.

The stay was granted to Hilbert by

(*Continued on page* 2)

Ohio May Reinstate 10% Admission Tax

COLUMBUS, O., Aug. 21.—Heavy financial requirements of the state government are expected to result in strenuous legislative efforts to rein-

(*Continued on page* 2)

Los Angeles Using NRA Zoning Setup

LOS ANGELES, Aug. 21.—Zoning and clearance schedules, drawn up under the NRA code but never finally approved by Campi in New York, are

(*Continued on page* 6)

U. A. to Make No New Deals On Franchise

Loew Pact, Up in Two Years, Is Last

Franchise deals for U. A. product are out, according to a sales executive of the company, who yesterday stated that the only one in existence is the Loew agreement which has two more years to run.

Paramount, for many years, held a long-term franchise. With receivership and then bankruptcy, the company dissolved the U. A. pacts. Several RKO theatres have held long-term agreements, but they ran out some time ago and have not been renewed.

U. A., according to the sales executive, cannot tell from year to year what product it will have and hence does not want to commit itself in the future. The Loew franchise, in all probability, will not be renewed in 1937, it was said.

Merger Is Becalmed; No Fox Ruling Made

No decision was made by State Supreme Court Justice McLaughlin yesterday in the action brought by Mrs. William Fox to stop a consummation of the Twentieth Century-Fox merger and reorganization. The adjourned meeting of Fox stockholders which approved the merger last week and which has been awaiting the court's decision before taking a final adjournment, was postponed to noon today.

Fox's U. K. Studio Budget Hiked 50%

LONDON, Aug. 12.—Walter J. Hutchinson, managing director of Fox here, announces a 50 per cent increase in the sum allocated for British production at the Fox Wembley studio.

Quota "quickies" are out for Fox, according to statements by Hutchinson and Sutton Dawes, sales manager, who state Wembley will aim at box-office material justifying a still

(*Continued on page* 2)

Nazis to Eradicate Jewish Theatremen

Cabled reports from Berlin state Jewish theatre owners would be driven out of Germany soon, according to an intimation given by Hans Hinkel, head of the Nazi Film Cham-

(*Continued on page* 2)

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DAILY
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Advertising Manager

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Grainger Sells "U" List to Butterfield

James R. Grainger returned from Detroit yesterday where he placed the complete Universal lineup with the Butterfield circuit, now operating 87 theatres in 32 Michigan cities outside Detroit. E. C. Beatty represented the circuit, while Mannie Gottlieb, "U's" local manager there, assisted Grainger.

Fox's U. K. Studio Budget Hiked 50%

(*Continued from page* 1)

bigger appropriation from America next year.

The Fox British studio will in future operate on a three unit basis, Ernest Gartside, Leslie Landau and John Barrow each being responsible for three pictures. The policy goes into effect with "Late Extra," one of the Gartside group, to be directed by Albert Parker.

Republic Trade Show

Republic will hold a trade showing this morning at 11 o'clock at the Astor of its latest picture, "Harmony Lane," produced by Mascot.

Hess in Hollywood

Hollywood, Aug. 21.—G. L. Hess, Hays office attorney, has flown here from the east for conferences with Will H. Hays.

Purely Personal

Fannie Hurst, Dr. Oswald S. Lowsley, Commissioner Lewis J. Valentine, Charles Hanson Towne, Vladimir Stefansson, Ward Morehouse, Hon. N. Sweedler, Louis Sobol, James Montgomery Flagg, George Rector, Jack Dempsey, Ed Sullivan, Thyra Samter Winslow, Congressman Emanuel Celler, Herbert Bayard Swope, Congressman Sirovich, Dean Cornwell, O. O. McIntyre, Postmaster Francis J. Sinnot, Edward P. Mulrooney, John Erskine, Arthur William and Mrs. Brown, Leonard Lyons and Bradshaw Crandall have been invited to the opening of "Diamond Jim" at the Roxy tomorrow.

•

"Chubby" Van Waggoner, treasurer and director of RKO Van Beuren Corp., went on the sick list yesterday with one of those summer colds.

•

Eric Linden, now on location in Grafton, Mass., for "Ah! Wilderness," has been signed to an extended term contract by M-G-M. Baby Jane Quigley has also been signed.

•

Ralph G. Fear, of the Fearless Camera Co. and Monarch Film Laboratory, is in town. M. G. Weisfeldt is with him. They came on from the coast by easy train stages.

•

Major Edward Bowes will make a personal appearance at Keith's Memorial Theatre, Boston, tonight when the first of his amateur shorts will be shown.

•

Arthur Silverstone, assistant general sales manager for United Artists in England, arrived here on the *Normandie* and left yesterday for Winnipeg.

•

Tom Brown, who is featured in the film, will be at the opening of "Annapolis Farewell" tonight at the Paramount.

•

. . . Los Angeles

W. J. Heineman, Universal western division manager, back from a two weeks' trip to Portland, Seattle and San Francisco.

D. B. Irvine, operator of the Florencita and the Colonial, Los Angeles, is taking over the Daly from Ben Peskay.

J. J. Franklin is here from Honolulu to buy film for his two theatres. Has been operating for the past year in opposition to Consolidated Amusement there.

Kurt Laemmle, here on vacation from Lowell, Ind., looking over local theatre properties.

Lola Gentry of the Film Board of Trade hooked a rug while on her vacation.

Varges in Ethiopia

Captain Ariel Varges, ace cameraman of Hearst Metrotone News, has arrived in Addis Ababa, capital of Ethiopia, to film scenes of the threatening war between that country and Italy. Varges was in China for some time filming the various military activities there.

Wall Street

Columbia Off 3 on Big Board

	High	Low	Close	Net Change
Columbia	72½	69⅞	70	—3
Cons., pfd	17⅜	16⅞	16⅞	.....
Eastman	147	147	147	+ ¼
Eastman, pfd.....	154½	154½	154½	.....
Fox	16¼	15⅞	16¼	+ ⅝
Loew's, Inc.	41⅞	41	41	+ ⅜
Loew's, pfd	105½	105¼	105¼	+ ⅜
Paramount	4¾	4⅝	4¾	.....
Pathe	1⅛	1	1	— ⅛
Pathe "A"	11½	11	11	.....
RKO	2⅝	2½	2⅝	+ ⅛
Warner Bros. ...	5⅜	5¼	5¼	.....
Warner, pfd	36	36	36	.....

Little Change on Curb

	High	Low	Close	Net Change
Sonotone	2¼	2⅛	2⅛	+ ⅛
Technicolor	19½	18⅜	19¼	+ ⅝
Trans-Lux	2½	2½	2½	.....

Para. B'way Bonds Gain 3½

	High	Low	Close	Net Change
General Theatre Equip. 6s '40 ctf	13½	13½	13½	+ ½
Loew's 6s '41 ww deb rights..	103¼	103⅛	103⅛	.....
Paramount B'way 5½s '51	64½	64½	64½	+3½
Paramount F. L. 6s '47	102	102	102	— ¼
Warner Bros. 6s '39 wd	77¼	76⅞	76⅞	— ⅛

(Quotations at close of Aug. 21)

Bay State Decision Bumps Racing There

(*Continued from page* 1)

creasing threat in this state to theatre prosperity. Judge Donahue turned down the petition for a writ of mandamus to force Secretary of State Frederic W. Cook to issue a charter to the Legalized Pari-Mutuel Service, Inc., a proposed concern that would have acted as a brokerage house for pari-mutuel race bets on tracks all over the country. Pari-mutuel laws, at least in the Bay State, do not repeal existing laws covering gambling, he stated in a decision that may prove to be of national importance.

"There is nothing in the statute showing any intention to legalize mail order betting, or betting through the agency of a business corporation organized for profit," Judge Donahue stated.

Nazis to Eradicate Jewish Theatremen

(*Continued from page* 1)

ber for the Reich and State Commissar supervising cultural activities of Jews.

Hinkel commented on the fact, as stated in official Berlin publications, that certain theatres have shown only a curtailed version of the Swedish picture, "Petterton and Bendel," which contains anti-Jewish sequences.

Where "unreliability" is suspected, according to Hinkel's intimation, the theatre owners will be forced to dispose of their houses to some approved owner.

Says 'U' Heads War On 2,000-Ft. Reel

Universal is leading the opposition movement against the Academy's proposal that all features be released on a standard 2,000-foot reel starting Jan. 1, 1936, reports *Motion Picture Herald,* out today.

It is held by Universal that any benefits accruing from such a change would not make the investment involved worth while, says the *Herald.*

Gets a Stay Halting New Pathe Plans

(*Continued from page* 1)

Judge Martin, presiding justice of the appellate division. Pathe attorneys had not been notified of the application and, consequently, it was uncontested. However, upon notification of the issuance of the stay Pathe's attorneys later in the day filed a counter motion to have it vacated. This motion will be argued today before Judge Martin. If the stay is vacated Pathe may proceed to culminate the reorganization plans even though a hearing on Hilbert's appeal cannot be heard by the appellate division before October. If not vacated, the reorganization procedure would have to be suspended pending the hearing of the appeal.

Hilbert's action to stop the Pathe reorganization on the grounds of unconstitutionality of that section of the stock corporation law which authorizes the holding of extraordinary meetings of stockholders was dismissed last week by State Supreme Court Justice O'Brien. Immediately thereafter, Pathe announced that the reorganization had been consummated and assets of Pathe Exchange had been transferred to the new company, Pathe Pictures, Inc. However, the exchanging of new securities for old and other final phases of the reorganization have not been started yet and are affected by the stay obtained by Hilbert.

Ohio May Reinstate 10% Admission Tax

(*Continued from page* 1)

state the 10 per cent admission tax. A brief special session of the Legislature is scheduled for early in September to provide old-age pension funds and set up legislative machinery for Gov. Davey's Government loan, recently negotiated. Another session is slated for late in September or early in October when further sources of revenue are to be considered. The sales tax and liquid fuel tax laws expire Dec. 31, and the Legislature must either reenact these measures or unearth other sources of taxation.

Meanwhile, the Ohio I.T.O., through P. J. Wood, secretary, is marshalling every force at its command to forestall the tax, or defeat it.

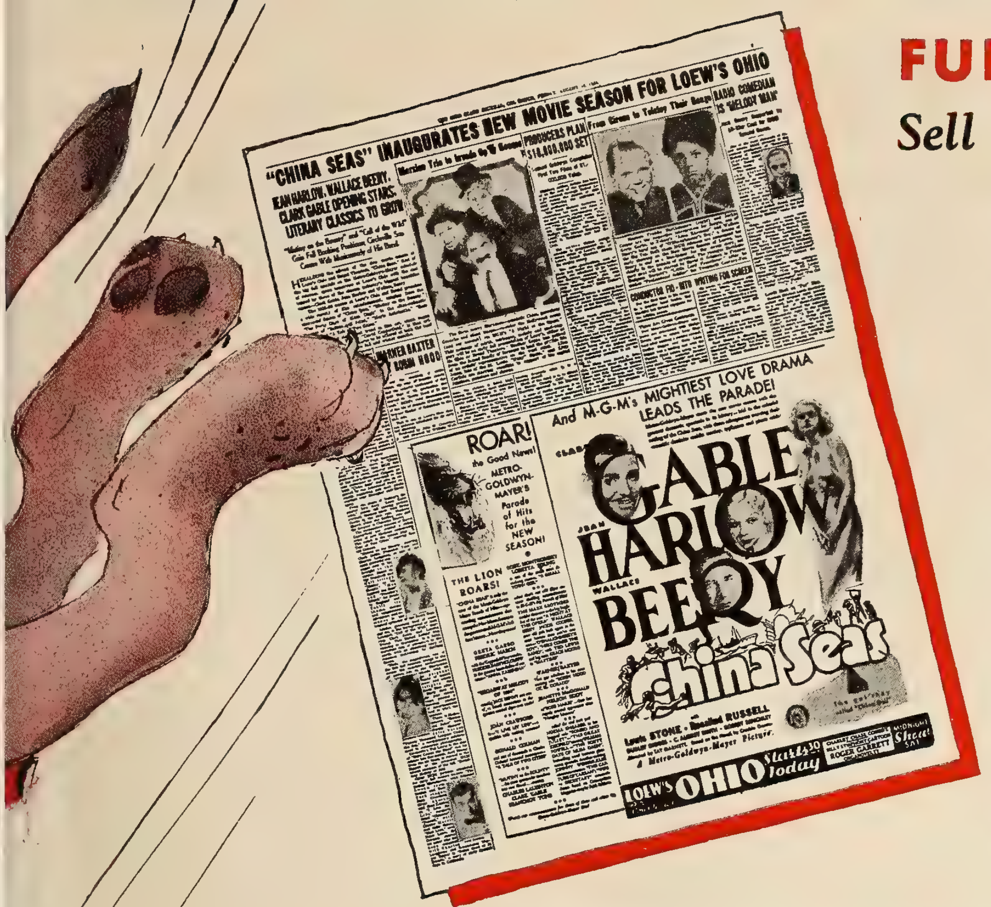
Rhoden Here with a 5-Year Pact Pending

Elmer C. Rhoden, head of Fox Midland, arrived from Kansas City yesterday for two weeks of conferences with Spyros Skouras and other officials of National Theatres Corp., the Fox theatre operating subsidiary. A new five-year contract for Rhoden will also be discussed during his visit.

Charles Skouras, operating head of Fox West Coast, is en route from Los Angeles for the conferences and is expected here tomorrow.

Marston Gets Post

Boston, Aug. 21.—Al Marston has been appointed assistant to Carlo Vannicola in the publicity department of the RKO theatres here.


"CHINA SEAS" INAUGURATES NEW MOVIE SEASON FOR LOEW'S OHIO

JEAN HARLOW, WALLACE BEERY, CLARK GABLE OPENING STARS; LITERARY CLASSICS TO GROW

ROAR! the Good News! METRO-GOLDWYN-MAYER'S Parade of Hits for the NEW SEASON!

And M-G-M's MIGHTIEST LOVE DRAMA LEADS THE PARADE!

CLARK GABLE JEAN HARLOW WALLACE BEERY

China Seas

Lewis STONE · Rosalind RUSSELL

A Metro-Goldwyn-Mayer Picture

LOEW'S OHIO Starts 11:30 Today

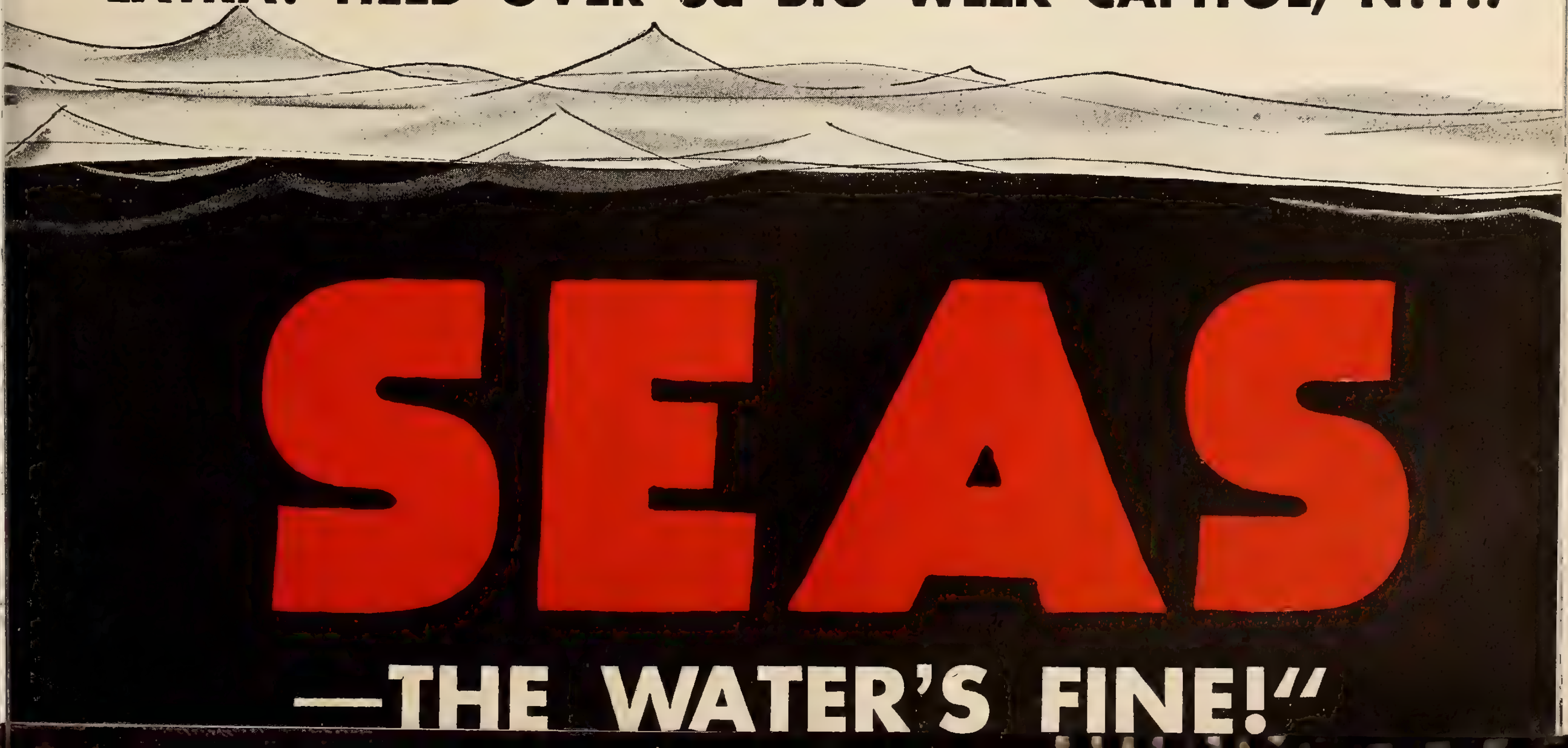
FULL PAGE CO-OP ADS

Sell the Big M-G-M New Season Hit

Keep up the excitement while everybody's talking about "China Seas" at your theatre. Let 'em know about: "Anna Karenina" (Garbo, March, Bartholomew); "Broadway Melody of '36" (Jack Benny and Cast of 15 Stars); Ronald Colman in "Tale of Two Cities"; "Mutiny on the Bounty" (Laughton, Gable, Tone); "O'Shaughnessy's Boy" (Beery, Cooper); "I Live My Life" (Crawford); "Rose Marie" (MacDonald, Eddy); "Romeo and Juliet" (Shearer); and a flock of others. WRITE M-G-M FOR PROOFS OF CO-OP PAGES READY TO SHOW YOUR EDITOR! THE PARADE OF PATRONS IS ON THE WAY TO YOUR HOUSE

- ★ **DAYTON.** 3 days does 4 day biz of biggest!
- ★ **LOUISVILLE.** Only topped by New Year's biz.
- ★ **PITTSBURG.** Best opening in 75 weeks!
- ★ **PHILADELPHIA, EVANSVILLE.** Outstanding!
- ★ **RICHMOND.** Best in 2 years!
- ★ **COLUMBUS.** Best 3 days in 2 years.
- ★ **KANSAS CITY.** Tops 7 months' biz.
- ★ **DENVER.** Best 5 days in 6 months.
- ★ **AKRON.** Doubles "Copperfield's" first 3 days!

EXTRA! HELD OVER 3d BIG WEEK CAPITOL, N.Y.!



Holds Jersey Law Stymies Bank Nights

(*Continued from page 1*)

a highly competitive night attraction to the regret of exhibitors.

Samuelson advised the convention that he would not again be a candidate for president of the New Jersey Allied unit. He said that after five years in the office and with the increasing burdens of his post as national head of Allied he would insist upon withdrawing. Indications point to Julius Charnow, vice-president, being named as his successor.

Discussing what was described as a "notorious increase" in carnivals in the state this summer, Samuelson said that plans to combat the competitive invasion would be laid during the convention. He urged solidification of the Jersey organization, declaring that unless the combined support of all independents in the territory could be had, the organization would be handicapped in its activities.

He reported that the Pettengill bill to regulate block booking was "in good shape" and said that it would be discussed at length in Thursday afternoon and evening speeches by its sponsor, Congressman Pettengill of Indiana.

Sees Independent in Peril

Both Ohio and Wisconsin have passed laws outlawing preferred playing time, Samuelson pointed out. In both states the bills are under Federal attack, he said, and if they are upheld, Ohio will have pioneered in a great cause for independent exhibitors. He added that the real business problem facing members unless cooperative support is given officers of the organizations is that they will be driven from the industry in three years.

Samuelson this afternoon warned conventionites that distributors are on the march for theatre buys, only this time instead of buying they are taking. He said this is true in the west, and while not mentioning circuits involved, he told Motion Picture Daily after the session he was referring to the Evergreen deal with John Hamrick in Portland and Seattle. Samuelson said distributors after washing up bad leases and commitments are starting anew on theatre acquisitions and independents will have to watch their step. He added this is one of the serious problems facing Allied members.

Relief on the music tax is in sight, Samuelson continued, mentioning the Duffy bill, which he believes will be passed when Congress reconvenes in January.

Following the opening session, Abram F. Myers, chairman of national Allied, gathered the organization's leaders here into a closed session. Informal social affairs were held tonight.

Plan to Draw Children

Atlantic City, Aug. 21.—An American picture plan for attracting children and students to theatres will be launched by national Allied States, starting Sept. 15, H. M. Richey, head of Allied of Michigan, told the New Jersey Allied convention here today.

The Michigan unit has made a tie-up with American Edugraphic Corp. and has found it profitable, Richey said. The plan provides for booking by exhibitors of a series of pictures on outstanding American historical chapters from the landing of Columbus to the Civil War. One issue is featured at special children's matinees on Saturdays. Essays on the topics shown are submitted by the juvenile patrons with recognition for the best of them, Richey said.

Mourning for Rogers Today Assumes Nat'l Proportions

(*Continued from page 1*)

private services for him in Wee Kirk o' the Heather in Glendale.

Gov. Merriam has asked all Californians to observe one minute of silence during the services.

Soviet Pays Rogers Tribute

The Russian industry expressed regret at the passing of Will Rogers in a cable received by Amkino yesterday for transmission to the comedian's wife and the Fox studio.

Bearing the signatures of Boris Shumiatsky, Friedrich Ermler, Vladimir Nielsen and Serge Eisenstein, the message referred to the humorist as "a friend of the Soviet Union," adding that "the Soviet cinema is confident the brief but splendid life of Artist Rogers inspired hundreds of cinema workers to similar devoted and sincere service to the great art of the cinema."

One Minute Darkening

Joseph Bernhard, general manager of Warner theatres, yesterday issued instructions to all houses to darken their screens for one minute today while funeral services are under way in Hollywood for Will Rogers.

Laemmle Orders Closing

All Universal offices have been ordered closed at noon today by Carl Laemmle, Sr., as mark of respect to the memory of Will Rogers.

No All-Day Shutdown

Hollywood, Aug. 21.—Studios decided today not to shut down all day Thursday for Will Rogers' funeral because of the need of meeting release dates on time. However, they will join in conducting two-hour services. Twentieth Century-Fox and Republic will be the only studios to close down entirely during the afternoon.

St. Louis Wants Last Film

St. Louis, Aug. 21.—The announcement out of New York that Fox plans to release the last two Will Rogers pictures has caused favorable public reaction in this section. A canvass of men and women in various walks of life has indicated the great majority are anxious to see "Steamboat 'Round the Bend" and "In Old Kentucky."

Advance "Steamboat" Showing

Chicago, Aug. 21.—Will Rogers' "Steamboat 'Round the Bend" will have its world premiere two weeks ahead of schedule at the Roosevelt Friday. No special advertising campaign is planned and no reference will be made to the tragedy.

Figure $913,570 Inheritance Taxes

Hollywood, Aug. 21.—It is estimated the state and Federal government will collect approximately $913,570 in inheritance taxes on the estate of Will Rogers, said to amount to $5,000,000.

Would Name Route for Rogers

Washington, Aug. 21.—A bill to name Route 66, between Chicago and Los Angeles, "The Will Rogers Highway" was presented in the House today by Representative Disney of Oklahoma.

Allied Talks Sales Plans; Acts Later

(*Continued from page 1*)

town, N. Y.; Abe Stone, Albany; Henry Frieder, Hudson, N. Y.; Jack Unger, Hillside, N. J.; Louis Gold, Newark; Ralph Pitman, Pitman, N. J.; Frank Henry, Trenton; Moe Horwitz, Cleveland; Charles Metzger, Indianapolis, and C. E. Schanberger, Baltimore.

Blank Replaces Winn

Chicago, Aug. 21.—Leo Blank, until now manager of the Warner office in Minneapolis, has been transferred to a similar post here. He replaces James Winn, just promoted to mid-west district manager. Rud Lorenz, a salesman in Minneapolis, replaces Blank.

James Winn and Leo Blank are at present visiting the home office and will assume their new positions on Aug. 26.

Miriam Battista to Wed

Falmouth, Mass., Aug. 21.—Miriam Battista has filed marriage intentions with Otis Chatfield Taylor, manager of the Beach here. The date has not been set as yet. It will be the second marital venture for both. Miss Battista played with John Barrymore in "The Red Widow" and at 3 was in "Humoresque."

Plan Theatre-Restaurant

A chain of theatre-restaurants in 30 cities is planned by the newly organized Continental Casino Corp., headed by Edward Hutchinson and Herbert Mitchell. The first unit will be the Drury Lane, Louisville, which opens Oct. 3. A link in New York, to be known as the New York Casino, will open around Oct. 15.

Marjorie White Killed

Hollywood, Aug. 21.—Marjorie White, 27, today succumbed to injuries sustained yesterday when the automobile in which she was riding collided with another. Before appearing in early musical pictures for Fox she played in vaudeville with her husband, Eddie Tierney.

Isabelle O'Neill Dead

Cumberland, R. I., Aug. 21.—Isabelle O'Neill, 25, former featured dancer with the "Ziegfeld's Follies" and many successful Broadway hits, is dead here after several weeks illness. She had been out of show business for two years.

Britain Avers Television in By Next Spring

(*Continued from page 1*)

jointly and information is to be published which will enable manufacturers to produce standardized receivers.

Commenting on this statement, J. L. Baird said:

"By this time next year television will be in full swing. Every radio set will be equipped with a television screen and vision will be as usual as speech is today."

The Sub-Standard Cinematograph Manufacturers' Ass'n has remitted to the British Standards Institution the problem of obtaining uniformity in sub-standard film with a request that it makes recommendations to the International Standards Ass'n. Recently the British Kinematograph Society selected for approval the German D. I. N. standard for small gauge film, but this decision provokes protests in many trade quarters and the present move is an effort on the part of the manufacturers to get an authoritative ruling without the aid of the B. K. S.

* * *

British International Pictures, Ltd., has paid off all members of the Electrical Trades Union on its staff at Elstree. An official statement says that E. T. U. officials presented an ultimatum to the company giving them half an hour in which to sign a two years' agreement. Charges of "intimidation" made by the union are denied by the company.

Want Ohio Board as NRA Labor Replacer

Columbus, O., Aug. 21.—A resolution introduced at the 51st annual convention of the Ohio Federation of Labor asks for the creation of an Ohio Labor Board as a substitute for the labor provisions of the defunct Ohio Recovery Act, which was modeled after the erstwhile NRA.

The resolution cites the Ohio constitution which provides that "laws may be passed regulating hours of labor, establishing minimum wages and providing for the comfort, health, safety and general welfare of all employees."

Broad powers are sought for the proposed board, but the resolution said that "nothing should be construed to impede or diminish the right to strike." The board would be composed of three members appointed by the governor at salaries of $4,000 per year. The resolution was referred to committees for debate on the floor later.

Los Angeles Using NRA Zoning Setup

(*Continued from page 1*)

being followed closely in this territory so far as this season's product is concerned.

It is understood an overwhelming majority of exhibitors consider the NRA rulings equitable and are anxious to maintain them, although, for next season's product, individual exchanges will use individual judgment in granting clearance adjustments in a few cases.

"Curly Top" Still At It; Coast's Top

Los Angeles, Aug. 21.—Same old story here with Shirley Temple.

"Curly Top" gave Loew's State $15,700 which was $1,700 ahead of the norm and the town's strongest performance. Up in Hollywood, the picture did $13,490, comparing with a $12,500 average for the Chinese.

The 4 Star found its gross had stepped up from $3,250, or normal, to $4,700 with "Dante's Inferno."

Total first run business was $82,090. Average is $87,700.

Estimated takings for the week ending tonight:

"CURLY TOP" (Fox)

CHINESE—(2,500), 30c-55c, 6 days. Laurel and Hardy comedy and "3 Little Pigs." **Gross:** $13,490. (Average, $12,500)

"THUNDERSTORM" (French)

FILMARTE—(800), 40c-50c, 6 days. **Gross:** $1,100. (Average, $2,750)

"DANTE'S INFERNO" (Fox)

4 STAR—(900), 30c-55c, 7 days. **Gross:** $4,700. (Average, $3,250)

"IRISH IN US" (F. N.)

HILLSTREET—(2,700), 25c-40c, 7 days. 2nd week. **Gross:** $9,300. (Average, $8,000)

"CURLY TOP" (Fox)

LOEW'S STATE—(2,500), 30c-55c, 6 days. Laurel and Hardy comedy and "3 Little Pigs." **Gross:** $15,700. (Average, $14,000)

"ACCENT ON YOUTH" (Para.)

PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: Escudero, Eddie Peabody. **Gross:** $18,300. (Average, $18,000)

"IRISH IN US" (F. N.)

WARNER BROS. (HOLLYWOOD)—(3,000), 25c-40c, 6 days. **Gross:** $8,400. (Average, $14,000)

"THE BLACK ROOM" (Col.)
"JALNA" (RKO)

WARNER BROS. (DOWNTOWN)—(3,400), 25c-40c, 6 days. **Gross:** $8,200. (Average: $12,000)

"SHE GETS HER MAN" (Univ.)
"BORN TO GAMBLE" (Liberty)

PANTAGES — (3,000), 25c-40c, 7 days. **Gross:** $2,900. (Average, $3,200)

Warner Workers Back

Hollywood, Aug. 21.—Following a protest filed yesterday with U. S. Attorney Pierson Hall against Warners by members of the National Ass'n of American Employes alleging violation of the Wagner labor bill and intimidation of workers, the studio today reinstated all employes dismissed a week ago supposedly because of their affiliation with the group.

Lesser's New Deal Waits

Sol Lesser, Fox producer, left for the coast yesterday after a week in New York during which he discussed production of several features for the company in addition to the four George O'Brien westerns now on his schedule. Final action on this proposal will be taken following his arrival in Hollywood.

Korda on Releasing

London, Aug. 21. — Alexander Korda of London Films is en route to New York aboard the *Ile de France,* presumably to discuss distribution with Al Lichtman. Emanuel Silverstone, managing director of United Artists here, is with him.

Warner In Midwest Deal

The latest major circuit to sign for the Warner lineup is the Minnesota Amusement Co., according to Gradwell Sears. The deal involves 77 theatres in Minnesota, South Dakota and Wisconsin.

Short Subjects

"Wrestling Match"

(Ambuter Corp.)

The recent wrestling championship match in Boston between Ed ("Don") George and Dan O'Mahoney is covered here. The editing could have been better in spots and the off-screen dialogue more lively in most spots, but all told the film is very interesting and sports fans should go for it in a big way. For the most part the actual wrestling is uninteresting, but near the end things pick up and the men start tossing each other out of the ring. This alone is worth sitting through any program to see, but the thrill comes when James J. Braddock, who was acting as referee, floors one of George's seconds with a terrific right to the jaw and starts a riot in the ring by declaring O'Mahoney the winner. Highly recommended. Reviewed without production code seal. Running time, 20 mins. "G."

Zanesville Police Stop "Road to Life"

Zanesville, O., Aug. 21.—A regiment of 15 police officers swooped down on C. Roberts Peters, representing the Garrison Film Co., Cleveland, and ordered him to immediately leave the county together with the film, "The Road to Life," based on Russian activities, as he was preparing to show it at the Eagles' Temple under auspices of the Zanesville Film and Photo League.

The film was seized in Columbus some time ago at the direction of Safety Director W. S. Pealer, but was subsequently released and shown recently at the Arlington, a neighborhood house.

Hub May Again Get Regular Vaudeville

Boston, Aug. 21.—Vaudeville may be on its way back to the Hub. The RKO Boston, which discarded stage shows some months ago in favor of double features, will put on the footlights Aug. 29 for a "Folies Bergeres" unit. Another unit last Spring established an all time house record for this first run situation, now managed by Ben Domingo, formerly of the Rialto here. Single features and vaudeville will continue from the 29th on. Sophie Tucker, Vincent Lopez, Joe Cook and other top names already have been signed.

Flash Previews

The Goose and the Gander — The familiar bedroom farce formula is lifted way out of its class by delightful dialogue, characterization and casting to make this a smart average picture with plenty to keep audiences laughing.

Powdersmoke Range— . . . The cast, bristling with western star names, provides swell exploitation angles for audiences accustomed to horse operas. No chases, with dialogue substituted for action, keeps this strictly in its own class. . . .

These films will be reviewed in full in a later issue of Motion Picture Daily.

Option Burns and Allen

Hollywood, Aug. 21.—Paramount has exercised its option on the contract of George Burns and Gracie Allen.

"THE CRUSADES"

THERE are thrills in the battle scenes, pageantry in the spectacle, tenderness in the love episodes of Cecil B. De Mille's latest which had a stiff shirt and fancy premiere at the Astor Theatre last night.

"The Crusades" is pretty much De Mille at his best. There is less of the theatrical and much more of the real here than usually prevails in his efforts. His characters, on this occasion, interest and hold attention because they carry about them an air of the genuine. His story of the war of the Christian legions pitted against Saladin, the Sultan, for the recapture of Jerusalem is carried to its logical conclusion and the romantic thread maintained.

Henry Wilcoxon, Ian Keith and Loretta Young, as the principals, do a nice job of it against the always lavish and colorful De Millian backgrounds.

Astutely brewed in the entertainment formula which the director knows so well, "The Crusades" looks like a substantial money picture and one of the important attractions of the new season.

KANN

Opening of 'Crusades' Attracts Celebrities

(Continued from page 1)

were Henry R. Luce, Duncan Harriss, Percy H. Johnston, John D. Hertz, Frederick Cassapp, Judge Stephen Callaghan, Mary Boland, Lyda Roberti, M. H. Aylesworth, Henry Wilcoxon and William and Cecil B. De Mille, the latter the director of the film.

The picture is in for an indefinite run on a two-a-day policy.

Prepare for Golf

Columbus, O., Aug. 21.—Chief Barker M. R. Clark has posted notices for the local Variety Club's first combination golf and dinner-dance to be held at the Wyandotte Country Club Aug. 26. Attendance is limited to 150. Lew Bryer is chairman of the golf committee. Billy James will look after the dinner arrangements, John Hardgrove heads the entertainment gang, and Max Stearn is disposing of the tickets.

Sew Up Alhambra

Los Angeles, Aug. 21.—On Sept. 1, Fox Principal Theatres, a subsidiary of Fox West Coast operated by Mike Rosenberg, will take over the Garfield, Alhambra, from Harry Vinnicoff. This will give F. W. C. all of Alhambra's first run houses.

Empire Now Denies Move with Allied

(Continued from page 1)

pire who asserted that a merger of their organization with Local 306 was "much more likely."

"Empire has nothing in common with the Allied organization," the Empire spokesmen said. "We are a labor organization, not a company union. If we consolidate at all it would not be with Allied. A merger with Local 306 would be much more likely and more in line with our inclinations."

A mob numbering more than 100 men invaded Broadway at mid-afternoon yesterday and bore down on Allied pickets on duty before the Capitol, Strand, Rivoli, Mayfair, Loew's State, Astor and Paramount. In some cases the pickets were beaten or badly mauled. In every case their picket's banners were torn from their hands and destroyed. Police appeared to be helpless in coping with the mob, although a few arrests were made and the prisoners charged with felonious assault at the West 47th St. station.

Cries of "This theatre employs American Federation of Labor operators" were shouted by members of the mob as they bore down on the pickets parading before each Broadway house. Local 306 is the only operators' union here affiliated with the A. F. of L.

Plans to Replace Pickets

The raid succeeded in clearing Broadway theatre fronts of pickets for the remainder of the afternoon, but Allied union officials said the incapacitated pickets would be replaced.

Harry Brandt, president of I. T. O. A. and reputed to be the founder of the Allied organization, was standing across Broadway from Loew's State when the mob attacked the Allied pickets at that house. Brandt entered the Astor Hotel where the I. T. O. A. was holding its regular meeting. The session was given over almost entirely to a discussion of the current labor turmoil.

Local 306 representatives reported that the negotiations on a new basic wage schedule being conducted with circuit representatives are continuing to make progress. Indications are that a new adjusted wage scale may be set by early next week to take effect Sept. 1 and to remain in force for two years. Unofficial reports are that the present scale of $2.12½ per hour may be continued for de luxe pre-release houses, but that graduated reductions according to the size of individual theatres and admissions charged will be placed in effect for neighborhood houses. These are expected to range downward to a minimum of $1.25 per hour for the smallest.

Outdoor Film for "U"

Hollywood, Aug. 21.—Universal has signed Norman Dawn and Del Cambre to make an outdoor adventure picture in Alaska, tentatively called "Alaska Bound." The pair will leave immediately and will be joined by a technical crew at Juneau. They plan to remain in the north for three months and then return to the studio for interiors. Cambre will be the only white actor in the picture. Dawn is writing the story.

Cambre, a former all-American football player and previously with Paramount, has been signed to a term contract by Carl Laemmle.

BUTTERFIELD CIRCUIT

GOES 100% UNIVERSAL!

E. C. Beatty, General Manager of the Butterfield Circuit, operating 87 THEATRES in 32 Michigan cities outside of Detroit, signed EVERYTHING Universal has in features, Westerns, comedies, shorts and Newsreel!

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the Industry
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VOL. 38. NO. 46 NEW YORK, FRIDAY, AUGUST 23, 1935 TEN CENTS

100,000 View Last Rites For Rogers

Thousands Pass Bier at Glendale Cemetery

Hollywood, Aug. 22.—The body of Will Rogers was laid to rest at Forest Lawn Memorial Park at Glendale this afternoon after thousands upon thousands had filed past his bier to pay the humorist final homage. It is estimated that 100,000 mourners were drawn to the cemetery. Thousands deposited flowers at the bier as they filed past.

Gov. Frank C. Merriam led California officialdom at the funeral ceremonies. President Roosevelt was represented by Rear Admiral William T. Tarrant and Commander Herbert A. Jones.

The comedian's admirers were attracted by the thousands to two mass services at the Hollywood Bowl and the Community Presbyterian Church of Beverly Hills.

By a proclamation of Gov. Merriam a minute of silence out of respect for Rogers' memory was observed at 2 P. M., the hour the funeral rites began. Most business houses throughout the state draped their flags at halfmast during the day.

4 Chains Broadcast

A final, nationwide tribute was paid Will Rogers last evening with the

(*Continued on page* 18)

Bessie Mack Quits Capitol for Bowes

Bessie Mack, in the employ of the Capitol as its press agent almost as long as the theatre has been operating, is quitting that post after all these years to handle like duties with Major Edward Bowes' amateur shows.

Miss Mack, who is rarely called anything but Bessie, is one of the best known and most popular figures in New York show business and, aside from her duties at the Capitol, for years has been active in the affairs of the Jewish Theatrical Guild.

Nazi Tinge

Hollywood, Aug. 22.—Paramount's Viennese importation, Grete Natzler, henceforth will be known as Roma Gabriel. Natzler sounds too much like Nazi, the studio claims. Her first assignment is to "Madamoiselle Modiste."

Pettengill's Measure Held Good Will Aid

Congressman Tells Allied Of His Legislation

By BILL ORNSTEIN

Atlantic City, Aug. 22. — Hope that the anti-block booking bill sponsored by him would help win goodwill for the industry should the measure be passed by Congress was expressed by Representative Samuel B. Pettengill in an address before the New Jersey Allied convention here today.

In detailing his reasons for sponsoring the bill, Pettengill asserted he wanted to see the industry "succeed as a legitimate enterprise and build for the future and make money." He declared he was not "a long-faced dour Puritan," adding the bill was not a censorship move, although a lot had happened in the industry in the last 15 years which in his opinion ought to be curbed by Federal action. The con-

(*Continued on page* 9)

St. Louis Intrigued By Sabath's Probing

St. Louis, Aug. 22.—Announcement that the Sabath Committee investigating mortgage refinancing will send a sub-committee to this city from Washington to begin hearings into local situations in the next six weeks has caused some speculation in local circles as to whether any of the properties in which first run theatres are located will be included in the scope of the probe.

As is known, the Ambassador, Missouri and New Grand Central theatre buildings have been involved in much litigation and bitter scrapping between different interests desiring control and it is not entirely impossible that an echo of these fights may be heard before the sub-committee finishes its work here.

With Gas Now

Chicago, Aug. 22.—Service stations in this town now have fallen for the "Bank Night" craze and hold their drawings weekly. Restaurants and beer parlors also are going for the proposition and reports show a substantial increase in business.

Sees No Hope For Singles In Cleveland

Atlantic City, Aug. 22.—Hope for return of single features in Cleveland is gone, Moe B. Horwitz of the Washington circuit and treasurer of Independent Theatre Owners of Ohio, emphatically declared today. He is attending the Allied New Jersey convention with Leo Greenberger of the Community circuit. Both plan to leave Sunday.

Horwitz stated that it is impossible to get 100 per cent of the exhibitors to eliminate duals and, unless every

(*Continued on page* 2)

Chance Game Test Case Is Reserved

Magistrate David Malin, sitting in city court for the 8th District, Brooklyn, yesterday reserved decision in the city's action against the Oceana, Brighton Beach, for operating chance games. This is one of the series of test cases planned for all five boroughs.

Jacob Schechter, as attorney for Movie Sweepstakes as well as the theatre, argued the game was not in violation of the state lottery law in that it was unnecessary to enter the theatre or to buy a ticket to participate in the awards. Decision was reserved until Sept. 3.

Hub Independents Consider Their Own First Run There

Boston, Aug. 22.—A new first-run may be established in Boston for independent features. Interest in such a project has been heightened among local unaffiliated distributors because of the decision of the RKO Boston to revert Aug. 29 from a double feature policy to single features and stage attractions. Under the double feature schedule, this de luxe house became an outlet for a number of such films.

Such an enterprise was attempted in the Majestic last winter by F. E. Lieberman, but was stopped and not

(*Continued on page* 18)

Court Denies Injunction; Urges Merger

Mrs. Fox Defeated, But Gets a Stay

That the merger of Fox Film and Twentieth Century Pictures is considered to be for the best interests of Fox stockholders and should be consummated as soon as possible was stated by Supreme Court Justice Alonzo McLaughlin in a 51-page decision handed down in Brooklyn court yesterday denying the application of Mrs. William Fox for a temporary injunction to restrain Fox Film from consummating the merger and reorganization.

Hirsh, Newman, Reass & Becker, attorneys for Mrs. Fox, took an immediate appeal from the decision to the appellate division and obtained a stay restraining Fox from proceeding with the merger and reorganization pending a hearing of the appeal. Hughes, Schurman & Dwight, Fox

(*Continued on page* 9)

Today Will Witness Fox Met. Transfer

Transfer of the assets of Fox Metropolitan Playhouses to the new company, Metropolitan Playhouses, Inc., was delayed until today because of a crowded trial calendar which prevented Federal Judge Francis G. Caffey from giving the Fox Met proceedings sufficient time to conclude them.

After hearing an application from the Fox Met bondholders' committee

(*Continued on page* 9)

Pathe Stay Taken Under Advisement

Decision was reserved yesterday by Judge Martin on Pathe's move to vacate the stay obtained by a stockholder on Wednesday which restrains the company from proceeding with its reorganization.

Ben Hilbert, the stockholder,

(*Continued on page* 2)

It's a Pleasure

Theatre pickets on Broadway are little bothered by the heat these days.

Cooling systems, wafting purified and cool air into the streets, give the sandwich men all the comfort of a patron in the theatre.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

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Pathe Stay Taken Under Advisement

(*Continued from page* 1)

brought an action to stop the Pathe reorganization on the grounds that the section of the stock corporation law governing the holding of extraordinary meetings of stockholders such as the one which ratified the Pathe reorganization plan was unconstitutional. The action was dismissed by State Supreme Court Justice O'Brien and an appeal taken by Hilbert. The order staying further reorganization procedure pending hearing of the appeal in October was granted by Judge Martin of the appellate division, before whom the argument to vacate the stay was made yesterday. Until the stay is vacated Pathe cannot conclude its reorganization.

Ponder Coast Previews

Hollywood, Aug. 22.—G. B. is seriously considering previewing all films to be released in this country here. The reason is that most previewing is done from here, including by-line syndicate and trade paper reviews, which are considered of great value in bookings.

Stands Broadcast Well

Thomas Meighan, who recently left Doctors' Hospital after a long illness, had fully recovered at his Great Neck home yesterday from excitement of a radio broadcast from Eupore arranged for his benefit by friends in which he was felicitated on his recovery.

Insiders' Outlook

By RED KANN

THIS department's caution of earlier in the week has fallen on ears largely deaf. It was then that this space urged some dignity in exhibitor deportment where the Rogers pictures were concerned. Like ghouls has been the response. The Fox distribution department has been deluged, virtually deluged, by wires and long distance telephone for earlier dates on "Steamboat Round the Bend." An authoritative spokesman there declares about thirty dates for the week of August 30 had been promised on stipulation that Fox accounts first played "Dante's Inferno." But the "Inferno" is not doing at all well and, as big business goes and what with Labor Day drawing close, it seems as if those thirty cities are to get the next Rogers ahead of the agreed upon date. . . .

▼

AND so it is that "Steamboat Round the Bend" opens at the Roosevelt in Chicago today, two weeks ahead of the date first set for it. In Los Angeles, the United Artists, for which it is explained a reopening had been planned "some time next month," lights up to take care of Shirley Temple in "Curly Top" while the way is thus cleared for "Steamboat" to open day and date Saturday at Loew's State in Los Angeles and the Chinese in Hollywood.

It is of more than passing irony to note here that the Chicago house is operated by Balaban and Katz, who have been variously described over the years as among the most representative and upright in the theatre fraternity and that the latter two operations are managed by Fox West Coast, which is controlled by National Theatres, which is controlled by Fox, which made the Rogers pictures and halted its activities yesterday in tribute to the humorist's memory.

As a crowning effort for this frenzied activity in re-shuffling dates we suggest as a go-getting lobby ballyhoo an open grave with a wax figure of Rogers. That ought to wow 'em clear out of their pants and their money.

Dunn Settles Contract

Hollywood, Aug. 22.—James Dunn has arranged a settlement of his Twentieth Century-Fox contract which had two years to go and will free lance in the future. The main reason for Dunn's dissatisfaction was stories assigned him and particularly the recent postponement of "The Song and Dance Man" in which he was slated for the starring role under the Winfield Sheehan regime. The studio recently took up Dunn's option at a substantial increase.

Selznick in Town

David O. Selznick finally arrived in New York yesterday from Hollywood after a trip by easy stages across the continent, including the races at Saratoga, where he spent some time with John Hay Whitney. He plans to remain in the east for 10 days or two weeks to confer with executives of United Artists on the handling of his forthcoming films.

Sold for St. Louis

George Week, GB's general sales manager, yesterday placed his 1935-36 lineup with Harry C. Arthur first run at the Ambassador and Fox, St. Louis.

Jim Christie Relapses

Chicago, Aug. 22.—James A. Christie, Chicago division manager of RKO theatres, is suffering from a relapse after a siege of the flu. He is confined to his bed.

More Offices Planned

Undergoing reorganization, Latin America Pictures Corp. plans to expand its distributing activities in South America and Spain. Frank Z. Clemente is due to leave around Sept. 15 on a tour to establish offices there. Latin Artists plan to release 12 Spanish language films in that field during the coming season.

Won't Embrace Pictures

Theatre restaurants planned by the Continental Casino Corp. will not include pictures in their entertainment scheme, but parallel floor shows like that at the Folies Bergere in New York, according to Edward Hutchinson. He is one of the promoters of the chain idea.

Goldwyn Expects Korda

Hollywood, Aug. 22.—Samuel Goldwyn declared today he expects Alexander Korda of London Films here shortly to confer with Mary Pickford, Charlie Chaplin and himself on future product, but beyond this bare statement would make no comment.

"Glory" to Pre-Release

"Page Miss Glory" will play 16 pre-release engagements in key cities next week, simultaneously with the New York premiere on Wednesday. These showings precede general release, which is scheduled for Sept. 7.

Sees No Hope For Singles In Cleveland

(*Continued from page* 1)

exhibitor goes along, the lone feature idea will not work out.

Cleveland independents had their experience last year when the Family, a closed theatre which was not involved in the agreement banning duals, was reopened on a twin bill policy, shortly after which about seven other houses followed suit.

Several sessions have been held in connection with extending the agreement which expired Aug. 10. Horwitz as sponsor of the original plan gives up all hope that had been held for a renewal of the plan.

Chicago Chains Drop Non-Union Lobbies

Chicago, Aug. 22. — Pressure brought to bear by the painters' and decorators' union here has resulted in a decision by B. & K., Warners, and Essaness theatres to stop using lobby frames and displays manufactured by the American Display Co. and Master Art.

About 100 houses, therefore, will end the use of processed cutouts and frames to sidestep any difficulties with the union. American Display and Master Art are understood to be non-union.

The change will necessitate the employment of many artists and decorators unless a settlement of some kind is made with the union by Sept. 1.

Harrisburg to Hold Sunday Referendum

Harrisburg, Pa., Aug. 22.—Petitions containing 5,574 signatures requesting that the question of Sunday films here be submitted to the voters at the September election were filed with the Dauphin County Commissioners today by C. Floyd Hopkins, district representative of the Wilmer and Vincent circuit in this section.

The petition contains several thousand more names than required by law, thus making it certain that the referendum will take place.

Harston Objects

Murry E. Harston, attorney for Allied M. P. Operators' Union, yesterday took exception to that angle of Motion Picture Daily's story of the Broadway picket fracas Wednesday which declared "Allied union officials said the incapacitated pickets would be replaced."

"Absolutely no official or representative of Motion Picture Daily was in communication with any representative of Allied M. P. Operators' Union insofar as obtaining any data of the reported raid on the picket line of Local 306 and except for a very brief interval of time, the theatres referred to were constantly picketed throughout the day," he declared.

Editor's Note—Sherwin A. Kane, a reporter for Motion Picture Daily, was an eye witness to the Wednesday raid and collected his facts on the scene of the incident.

Zooming your way

loaded with the bombshell news of the season!

The first group of

20th CENTURY PICTURES

for the

SEASON OF 1935-36

Presented by

JOSEPH M. SCHENCK

Personally produced by

DARRYL F. ZANUCK

Distributed by

Fox Film Corporation

LAWRENCE TIBBETT in METROPOLITAN

With Virginia Bruce, Alice Brady, Cesar Romero. Directed by Richard Boleslawski ("Les Miserables"). Screen play by Bess Meredyth and George Marion, Jr. Mr. Tibbett will sing the most famous selections from his brilliant and popular repertoire.

DICK POWELL in THANKS A MILLION

With Fred Allen, Ann Dvorak, Paul Whiteman and his band with Ramona, Phil Baker with Beetle and Bottle, Rubinoff and his violin, Patsy Kelly, The Yacht Club Boys. Original story by Melville Crossman. Screen play by Nunnally Johnson. Directed by Roy del Ruth.

IT HAD TO HAPPEN

Directed by Gregory La Cava. Plans, shortly to be announced, include a brilliant cast plus a story of intense audience appeal... combined into a production that will be a pace-maker for the 20th Century tradition of hits.

RONALD COLMAN in
THE MAN WHO BROKE THE BANK AT MONTE CARLO

With Colin Clive and Nigel Bruce. Directed by Stephen Roberts. Adaptation and screen play by Howard Ellis Smith and Nunnally Johnson. Modern, romantic comedy drama with the spirited swing of a "Bulldog Drummond."

20TH CENTURY PICTURES

VICTOR McLAGLEN and FREDDIE BARTHOLOMEW
in DAMON RUNYON'S
PROFESSIONAL SOLDIER

Directed by John Ford. Breathlessly modern adventures of today's soldiers of fortune, gun-runners, mercenaries . . . stalking danger, scorning death wherever war-clouds gather.

WALLACE BEERY in
MESSAGE TO GARCIA

Suggested by Elbert Hubbard's immortal essay and the story by Colonel Andrew S. Rowan who actually carried the message. Screen play by W. P. Lipscomb. Directed by Roy del Ruth. Thrills, heroism and sweeping drama of America's most glorious triumph.

MEN REMINGTON KNEW

(Tentative Title)

Directed by Tay Garnett. Boisterous, reckless drama of untamed Texas in the roaring 80's. Peopled with the glamorous personalities of that most glorious era whose exploits awake a thrill in every red-blooded heart.

SNATCHED!

Original story and screen play by Kubec Glasmon. Directed by Irving Cummings. The most amazing and vividly realistic criminal story ever written. The merciless spotlight thrown on hitherto unrevealed, unsolved mysteries of crime. The story itself is to star!

FREDRIC MARCH in
SHARK ISLAND

Based on the book by Nettie Mudd Monroe. Screen play by Nunnally Johnson. Directed by Henry King. The bitter persecutions of the man who innocently aided President Lincoln's assassin . . . America's Jean Valjean. Spectacular, moving, human, with all the mighty power of "Les Miserables."

20TH CENTURY PICTURES

VICTOR McLAGLEN
in 14TH STREET

Original story by Gene Fowler. Directed by David Butler. A vitally human drama made to order for the vigorous talents of Victor McLaglen, who came to his own in "The Informer."

RONALD COLMAN in UNDER TWO FLAGS

With SIMONE, the famous French actress. Directed by Frank Lloyd. From the celebrated novel by "Ouida." Dashing, colorful drama of primitive love and fierce warfare on the Sahara's blazing sands.

20TH
CENTURY
PICTURES

WARNER BAXTER in EARTHBOUND

Based on the novel by Basil King. Screen play by Bess Meredyth. Directed by William A. Seiter. Negotiations are now under way for an exceptional supporting cast.

Pettengill's Measure Held Good Will Aid

(*Continued from page* 1)

gressman attacked racketeering and gangster films.

Because of diverse opinions received on the proposed bill, Pettengill asked for the views of those present.

Abram F. Myers, national Allied counsel, a member of the committee which drafted the bill, took the floor and recited alleged evils of compulsory buying and booking. About 100 exhibitors attending raised their hands in the negative when asked if they had the right of selection in buying.

Myers asserted that, while propaganda held block booking to be a good thing, meritorious pictures were delayed beyond the season and then taken off contracts and resold later. He maintained compulsory buying means getting rid of mediocre films and tends to place the business in the hands of a few. To prove his point he asked Sidney Samuelson, New Jersey Allied head, how many companies existed 15 years ago as compared with the present. The answer was 20 then against eight now.

Myers informed the conventionites Allied is getting out a book answering attacks on the Pettengill bill and intends to give it extensive circulation among exhibitors, civic, Catholic and other groups endorsing the bill.

It was said by Myers that a move by distributors is on to concentrate on a theatre invasion. He asserted the way to combat the move is to organize proper buying combines to encourage new production and engage in production.

"Unless this is done I don't know what is to become of exhibitors and investments," he said. "Definite steps must be taken now or it will be entirely too late."

Dave Snaper aired the question of preferred playing time.

Efforts of the nominating committee to have Samuelson accept re-election failed today when he declined on the ground he cannot do justice to the post in view of his obligation to national Allied. He pointed out conflict of duties between the local and national groups made it impossible for him to continue as head of the Jersey organization.

With Julius Charnow having declined the post, three prospective candidates for the presidency were understood being considered by the nominating committee. They are David Snaper, Lee Newberry and Frank Henry.

The next eastern Allied regional will be held in New York in October.

Chicago Holds "Adams"

Chicago, Aug. 22.—"Alice Adams" is doing such heavy business at the Palace that it will hold over another week. A special ad campaign by John Joseph has helped plenty. Hal Kemp and his orchestra replace Vincent Lopez as the stage attraction the second week.

Stays at Music Hall

"Alice Adams" yesterday went into its second week at the Music Hall.

A Sidelight or Two

Atlantic City, Aug. 22.—Sidney S. Kulick, sales manager of Syndicate Exchange, New York, was among the early arrivals. He brought with him a cut-out and displayed it on the convention floor. Not in the convention room, take note.

* * *

"Pop" Korson, independent exchange man from the Quaker City, is all spiffed up with slacks and cane. He knows most of the boys and is having a nice time.

* * *

I. A. Roth of the Jersey and Park, Morristown; Strand, Summit; and Madison, Madison, all in New Jersey, sat around with many of his friends recounting trials and tribulations of days gone by.

* * *

Charles R. Metzger of Associated Theatres Corp., Indianapolis, had to take to the salt baths to straighten out some of the kinks in his back from the train ride. He also underwent a good massaging.

* * *

When Dave Snaper registered, Mrs. Sidney Samuelson related what she says is a true incident regarding the exhibitor's Strand, New Brunswick. Mrs. Samuelson said that her brother was interviewing several people to hire a maid when one of them insisted on Tuesday and Thursday nights off. The prospective maid claimed she had a number of dishes she had collected from week to week at the theatre and would rather sacrifice the job than miss out on a single piece of a set. She got the job.

* * *

Nathan Meyers of the Court, Newark, found good use for the elongated tickets handed out with registration fees. He made notes on the back of them so he could remember what happened.

* * *

Al Steffes bounced in from Minneapolis just as the first session wound up yesterday afternoon.

* * *

Aaron Saperstein of Chicago is one of the few directors absent. He's expected, but there's no telling when he'll come. Maybe for the banquet.

* * *

Louis Gold of Newark had to leave his wife home. She is attending to the baby.

* * *

Jack Unger was late for the eastern regional. He says he got stuck in traffic jams coming in.

* * *

Max Snider of the Liberty, Freehold, arrived by car with the missus, making the 42-mile stretch without much trouble.

* * *

Fred Herrington of Pittsburgh has been here since Monday. Commenting on business in his home town, he says there's lots of room for improvement. All theatres are open, however, Herrington asserts.

* * *

Lou Gerofsky, who recently sold the Cort, Summerville, to Arthur Mayer, Rapf & Rudin, is very ill at the Summerville Hospital. His absence is regretted by brother exhibitors.

* * *

Julius Charnow isn't here yet. The New Jersey Allied vice-president is in New York cleaning up a lot of last-minute details, but is due.

* * *

F. C. Schanberger, who operates the Keith's, Baltimore, says at one time his dad operated five houses in Balto. For 15 years, Schanberger had a franchise for Shubert shows and for 18 years held an exclusive franchise for Keith's vaudeville.

* * *

H. M. Richey spent the morning on the beach, broiling in the sun and adding color to his already dark complexion.

* * *

Abram F. Myers was attracted by the blue shirts and cream colored suits worn by Joe Hornstein and Bill Ornstein. He says he'll get a similar combination before the convention is over.

* * *

George Weeks, general sales manager of G. B., and Arthur Lee, are due here. Phil Meyer, New York exchange manager, may accompany them. Meanwhile, Irving Gumberg, sales representative, is holding down the fort.

* * *

Charles Casanave of American Display is here with an elaborate display on the third floor. Dave Davidson, who came with Casanave, has returned to New York.

* * *

Displays include one by Joe Hornstein, Harold Elridge and RCA.

* * *

Herman Blum visited Frank Durkee at the St. Dennis here. Durkee, who has been vacationing here for the last week, left for New York on business.

* * *

Harry Cotton and Adolph Haas of Alexander Film Co., which has its main office and plant in Colorado Springs, Col., are here from New York. They say the company has a tieup with National Allied for exclusive use of their commercial ad trailers which are now being shown in 4,800 theatres.

* * *

Walter B. Littlefield of Brookline, Mass., holds that things are quiet in the region he comes from. He adds exchanges are still selling shorts on the weekly payment plan and in one or two instances Boston exchanges are trying to sell features the same way.

Hear More Capital Sought by Columbia

That the directors of Columbia are planning new financing for the company was learned yesterday.

A stock dividend or splitup may be decided upon as well as an offering of new common stock, it is understood, with the new funds being used to lend added strength to the company's working capital. While the company is not in need of new funds immediately, it is said to feel that its production increase for the new season would make a larger capital valuable.

Earnings of more than $10 per share are expected to be reported by the company for the year ended June 30.

Court Denies Injunction; Urges Merger

(*Continued from page* 1)

Film attorneys, will contest the stay on Monday morning, with arguments to have it vacated.

Mrs. Fox's application for the injunction was denied by Judge McLaughlin, his opinion revealed, on the ground that there was no cause of action involving fraud in either the merger or reorganization and, therefore, in his opinion he could not substitute his own judgment for that of the Fox stockholders who have approved the merger.

It was stated that, in the court's opinion, most of the allegations made in support of the application for an injunction, including the one that Twentieth Century's balance sheet contained unexplained items, were mere conclusions. The opinion characterized the charge that Chase National Bank was attempting to dominate the merger as a "ridiculous charge on the basis of facts presented to the court."

The opinion stated that the court considered the merger to be for the best interests of Fox stockholders and should be consummated as soon as possible.

Judge McLaughlin advised dissatisfied stockholders that they could have their stock appraised by an official appraiser to be appointed by the court and, thereafter, could sell their stock to the majority stockholders at the price fixed by the appraisers. This procedure has been agreed to by the majority stockholders of Fox Film, the opinion disclosed.

First Under New Name

Hollywood, Aug. 22.—"Metropolitan" will be the first film which will go out under the new Twentieth Century-Fox banner, but campaigns will be held up until the injunction against the merger is settled. Pictures finished but not released before the merger and pictures finished since the merger such as the Wurtzel-produced "Ball of Fire" and "Beauty's Daughter" will go out as Fox pictures.

Darryl Zanuck has purchased "If Winter Comes" by A. S. M. Hutchinson and plans to remake a talking version of the story which was made as a silent several years ago.

Today Will Witness Fox Met. Transfer

(*Continued from page* 1)

for $60,000 expenses, Judge Caffey adjourned the proceedings until today. The bondholders' application was granted by the court after Milton C. Weisman, receiver of Fox Theatres, which sponsors the Fox Met reorganization plan, agreed to guarantee against deficiencies in a $500,000 administration expense fund should any result from the immediate payment to the bondholders' committee.

Rainer as Anna Held

Hollywood, Aug. 22.—Luise Rainer, Viennese actress who made her American debut in "Escapade," will play Anna Held in "The Great Ziegfeld." William Powell will have the title role.

Works Agenda Seen Aiding Ohio Houses

COLUMBUS, O., Aug. 22.—A telephonic survey by MOTION PICTURE DAILY among the majority of key city film men following announcement of President Roosevelt's grant of $15,000,000 to $20,000,000 to Gov. Davey personally in Washington as the initial allotment of Ohio's contemplated $100,000,000 projects program, disclosed a high feeling of optimism reminiscent of the boom days.

The grant of Federal funds, which is in the form of a loan, to rehabilitate the state's deteriorated physical properties, provide conservation projects for flood prevention, and other needed improvements, will necessitate an almost immediate special session of the State Legislature to arrange for "legal security."

Thousands of unemployed will be taken from relief rolls and spokesmen for exhibitors were enthusiastic in their predictions that this will ultimately find substantial reflection in box-office receipts.

Coincidentally, it was announced in Cincinnati that work on a new Federal building would be started at once for which the Inter-Department Committee at Washington has set aside $3,150,000 taken from the $60,000,000 building fund included in the second deficiency bill signed by President Roosevelt recently.

It is estimated that the site and structure will cost upward of $5,000,000 and the Cincinnati employment curve will rise very materially concurrently with the start of this project.

Coast House Dabbles With New Lighting

REDWOOD CITY, Aug. 22.—A novel, new and highly ornamental theatre lighting system, the first of its kind to make an appearance on the Pacific Coast, has been installed here at Phil Frease's Redwood.

The system is installed in the ceilings of the inner foyer and on the walls and ceiling of the auditorium. It consists of modernistically designed amber glass chandeliers which, at the flip of a switch, turn into any one of 16 different color combinations desired, the colors flooding the inner foyer or ornamenting the auditorium. Subdued, or bright, the advantage of the new system lies in the variety of colors offered and their blendings.

The Redwood is being used as a demonstration of the new system.

To Pick New President

BOSTON, Aug. 22.—The local M.P. T.O.A unit, Allied Theatres of Massachusetts, Inc., is laying plans to elect a president to succeed the late George Giles, circuit operator who succumbed a few months after J. J. McGuinness, former secretary of the organization. Election will probably be held in October after names are put into nomination at a meeting in September.

Harrington on Own

DALLAS, Aug. 22.—L. E. Harrington has acquired an interest in Amity Film Co., state right distributor.

Out Hollywood Way

HOLLYWOOD, Aug. 22.—LOU GREENSPAN is now story chief of the Max Shagrin-Lew Cantor agency. . . . HENRY HERZBURN host at a stag dinner honoring JOHN E. OTTERSON at the Hollywood Athletic Club. . . . PAUL MUNI recovered from an attack of yellow jaundice and back at work in "Enemy of Man" at Warners. . . . BUSBY BERKELEY will do two production numbers in "Stars Over Broadway" at Warners. . . . EDDIE DAVIS, of Leon and Eddie's, New York jazz joint, checked in at Paramount for a role in "The Bouncer." . . . DR. ERNEST TOCH flew in on the same plane to write the musical score for "Peter Ibbetson" at the same studio. . . . LESLIE HOWARD to arrive Sept. 21 to start "Petrified Forest" at Warners. . . .

◆

JACK BENNY planning an air and motor trip to New York within the next two weeks. After several weeks' vacation, he will return for another M-G-M picture, not assigned yet. . . . MARCELLA BANNETT, secretary to DAVID SELZNICK, is taking a vacation in Minneapolis. . . . PATRICIA ELLIS vacationing in Del Monte after Warners refused to let her fly to Alaska. . . . WALTER PLUNKETT, Radio dress designer, has resigned and will take up a connection in New York outside the industry. . . . MERLE OBERON sailing on the *Aquitania* for a month in London to visit her mother and confer with ALEXANDER KORDA. . . . CHARLES FARRELL fractured his hand while making "Fighting Youth" at Universal. The same hand he fractured twice while playing tackle with Boston University. . . . STUART ERWIN is turning author with a collection of stories, gags and practical jokes played in Hollywood. He calls it, "I Could Write a Book." . . . MURIEL KING will create gowns for KATHARINE HEPBURN to wear in "Sylvia Scarlett."

◆

MADELYN BATSON has gone home to Bowling Green, Ky., after appearing in two Republic pictures, "Black Sheep" and "The Spanish Cape Mystery." She won the parts through a beauty contest. . . . JAMES CAGNEY hurt his ankle during a fight with FRED KOHLER for "Frisco Kid." The picture will not be delayed, but the fight sequence will be shot when the ankle is back in shape. . . . CLAIRE TREVOR vacationing in Del Monte. . . . JANE WITHERS in San Francisco with her mother. . . . DR. CECIL REYNOLDS acting as technical advisor for hospital scenes of "The Magnificent Obsession" at Universal. . . . BRENDA MAYE, New York ingenue, here for picture parts. . . . LON CHANEY, JR., busy between his Commodore pictures with improving his San Fernando Valley ranch. . . . ARTHUR HORNBLOW, JR., producer, and FRANK PARTOS, writer, flew in from New York where they made final arrangements for the filming of "The Old Maid" for Paramount. . . . BOB PHILLIPS, former sports editor of the *Spokane Chronicle*, added to the publicity department of Twentieth Century-Fox. . . . DOROTHY LEE spending three weeks' vacation in Chicago and Detroit. . . . WILLIAM WYLER taking a vacation in Northern California after finishing "The Gay Deception," starring FRANCIS LEDERER. . . . RUSSELL SIMPSON on vacation in San Francisco.

Chan on the Air

Hollywood, Aug. 22.—Charlie Chan, Earl Derr Biggers' famous Chinese character, will make his radio appearance in a few weeks. Frederick Dahlquist, president of the American Radio Features Syndicate, has made arrangements for electrical transcriptions with the Biggers estate. The programs will be 15 minutes in length, will start in September and will be released three a week. Charlie Lung, "the man of a thousand voices," will play Charlie Chan.

◆

Casting: WARNER BAXTER set by Twentieth Century-Fox to star in "Earthbound." Bess Meredyth is now adapting and the picture will go into production immediately after "Hawk of the Desert," which BAXTER will also make. . . . PAUL HARVEY and EDWIN MAXWELL signed by Twentieth Century-Fox for "Thanks a Million." . . . The concert danseuse, TANAGRA, added to the cast of "Metropolitan" at Twentieth Century-Fox. In private life she is MRS. TIFFANY THAYER. . . . DONALD WOODS, ROBERT MCWADE, JOE SAWYER and ROBERT STRANGE into "The Frisco Kid." HENRY O'NEIL into "Enemy of Man" and DON ROSS into "Broadway Hostess," all at Warners. . . . GRANT WITHERS into "Waterfront Lady" at Mascot.

NIGEL DE BRULIER in "The Robin Hood of El Dorado" at M-G-M. WADE BOTELER in "Riff Raff." . . . JESSIE RALPH and HARRY BERESFORD into "I Found Stella Parrish" at Warners. . . . PHIL REGAN added to "Stars Over Broadway" at same studio. He will sing in the picture with JANE FROMAN. . . . WILLIAM FARNUM and AL LYDELL added to "The Eagle's Brood," second Hopalong Cassidy feature to be produced by Harry Sherman for Paramount. . . . MARIE WILSON, new contract player at Warners, gets first assignment, "Broadway Hostess." . . . LUCILLE BALL in Radio's "Love Song." . . . RUTH WESTON here for a part in "Splendor" for Goldwyn.

◆

Writers: SOL LESSER signs REX TAYLOR to work with GILBERT WRIGHT on script of "Whispering Smith Speaks," which GEORGE O'BRIEN will make immediately following "Thunder Mountain." . . . MERLE OBERON completes story and scenario construction for "Anne Boleyn" which she will make for ALEXANDER KORDA and is planning to write a film about the lives of wives of British army officers in India. Will call it " Mrs. Commander," the name given to officers' wives by the natives. . . . HARRY CAREY'S autobiography, soon to be published, will be titled "Twenty-five Years Under the Big Hat." . . . HORACE MCCOY, author of "They Shoot Horses, Don't They?" signed by WALTER WANGER to work on an original. . . .

Italian Levy Under Study By Industry

Foreign department managers for large companies are studying the proposed new levies on foreign trade which are being considered by government officials in Italy.

While still in an indefinite stage, it is understood here that the new proposals would impose a tax of 10 per cent on gross sales in Italy by foreign concerns, with a minimum levy of 15,000 liras. This would replace the present flat 25,000-lira levy on remittances to foreign concerns by their Italian agents.

Some foreign department managers are of the opinion that the new levy would entail little change in costs to film exporters except in the case of pictures which return exceptional grosses.

Blank's Men Ready For Annual Parley

OMAHA, Aug. 22.—E. R. Cummings, district manager for Tri-States Theatres in Western Iowa and Nebraska, will leave here Sunday night accompanied by his Omaha and Nebraska managers for the annual convention of the A. H. Blank circuit at Kirkwood Hotel, Des Moines. The convention holds forth Aug. 26-27.

Cummings said Cecil B. DeMille, Henry Wilcoxon, the actor; Harold Lamb, the author; and Bill Pine will plane to Des Moines Tuesday to attend the annual banquet.

Approximately 40 men, including three district managers, theatre managers and other officials will attend the two-day sessions.

Seeks Rental Rehearing

LINCOLN, Aug. 22.—The Lincoln Theatre Corp. is asking a rehearing in Supreme Court of the rental judgment rendered against it last month in the amount of $3,367.50. Plaintiff Frank Kimball, who owns the Rialto, is charged with charging the defendant rent on the place for a period when the house was in the hands of the sheriff. The district court judgment when affirmed by the supreme bench allows for seven percent interest also collectable from time of the decision.

THOMSON BURTIS to do "Murder Man," an original by Albert Levino, for RKO-Radio. Title to be changed.

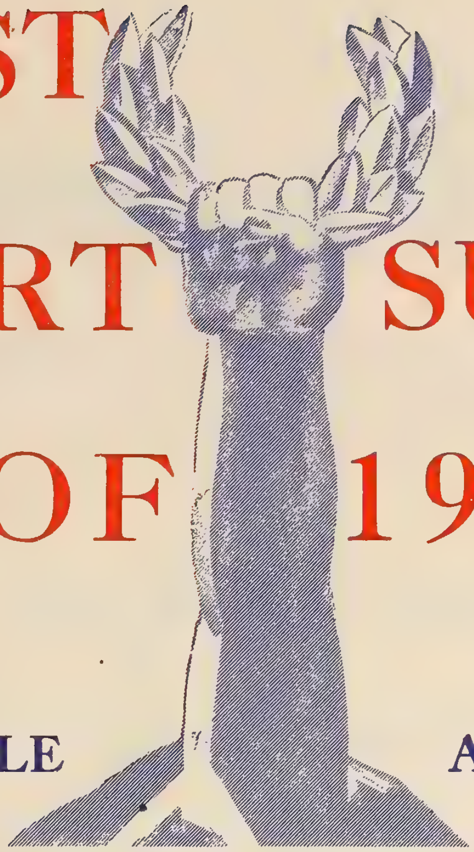
◆

Directors: Mascot signs PHIL ROSEN to direct "A Thousand Dollars a Minute," the studio's first special for Republic. Production scheduled to start Sept. 7. JOE FIELDS and ARTHUR BECKHARDT are making the adaptation. No cast has been selected. . . . MELVILLE BROWN will direct "Dancing Feet" by ROB EDEN for Republic.

◆

Song Writers: WALTER DONALDSON and HAROLD ADAMSON on lyrics for "The Great Ziegfeld" at M-G-M. . . . GUS KAHN, WALTER JURMANN and BRONISLAU KAPER on "Maytime," same lot. . . . ALLEE WRUBEL and MORT DIXON finish five musical numbers for "Broadway Hostess" at Warners. Two will be used as production numbers by BOBBY CONNOLLY.

THE BEST SHORT SUBJECT OF 1935-1936!



AND THAT'S NO IDLE ADVERTISING BOAST!

We got the idea from these reviews:

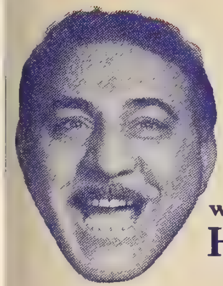
"If this beautiful little novelty in the new three-color Technicolor process (the same as used with "Becky Sharp") doesn't win the Academy award, then I'll miss my guess. Without a doubt, here is a subject that rates especial attention from everyone."
—Jimmy Starr in L. A. Herald-Express

"Word of mouth advertising may build this short to feature importance, for it seems certain to be discussed at length as a splendid example of Technicolor in outdoor photography. The picture serves as a canvas that is always interesting and at times awe-inspiring. Included in the scenes shown are shots of Yosemite waterfalls, Mirror Lake, and the Grand Canyon as it probably has never been shown before."
—Motion Picture Daily

"This two-reeler stacks up as a really worthwhile subject. Scenically and from the standpoint of photography it comes close to masterpiece rating. Many of the Technicolor shots should not fail to elicit applause from any type of audience."
—Variety Daily

"ROMANCE of the WEST"

A Vitaphone Broadway Brevity in Technicolor



with
HENRY ARMETTA • PHIL REGAN • DOROTHY DARE

Directed and supervised by Ralph Staub • Story and screen play by Joe Traub • Photographed by William Skall • Technicolor Director—Natalie Kalmus • Produced by Warner Bros. &

VITAPHONE

WHO WILL CONTINUE TO MAKE THE INDUSTRY'S BEST SHORT SUBJECTS DURING THE COMING YEAR!

"Romance of the West" is available this week for first runs only. Arrangements for hold-overs and return engagements must be made with local exchange.

48 *count'em* 48 BLAZING BEAUTIES—

Prize pippins of the 48 states . . . dancing, singing,

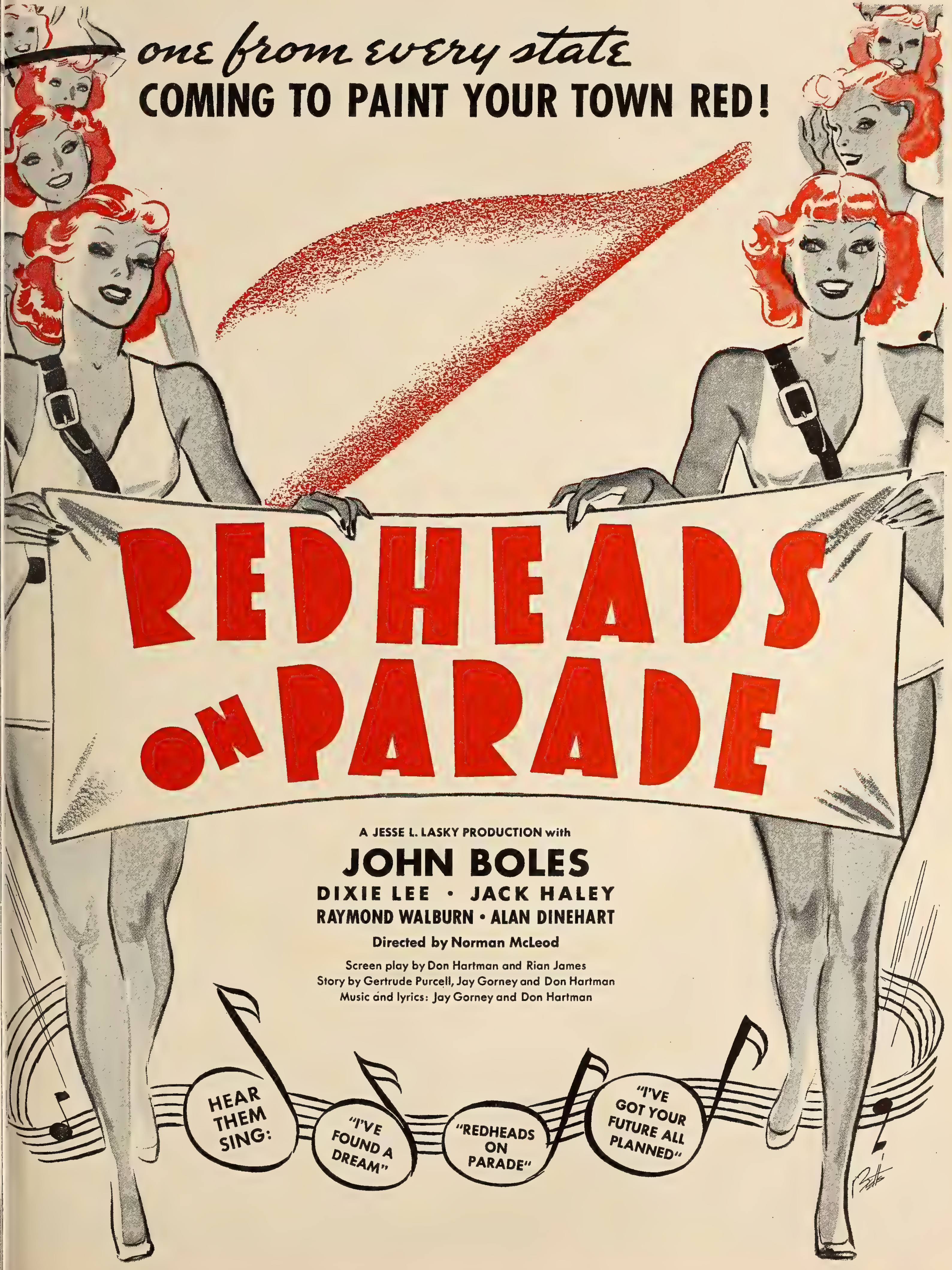
prancing . . . bringing you a whirly-girly, tuneful,

beauty-full jamboree of joy . . . and every

day of the run is a red-letter day

for showmen!

YOU HAVEN'T A SHOW WITHOUT **FOX**



one from every state

COMING TO PAINT YOUR TOWN RED!

REDHEADS ON PARADE

A JESSE L. LASKY PRODUCTION with

JOHN BOLES

DIXIE LEE • JACK HALEY

RAYMOND WALBURN • ALAN DINEHART

Directed by Norman McLeod

Screen play by Don Hartman and Rian James
Story by Gertrude Purcell, Jay Gorney and Don Hartman
Music and lyrics: Jay Gorney and Don Hartman

HEAR THEM SING:

"I'VE FOUND A DREAM"

"REDHEADS ON PARADE"

"I'VE GOT YOUR FUTURE ALL PLANNED"

Kansas City Happy; Lopez And Dix Top

KANSAS CITY, Aug. 22.—First runs had a good week here in spite of continued torridity. The Mainstreet made the best comparative showing with "The Arizonian" and Vincent Lopez's orchestra. Backed by some strong promotion on the part of Manager Lawrence Lehman, the house grossed $14,000, when $9,000 is average for combination bills.

"Dante's Inferno" responded to strong national ballyhoo and went to $5,300 at the Fox Uptown, compared with $3,500 average. However, the crowds thinned toward the end of the run, and it was not held.

The Newman did nicely with "Shanghai," which grossed a substantial $1,000 over $7,000 par.

"After the Dance" and the stage show at the Tower entertained to the tune of $400 over this house's norm of $7,000.

The revival of "Smilin' Through" at Loew's Midland grossed $7,100. Par for the house is $11,500.

Total first run business was $41,800. Average is $38,000.

Estimated takings:

Week Ending Aug. 15:

"THE ARIZONIAN" (RKO)

MAIN STREET—(3,100), 35c-50c, 7 days. Stage: Vincent Lopez and his orchestra, including Fred Lowry, Johnny Morris, Stanley Worth, Thelma Nevins, John and Edna Torrence. **Gross:** $14,000. (Average, combination bill, $9,000)

"SHANGHAI" (Para.)

NEWMAN—(1,800), 25c-40c, 7 days. **Gross:** $8,000. (Average, $7,000)

"AFTER THE DANCE" (Col.)

TOWER—(2,200), 25c, 7 days. Stage: Arctic Antics with 4 Albee Sisters, Rich & Adair, 3 St. John Brothers, Bobby Harrison, Lester Harding, Tower Adorables. Tower Orchestra. **Gross:** $7,400. (Average, $7,000)

"SMILIN' THRU" (M-G-M)

MIDLAND—(4,000), 15c-25c-40c, 7 days. **Gross:** $7,100. (Average, $11,500)

Week Ending Aug. 16:

"DANTE'S INFERNO" (Fox)

UPTOWN—(2,000), 25c-40c, 7 days. **Gross:** $5,300. (Average, $3,500)

Shirley, Chicago Wow

CHICAGO, Aug. 22.—"Curly Top" at the Chicago is packing in the largest crowds the house has seen since the personal appearance of Mary Pickford last year. Rainy weather is probably the only cause for the house not hitting new records for attendance.

Big 'Frisco Opening

SAN FRANCISCO, Aug. 22.—"Curly Top" practically equalled the record here for a first day's attendance at the Warfield, the line of kids and adults waiting to see the newest Shirley Temple picture reaching around the corner from the box office.

Anderson Spreading

CHARLOTTE, Aug. 22. — H. H. Anderson, owner of the Anderson Theatres Co., has purchased control of theatres at Dillon, McColl and Chesterfield, all in South Carolina. B. B. Benfield of Dillon, owner of Broadway Theatres, was the former owner. Anderson now controls a chain of 11 in the Peedee section of South Carolina and is completing another in Dillon. He will continue to operate both houses there. Benfield will continue to operate Ben's Broadway, Myrtle Beach.

Looking 'Em Over

"Annapolis Farewell"

(Paramount)

Heart-warming and illustrating how entertaining entertainment can be when timing is right and comedy and drama properly paced, "Annapolis Farewell," which had its world premiere at the Paramount last night, is a first-rate example. Paramount has not necessarily a big nor an important picture, but an attraction that will go places in all stratas of theatres.

As the title immediately conveys, this is a glorification of the naval arm of the nation. Yet so pleasingly and so naturally is it handled and with far less than the ordinary quota of bunkum and flag-waving that the results are there, emphatically and beyond question.

The standout among the players is Sir Guy Standing. He essays the role of an officer who saw service with Dewey at Manila and who goes down to his heroic and watery grave aboard the vessel which once he commanded and now is sunk at sea in peacetime target practice. His is a gallant and distinguished performance and one which is very apt indeed to send audiences out talking. Youth is portrayed by Tom Brown and Richard Cromwell and has its chance, but at no time do any of the other performances approach Standing's.

Direction by Alexander Hall is sympathetic and box-office. The screen play by Dale Van Every and Frank Craven from a story by Stephen Morehouse Avery is expert.

Production Code Seal No. 1078. Running time, 82 minutes. "G."

K.

"Outlawed Guns"

(Universal)

The tale of the young fellow forced into a career of crime by a gambler to whom he is heavily in debt is told again in this Buck Jones western. The chap in this instance is Pat J. O'Brien, who plays the western star's kid brother. Buck pulls off some pretty heroic stuff in his effort to save the lad from the gang.

O'Brien attains a salvation of a sort when he dies with a confession on his lips. Roy D'Arcy, the brains of the gang, is relentlessly pursued by Jones, who pumps him full of lead when he catches up with him.

Woven into the story is a romance between Jones and one of the sheriff's gals, but the love element is kept very much in the background.

The production contains action galore, fine photography and a fair amount of humor.

Frank McGlynn, Sr., Ruth Channing, Joseph Girard, Joan Gale, Lee Shumway and Charles King are also in the cast. Ray Taylor directed.

Production Code Seal No. 1016. Running time, 59 minutes. "G.""

"Atlantic Adventure"

(Columbia)

A newspaper reporter, several jewel thieves, a murderer and Nancy Carroll are all thrown together on an ocean liner in this picture and the result is one that might produce audience satisfaction in houses where the patrons are not too exacting in their demands for entertainment.

Director Albert Rogell tries hard to overcome a very weak screen play, but it was too much even for him. The yarn starts out to be another newspaper reporter story until the locale is shifted to the boat, and here, when things seem to be improving, it slips back to a series of routine situations with only a few new twists.

Lloyd Nolan is in love with Miss Carroll but can't seem to keep a date with her because of his assignments. He fakes an interview with the district attorney, only to find the latter had been murdered, while he was supposed to be questioning him. Fired as a result of this, Nolan tries to redeem himself and lands on the boat along with Miss Carroll and his photographer, Harry Langdon. The trio uncover a group of jewel thieves and get in bad with the ship's officers at the same time. Before they can have the crooks arrested they are all captured by the robbers and the man Nolan was seeking for the killing. All ends well, however, with Nolan breaking away from the marriage ceremony when a man falls overboard.

Production Code Seal No. 1057. Running time, 67 minutes. "G."

"Honors Easy"

(Associated British Pictures)

LONDON, Aug. 16.—Herbert Brenon's direction of this story by Roland Pertwee, backed by some good acting, gives polish to a production for which, after editing, there may just be an opening as a second feature

(Continued on page 15)

"Gondolier" Leads Pack In Portland

PORTLAND, Ore., Aug. 22.—"Broadway Gondolier," in its initial week at the Orpheum with a record opening day, piled up $8,000, or $3,000 over average.

"The Irish In Us," after two weeks at the Broadway, was moved to the Mayfair for a third week, coming up to the house average.

"China Seas" in its opening week at United Artists following a heavy campaign, did $7,000, or $2,000 over the usual.

In a dual bill, "Farmer Takes a Wife" and "Man on Flying Trapeze" secured a take of $6,000, or $1,000 over average at the Paramount.

Total first run business was $31,700. Average is $24,700.

Estimated takings for week ending Aug. 17th:

"MAD LOVE" (M-G-M)
"SHE GETS HER MAN" (Univ.)

BROADWAY—(1,912), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

"LIFE BEGINS AT 40" (Fox)

BLUE MOUSE—(1,700), 15c-25c, 2nd run, 7 days. **Gross:** $2,700. (Average, $1,700)

"IRISH IN US" (Warners)

MAYFAIR—(1,700), 25c-35c-40c, 3rd downtown week, 7 days. **Gross:** $3,000. (Average, $3,000)

"BROADWAY GONDOLIER" (Warners)

ORPHEUM—(1,700), 25c-35c-40c, 7 days. **Gross:** $8,000. (Average, $5,000)

"FARMER TAKES A WIFE" (Fox)
"MAN ON FLYING TRAPEZE" (Para.)

PARAMOUNT—(3,008), 25c-35c-40c, 7 days. **Gross:** $7,000. (Average, $5,000)

"CHINA SEAS" (M-G-M)

UNITED ARTISTS—(945), 25c-35c-40c, 7 days. **Gross:** $7,000. (Average, $5,000)

Amateur Show Wins Indianapolis Lead

INDIANAPOLIS, Aug. 22. — Major Bowes' amateur show at the Circle, plus "Smart Girl" on the screen, did an excellent gross of $8,500 at that theatre, comparing as it did with a normal $4,000 there.

"Broadway Gondolier" at the Apollo went $500 over the norm to $4,500, while Warners scored a second strike with "The Irish in Us" at the Lyric with $8,000. This was $1,000 over the line.

Total first run business was $25,000. Average is $19,500.

Estimated takings for the week ending Aug. 17:

"BROADWAY GONDOLIER" (Warners)

APOLLO—(1,100), 25c-40c, 7 days. **Gross:** $4,500. (Average, $4,000)

"SMART GIRL" (Para.)

CIRCLE—(2,800), 25c-40c, 7 days. Stage: Major Bowes' Amateur Unit. **Gross:** $8,500. (Average, $4,000)

"MURDER MAN" (M-G-M)
"AFTER THE DANCE" (Col.)

LOEW'S—(3,000), 25c-40c, 7 days. **Gross:** $4,000. (Average, $4,500)

"THE IRISH IN US" (F. N.)

LYRIC—(2,000), 25c-40c, 7 days. Stage show. **Gross:** $8,000. (Average, $7,000)

Powell's Last Selected

HOLLYWOOD, Aug. 22. — The final picture which William Powell will make on his two picture deal for Radio will be "One to Two," an original by James Edward Grant.

Kaplan Going Along

HOLLYWOOD, Aug. 22.—When Louis Lighton moves from Paramount to M-G-M Sept. 1, William Kaplan, his assistant, will go with him. His first at M-G-M will be "Kim."

Evergreen-Hamrick Pooling Detail Set

Seattle, Aug. 22.—Here are final details on the pool of the Evergreen State and Hamrick theatres in this city and Portland, which is now effective.

The parent company will be known as Cascade Theatres Corp., affiliated indirectly with the National Theatres Corp. Officers are Frank L. Newman, Sr., president; John Hamrick, executive vice-president; and John P. Garvin, Clarence Innis, Alfred Shermanski, Hamrick and Newman, directors.

In Seattle, Cascade will have a subsidiary company known as the Rainier Theatres Corp., operating the Fifth Avenue, Paramount and Coliseum theatres (Evergreen) and the Blue Mouse, Music Box, Orpheum and Music Hall theatres (Hamrick). John Hamrick will be general manager of the Seattle group.

In Portland, a subsidiary, Multnomah Theatres Corp., will be directed by Al Finkelstein, former Evergreen executive. Included will be Hamrick's Playhouse, Orpheum, Music Box and Blue Mouse; Evergreen's Paramount, Hollywood, Liberty and Oriental, and the Mayfair theatre, owned jointly by Evergreen and J. J. Parker.

Evergreen State's 17 theatres in Bellingham, Bremerton, Olympia Spokane, Wenatchee and Everett are not to be included. They are to continue under supervision of Al Rosenberg, with headquarters here.

Mexican Producer Plans Villa Film

By JAMES LOCKHART

Mexico City, Aug. 22.—Mexico's newest producing enterprise, the Compania Cinematografica Latino Americana, S.A., starts 1935-36 production in September with a feature that will give "the true viewpoint" of the Pancho Villa legend. This picture is to be known as "Vamonos con Pancho Villa" ("Let's Go with Pancho Villa"). It will have versions in Spanish and English. Fernando de Fuentes, a former Paramount man here, who is to direct both versions, is now in Hollywood selecting a cast for the English picture. The version sions will be made in the very places in Mexico that were the hunting grounds of the gory Pancho.

Latino Americana is scheduled to have a large studio some 10 miles from here ready for service before the end of fall. It will be Mexico's largest studio and RCA equipment is to be used at the plant and in the making of both Pancho Villa versions.

Take Boston House

Boston, Aug. 22.—Sam Cummins and a New York group have taken over the Park, mainly for the roadshowing of "sex films." The Park had been operated for straight films by Ben Welensky, local chain owner, after it closed early in the summer as a film and burlesque stand.

Fabian Remodeling

Albany, Aug. 22.—Si Fabian is completely remodeling the Proctor's Grand at an expense of $20,000. Joe Hornstein of New York is installing chairs and other apparatus.
new projection equipment, carpets,

Looking 'Em Over

"Honors Easy"

(Continued from page 14)

on American programs. Its weakness is an unconvincing dramatic motive, leading to forced situations and dialogue. Editing should reduce this.

The story is that of a prosperous art dealer, treated harshly by his employer many years before, who tries to get even by "planting" on the other man's son, his own employer, a safe robbery actually committed by a typist, whose confession he suppresses. The boy's alibi depends on revelation of the fact that he was a fellow hotel guest of his employer's wife; he keeps silent, but the innkeeper lets out the truth.

The elder man's desire for revenge is not very convincing, but individual scenes and continuity are both good, as is the work of Greta Nissen, Chili Bourchier, Patric Knowles, Ivan Sampson and W. H. Berry—an excellent comedy innkeeper.

Running time, 60 minutes. "A." Allan

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"The Goose and the Gander"

(*Warners*)

Hollywood, Aug. 22.—The familiar bedroom farce formula is lifted way out of its class by delightful dialogue, characterization and casting to make this a smart average picture with plenty to keep audiences laughing.

Kay Francis, ex-wife of Ralph Forbes, discovers that his current spouse, Genevieve Tobin, is planning an affair with George Brent. Miss Francis has fallen for Brent, but she is still angry at Miss Tobin for stealing Forbes. She arranges to have Brent and Miss Tobin misdirected to her mountain cottage when they start off for a weekend. The comedy of confusions starts when Forbes and a pair of jewel thieves also arrive.

Helen Lowell is exceptionally funny as a suspicious and dramatic aunt. Miss Tobin walks away with the acting honors as the fairly innocent, philandering wife with Brent a close second in the light comedy he does so well. Forbes is responsible for many laughs as the baffled husband. Miss Francis handles a smaller-than-usual part well.

Good in support are John Eldridge, Claire Dodd, Spencer Charters, William Austin, Eddie Schubert, Charles Coleman, Olive Jones, Gordon Elliot, John Sheehan and Wade Boteler. Alfred E. Green's swift direction and Charles Kenyon's light, expert story and screen play deserve especial credit.

Production Code Seal No. 730. Running time, 72 minutes. "A."

"Powdersmoke Range"

(*Radio*)

Hollywood, Aug. 22.—This western with a message is built around a character who says, "Thar's more straight shootin' than comes out of a gun." The cast, bristling with western star names, provides swell exploitation angles for audiences accustomed to horse operas. No chases, with dialogue substituted for action, keeps this strictly in its own class. A wise preview audience greeted the heavier drama with laughs.

Harry Carey, Hoot Gibson, Guinn Williams and Bob Steele buy a ranch. Bad man Sam Hardy rustles their herd of cattle and then hires Tom Tyler to get Carey. Carey beats dead shot Tyler to the draw, gets back the stolen deed to the ranch and reforms a couple of hard characters with his kind deeds.

Adele Buffington's screen play adapted from the novel by William Colt MacDonald is good, considering the lack of riding. Wallace Fox directed under the supervision of Cliff Reid. The cast includes Boots Mallory, Ray Mayer, Adrian Morris, Buzz Barton, Wally Wales, Art Mix, Buffalo Bill, Jr., Buddy Roosevelt, Franklyn Farnum, William Desmond, William Farnum, Ethan Laidlaw, Frank Rice, Eddie Dunn, Irving Bacon, Barney Furey and Henry Rocquemore. Emphasis on the impressive cast is the best bet here.

No production code seal. Running time, 74 minutes. "G."

Short Subjects

"Fighting Fish"

(*M-G-M*)

Another of the Pete Smith Oddities that is worth while billing on the marquee. The piscatorial subject deals specifically with salmon trout. Smith's witticisms make fishing worth while and this oddity something to look forward to. Production Code Seal No. 818. Running time, 9 mins. "G."

"Water Thrills"

(*Columbia*)

This one reel subject appears to be merely a compilation of newsreel shots of practically every boat race held in this country for the past year or so. Most of it is old stuff. Audiences will see again all the outboard motorboats in Florida running up inclines and through burning oil as well as the last America Cup race off Newport. Production Code Seal, No. 0482. Running time, 10 mins. "G."

"A Merry Old Soul"

(*Vitaphone*)

Old King Cole marries the Old Lady Who Lives in a Shoe in this colored cartoon and, much to his surprise, along with the bride he acquires her brood of mischievous youngsters. Henceforth his time is spent in caring for the kids with the aid of novel mechanical contraptions of his own invention. This should please audiences, particularly children. Production Code Seal No. 957. Running time, 7 mins. "G."

"Metropolitan Nocturne"

(*Radio*)

This is a picturization of Louis Alter's symphony of the same name—a musical interpretation of the moods and nuances of New York. No dialogue is used, all the action being in pantomime with three orchestras employed to translate the melodies. A story of a boy's unrequited love for a girl is worked in as the background for the music. In most spots this will probably be too arty, but where there are music lovers it should more than please. Production Code Seal, No. 908. Running time, 18 mins. "G."

'Strange Championships'

(*Columbia*)

This is a strange one. The various scenes appear to have been taken some years ago and most of the cracks of John P. Medbury, who is usually very funny, are of the same age. Some audiences might think his remarks here quite funny, but it is doubtful. This is one of his weaker efforts. Such odd scenes as men using home-made shoes for walking on water, water bicycles and various queer inventions are all included in the reel. Production Code Seal, No. 922. Running time, 10 mins. "G."

Foy Film Clicking

Chicago, Aug. 22.—"High School Girl," made by Bryan Foy is being shown in the local neighborhoods and is doing a tremendous business. The Essaness houses are showing the picture in Chicago and the B. & K. and Great States circuits have booked it for most of their theatres downstate.

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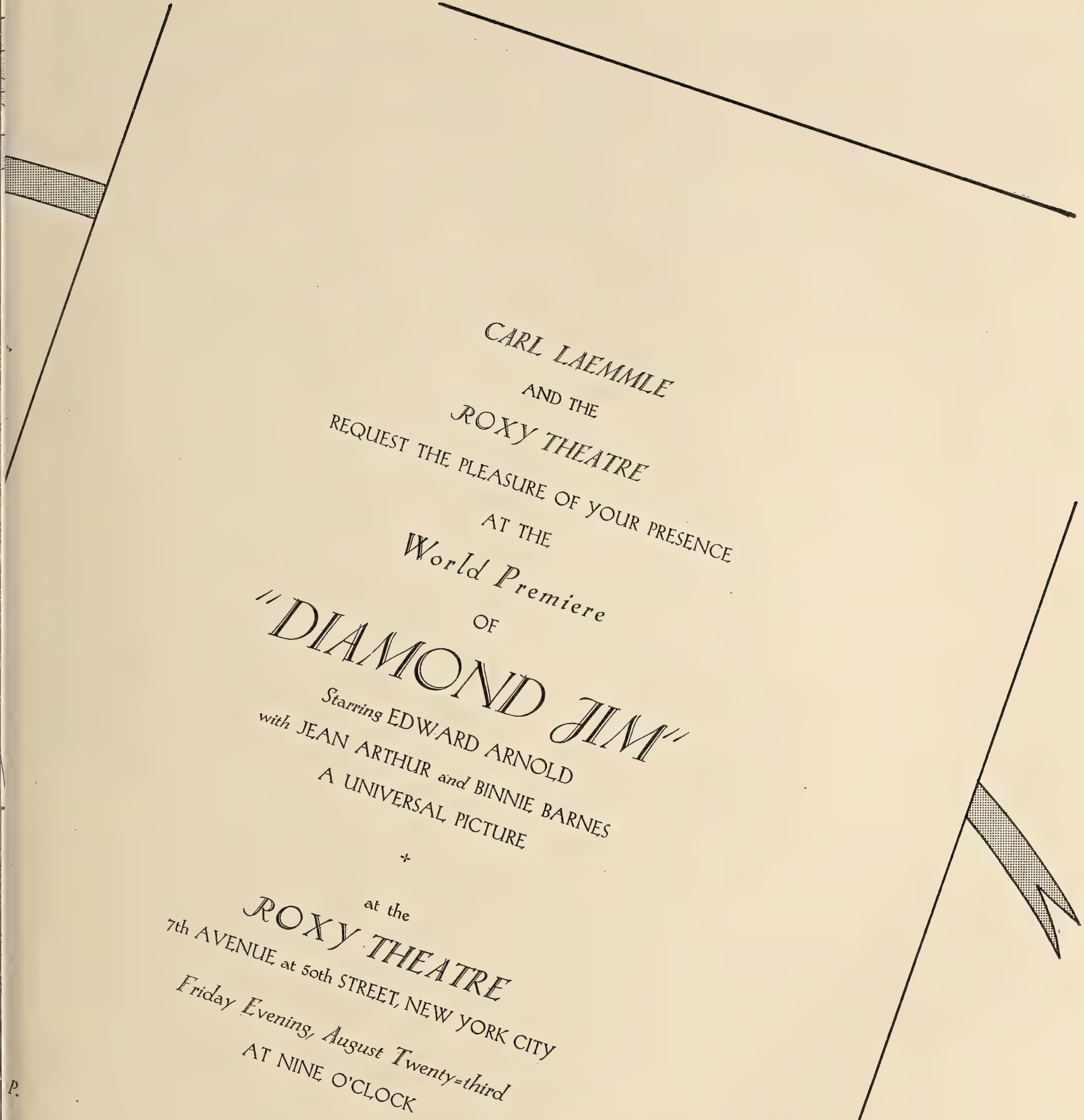

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OF
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Starring EDWARD ARNOLD
with JEAN ARTHUR and BINNIE BARNES
A UNIVERSAL PICTURE

✣

at the
ROXY THEATRE
7th AVENUE at 50th STREET, NEW YORK CITY
Friday Evening, August Twenty-third
AT NINE O'CLOCK

Directed by EDWARD SUTHERLAND

100,000 View Last Rites For Rogers

(Continued from page 1)

broadcasting of the memorial services, held at the Hollywood Bowl, over the combined networks of the Mutual Broadcasting Co., the Yankee Network of the Columbia Broadcasting Co. and the Canadian Radio System.

Lasting one hour, the program sent the music and voices of some 25,000 people who had gathered in the vast arena to pay tribute to their "neighbor" into untold thousands of homes.

The services opened with the playing of "Nearer My God to Thee" by the Hollywood Legion Band followed by the invocation by Dr. Frank C. McCain, president of the Hollywood Ministerial Ass'n. Rev. Roy L. Smith, pastor of the First Methodist Church of Los Angeles, then read several passages from the Scriptures.

Conrad Nagel was the next to speak. He dwelt on the general feeling of loss among the American people as a whole. "All America feels it has lost a very dear friend," Nagel said, "even though most of the men, women and children never knew Will Rogers."

Lawrence Tibbett continued, singing a poem by John Masefield set to music.

Rupert Hughes, writer and lecturer and one of Rogers' closest friends, then dwelt for some time on the fine character personified by Rogers and told several anecdotes dealing with the dead humorist's charity and work. "He was a soldier of peace," Hughes described, "and God help America until another like him comes along."

The services were concluded with the Legion Band playing "'Long the Kingdom Come" from an early Rogers picture.

Tribute Is National

Hundreds of thousands of theatre patrons participated yesterday in the industry's tribute to Will Rogers when an estimated 12,000 houses throughout the country darkened their screens momentarily as services for the humorist who endeared himself to a nation were being said in Glendale, Calif.

Most of the screens were darkened for a two-minute period at the corresponding hour of the Rogers funeral service, which began at 2 P. M., Pacific Coast time. Hundreds of others, however, made the tribute during the evening when theatre crowds were at their peak.

All offices of Twentieth Century-Fox, Educational and Universal throughout the country closed down at noon yesterday as a further tribute. The Radio home office was closed from 3 P. M. on yesterday and numerous Hollywood studios closed or paused at their work at the funeral hour.

Allied Observes Minute Silence

ATLANTIC CITY, Aug. 22.—The Allied of New Jersey convention observed one-minute of silence here today during the funeral of Will Rogers.

The Dominion Joined

TORONTO, Aug. 22.—Canada joined today in mourning at the hour of Will Rogers' funeral services. All offices of Fox, Universal, Radio and Educational in the Dominion closed during the afternoon in tribute. Various Canadian cities sent messages of condolence to the bereaved family. Loew's and other theatres here and throughout the Dominion observed two minutes of silence at matinees.

Seattle Eulogies Colorful

SEATTLE, Aug. 22.—The death of Will Rogers brought colorful eulogies by motion picture editors of the local newspapers, in addition to the wealth of syndicated press material used here.

Richard E. Hays, of the *Seattle Times* devoted a lengthy column to his personal recollections of Rogers, as seen in Hollywood, and concluded his article with a brilliant review of "Steamboat Round the Bend" which was previewed here the day following the fatal plane wreck.

Harry B. Mills on the *Seattle Star* spoke at length of Rogers' humanness and then reported on the tremendous box-office value of his name to Fox. Mills' article concluded with the statement that Shirley Temple now stands as Fox's one chief asset.

"Thomas" Big in Dallas

DALLAS, Aug. 22.—"Doubting Thomas," now showing in subsequent runs, is attracting more business than any of Will Rogers' recent releases. Exhibitors generally are looking forward to release of his two completed pictures.

Trade sentiment is that this is the most severe loss to the industry both in its social and commercial interests that could possibly have occurred.

All Dallas newspapers gave extended spreads to the death. The *News* used a front page illustrated editorial, inside editorial, and a picture page editorial. The *Times Herald* used extensive material Saturday and Sunday.

"Annapolis" Bows In

Floodlights, mounted police and patrolmen returned to Broadway for the second night running last night for the opening of "Annapolis Farewell" at the Paramount. The front of the house was bathed in bright floodlights and the marquee sparkled in red, white and blue lights as the crowd, augmented by 500 bluejacket guests of the management; Rear Admiral E. Yates Stirling, Jr., commander of the Brooklyn navy yard, and prominent members of the industry turned out.

Fred Roche Dies

DENNIS, Mass., Aug. 22.—Fred Von Stade Roche, publicity director for the Cape Cod Playhouse, is dead as the result of an automobile accident at Yarmouthport. He was 44 years old. Roche began his career in Boston as a reporter on the *Boston Globe,*

Edith Roberts Dies

HOLLYWOOD, Aug. 22.—Edith Roberts, film actress of the silent picture days, died at the Hollywood Hospital here yesterday after giving birth to a son. Miss Roberts was 36 years old and had retired from picture work in 1930. She was the wife of Harold Carter.

Hub Independents Consider Their Own First Run There

(Continued from page 1)

resumed after the house was bombed after about eight active days, allegedly the result of labor trouble.

Although Boston has seven regular first-runs at the moment, these are entirely controlled as follows: three by M. and P.-Publix, two by Loew's, and two by RKO. The Loew houses are day-and-date, fluctuating between single and double features. The M. and P.-Publix Fenway and Paramount, although double feature stands, are also day and date. The RKO Memorial is generally single feature, using Radio and some United Artists and Fox. The Metropolitan, New England's largest theatre, is a single feature stand using mainly Paramount, Warners, some Fox and no independent features.

Independent distributors consider their predicament crucial. There is a faint hope that the Tremont, another Lieberman house with a central downtown location, may go off subsequent-run hits and become a first-run indie, but this is slight. A number of the larger independents are listening to talk of banding together in a theatre enterprise.

Wall Street

Eastman Best Gain on Big Board

	High	Low	Close	Net Change
Columbia	69	65	67¼	—2¾
Cons. pfd	16⅞	16⅞	16⅞	.....
Eastman Kodak	149⅛	147	149⅛	+2⅛
Fox	16½	16⅛	16⅛	— ⅛
Loew's, Inc.	41¾	41⅛	41⅜	+ ⅜
Loew's. pfd	105	104⅝	104⅝	— ⅝
Paramount	4⅞	4½	4⅝	— ⅛
Pathe Exchange	1	1	1	.....
Pathe "A"	11½	11⅛	11⅛	+ ⅛
RKO	2⅝	2½	2½	— ⅛
Universal, pfd	34	34	34	+ ¼
Warner Bros.	5⅜	5¼	5⅜	+ ⅛
Warner, pfd	36	36	36	.....

Little Doing on Curb

	High	Low	Close	Net Change
Sonotone	2¼	2⅛	2¼	.....
Technicolor	19½	18½	19	— ¼
Trans-Lux	2¾	2¾	2¾	+ ¼

Bonds Up Slightly

	High	Low	Close	Net Change
General Theatre Equip. 6s '40 ctf	15	13½	14	+ ½
Loew's 6s '41 ww deb rights	103¾	103¼	103¼	+ ⅛
Warner Bros. 6s '39 wd	78½	77½	78	+1⅛

(Quotations at close of Aug. 22)

◂ Purely Personal ▸

LUCILE PAGE, BUSTER WEST and TOM PATRICOLA begin work on an Educational two-reeler at the Astoria studios next week. NIELA GOODELLE also will begin work on her first comedy for this company.

●

CLARENCE BROWN, having made the population of Grafton, Mass., picture conscious while filming "Ah! Wilderness" exteriors there, is on his way back to the coast.

●

OTTO KRUGER has come in from his country place at Elizabethtown and is at the Warwick, before sailing for England to make a picture for B. I. P.

●

MADGE EVANS, having finished "The Tunnel" for GB in London, is bound here on the *Ile de France.* She arrives Tuesday.

●

MICKEY MAYER, who has been sojourning in Hollywood all summer, is due back in about a week.

●

ED KUYKENDALL is considering a trip up from the deep south to cool off about next week-end.

●

PAT CASEY, producer representative on labor, is in town from Hollywood, via Washington.

●

HERB YATES was in Boston yesterday. His coast trip goes over to next month.

●

BOB GOLDSTEIN returns from Murray Bay on Monday. Ergo, JOE MOSKOWITZ smiles.

●

HERMAN HYDE and Co. headline the stage show at the Roxy beginning today.

●

FIFI DORSAY is at work on a two-reeler at the Brooklyn Vitaphone studios.

●

JOE CLEMONS of East Texas and Jefferson Amusement is in town from Beaumont.

Charles Skouras Due

Charles Skouras is scheduled to arrive here this morning by plane from the coast, routine business being the reason for the flight.

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VOL. 38. NO. 47 NEW YORK, SATURDAY, AUGUST 24, 1935 TEN CENTS

Campaign of "Raids" Aim Of Selznick

Won't Heed Any Talent Pacts, He Says

An open declaration by David O. Selznick that he considered all talent whose contracts were about to expire to be "the property of the field" and that he would not hesitate to "raid" lots to secure the services of those in that position whom he desired, was made yesterday on the producer's arrival in New York to acquire talent and story properties.

D. O. Selznick

Selznick, who has virtually an entire production organization to build

(*Continued on page 3*)

Fined for Picketing House on Newsreel

Convicted of disorderly conduct in connection with picketing Loew's 175th Street theatre in protest against Hearst Metrotone News, six youths and two girls, ranging in age from 19 to 23, were sentenced by Judge Raphael Murphy in Magistrate's Court at 151st St. and Amsterdam Ave. yesterday to pay a fine of $5 or spend two days in jail.

Archie Adlman, manager of the theatre, and police officers testified that

(*Continued on page 2*)

New Union Scale by Next Weekend Seen

Negotiations between circuit representatives and Local 306 on a new basic wage scale for operators were discontinued for the week end with progress toward a final agreement reported. Indications are that the new schedule may be completed by the end of next week in order to be made effective Sept. 1.

Gov't Will Subpoena 27 in St. Louis Case

St. Louis, Aug. 23.—District Attorney Harry C. Blanton today asked the clerk of U. S. District Court here

(*Continued on page 2*)

$21,981,333 in Two Months Bet at Massachusetts Tracks

Boston, Aug. 23. — Theatremen wondering what inroads pari-mutuel horse and dog racing can make in a community in a few weeks may gain an inkling of fact by glancing over the picture presented by Massachusetts where $21,981,333 has been wagered during the first two months that such racing has been legal here. The fact that $3,095,752 of this amount is automatically absorbed by the state and the track promoters has not deterred the betters. The total, moreover, does not include the millions clawed in by bookies or the cash spent for admissions.

The state's single horse track, Suffolk Downs in Boston, has grabbed off $10,842,734 so far. The Wonderland dog track a few miles outside of Boston has taken in $6,128,218. Tracks at Dighton and West Springfield bring the canine total to $11,000,598.

The Massachusetts racing season is far from being over, moreover. Present schedules extend well into October. There is talk of trying to run the dogs indoors during the winter.

Mexico Plans Subsidy for Its Industry

By JAMES LOCKHART

Mexico City, Aug. 23.—Means for organizing an institute with a capital of 2,000,000 pesos (approximately $560,000) to foster and stimulate the Mexican industry are being developed by the Ministry of National Economy. Studies the ministry made in this connection include a minute examination of the situation of the market in

(*Continued on page 3*)

Court Halts Fox Met Plan; To Study It

Rebuking attorneys engaged in the reorganization of Fox Metropolitan Playhouses for adopting a procedure inconsiderate of the court, Federal Judge Francis G. Caffey yesterday served notice that he would refuse to sign an order transferring the assets of the company until he had made a full and complete examination of the voluminous documents winding up the

(*Continued on page 2*)

Allied Survey Shows Majors Are 61 Shy on '34-35 Lists

Atlantic City, Aug. 23.—Approximately 61 pictures on the 1934-35 schedules of eight major companies will not be delivered, it was revealed at the Allied of New Jersey convention here during a general discussion of product and sales policies. The list was gathered by Jack Unger, chairman of the product committee, Sidney Samuelson and other members who volunteered information.

M-G-M heads the list with 16, but it was stated some of these may be delivered. However, there are no assurances. Paramount and Warners tie for second place, each credited with 11. Fox is next with nine; RKO, 7; Universal, 5; U. A., 2; Columbia, 0.

It was revealed that during 1933-34,

(*Continued on page 4*)

Can't Pin Them

Atlantic City, Aug. 23.—In the discussion before the Allied of New Jersey convention on product and sales policies, little information developed on Columbia because exhibitors declared they had not been able to pin that company's salesmen down to a definite policy.

In the Philadelphia territory, Columbia is demanding six at 35 per cent and another six at 30 per cent with concerted resistance registered from theatremen, exhibitors from that zone stated.

Rogers Films To Go Out in Regular Way

Fox Adhering to Usual Routine Handling

Declaring his company had refused to state its policy on Will Rogers pictures "until everything that human mortals could do had been done," Sidney R. Kent yesterday stated Fox will follow its regular distribution routine and deliver the Rogers product in accordance with the contracts under which exhibitors bought them.

"We have steadfastly refused to make any announcement as to our policy on the Will Rogers pictures, old or new, until everything that human mortals could do for Will Rogers had been done," said Kent. "That time has now passed. We have been deluged with telegrams and letters from the public at large, and from exhibitors, urging us to release the Rogers pictures, to reissue the old ones and to make all the pictures available for theatres and other places that desire to run them. So that there will be no

(*Continued on page 3*)

Concedes Defeat on Probes, Copyright

Washington, Aug. 23.—The impossibility of securing any action on copyright or film industry investigation legislation was admitted tonight by Rep. Sirovich of N. Y. No effort will be made to secure last-minute action on either measure, he said.

Congressman Sirovich declared he has received some 1,500 communications on the copyright bill, and that a great deal of opposition has been expressed

(*Continued on page 2*)

Restrained in Move To Revoke Charter

A temporary injunction restraining the American Federation of Musicians from revoking the charter of its Paterson, N. J., local, 248, was issued in Chancery Court in Newark yesterday. The local was allegedly dropped by the federation recently for

(*Continued on page 2*)

Allied Resolution Commends Quigley

Atlantic City, Aug. 23.—Allied of Jersey today passed a resolution congratulating Martin Quigley on his forthcoming 20th anniversary as a publisher. The organization extended to him its wishes for his continued success.

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DAILY
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Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

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Gov't Will Subpoena 27 in St. Louis Case

(*Continued from page* 1)

to issue subpoenas for 27 witnesses to be called by the Federal Government in the anti-trust injunction suit against Warners, RKO and Paramount scheduled to come before Federal Judge George Moore on Sept. 4.

While the names of these witnesses will not be made public until they are served by the U. S. marshal, it was learned that 14 are St. Louis residents, nine reside in New York City, two in Chicago and one each in Cleveland and Los Angeles.

The fact that the Government is calling these witnesses to appear on Sept. 4 is accepted here as definite indication that the trial of the injunction suit will actually get under way on that date. Apparently representatives of the Dep't of Justice have conferred with Judge Moore, who is vacationing at Longport, N. J., and obtained assurance from him that he would go through with the hearing on Sept. 4.

Schaefer Quits RCA

Grover C. Schaefer, formerly in charge of RCA Photophone recording sales here, has resigned and his duties have been taken over by other members of the local office.

Harry W. Jones, in charge of local recordings, will also handle rental bookings of the company studio in New York.

◀ Purely Personal ▶

JOE SEIDER came into port yesterday with a fish story. Aside from a varied catch composed of dolphin, tuna, bluefish and the like, he says he landed a 7½ ft. swordfish marlin from the deck of his boat, the *Betty B,* and turned it over to the Bayshore Boatmen's Ass'n as evidence. The one missing link was the weight. Seider admits he forgot about it. John Eberson was one of his guests, as also was Tex Rickard. His son, Henry, and his brother, Isadore, are ruled off as witnesses.

•

Larry Reid, managing editor of *Motion Picture, Movie Classic, Screen Book* and *Romantic Movie Stories,* Fawcett publications, will be married tomorrow to Mary Boyle of Hollis, L. I. A wedding trip to London and Paris, where they are scheduled to join Richard and Mrs. Dix, is planned.

•

Cecil B. DeMille, Henry Wilcoxon and Harold Lamb leave for Hollywood by train tomorrow to resume work at the Paramount studio. DeMille and Lamb start preparations for "Samson and Delilah" immediately on their return.

•

Don Hancock of Van Beuren Corp. sails today on a South American cruise. Will be gone two weeks.

•

John E. Otterson is scheduled to leave Hollywood today to arrive here Tuesday.

•

Bill Pine left for Hollywood by plane yesterday.

Columbus to Sport "Streamlined" House

Columbus, O., Aug. 23.—The Grand will be the first "streamlined" theatre in this part of the country when its remodeling is completed. According to Harry Schreiber, city manager, the owners are spending around $165,000 on the improvements, to which RKO has added approximately $50,000.

The house goes to RKO on a 20 year lease under terms of a deal just signed by Nat Holt, the circuit's division manager. Final execution of the document was delayed by the recent suicide of Will J. Dusenbury and the illness of his brother, J. W. Dusenbury, owners. Opening is tentatively set for Oct. 1.

Off to Aug. 30

Another case filed by the city against the Audubon to test chance games under the lottery law came up in magistrate's court on 151st St. and Amsterdam Ave. yesterday, but was postponed until Aug. 30 to permit the theatre to get a witness.

3 For Essaness

Chicago, Aug. 23.—The pending deals for the Avon, Clifford and Elston have been completed and the Essaness circuit takes over the management of the houses. They will be remodeled considerably before reopening for the fall season.

Wall Street

Majority Gain on Big Board

	High	Low	Close	Net Change
Columbia	66½	66¼	68½	+1¼
Consolidated	4¼	4¼	4¼	− ½
Consolidated, pfd.	17	16½	17	+ ⅛
Eastman Kodak	149½	149	149½	+ ⅜
Fox Film "A"	16⅜	16	16¼	+ ⅛
Loew's, Inc.	41¾	41¼	41½	+ ⅛
Paramount	4¾	4½	4¾	+ ⅛
Pathe Exchange	1	⅞	1	.....
Pathe "A"	11⅜	10¾	10¾	− ⅜
RKO	2⅝	2½	2⅝	+ ⅛
Warner Bros.	5⅜	5⅛	5⅛	− ¼
Warner, pfd.	37¼	37¼	37¼	+1¼

Trans-Lux Up ⅛ on Curb

	High	Low	Close	Net Change
Sonotone	½	½	½	+ ⅛
Sentry Safety	2¼	2⅛	2⅛	− ⅛
Technicolor	18⅞	18¼	18¾	− ¼
Trans-Lux	2⅞	2¾	2⅞	+ ⅛

Little Bond Activity

	High	Low	Close	Net Change
General Theatre Equip. 6s '40 ctf	14⅛	14⅛	14⅛	+ ⅛
Keith B. F. 6s '46	88½	88¾	88½	−1½
Loew's 6s '41 ww deb rights	103½	103¼	103¼	.....
Paramount F. L. 6s '47	102	102	102	.....
Paramount Publix 5½s '50	103½	103½	103½	−1
Warner Bros. 6s '39 wd	78½	78	78	.....

(Quotations at close of Aug. 23)

Warn Pickets, Then Adjourn Their Cases

Many cases involving arrests growing out of picketing activities in Manhattan were adjourned in two courts here yesterday after stern warnings from presiding magistrates that severe punishment would be meted out if pickets insisted upon creating disorder.

Several cases charging Local 306 men with assault on Allied men during Thursday's demonstration in Columbus Circle were adjourned to Sept. 3 when they came up for hearing before Magistrate Jonah Goldstein. A number of other cases, involving Local 306 pickets arrested in front of the Liberty in 42nd St. for disorderly conduct, were put off for hearing until Oct. 1 in Magistrate Adolph Stern's court.

Restrained in Move To Revoke Charter

(*Continued from page* 1)

slashing the pay of Alfred Troyano, its secretary, from $2,600 to $350 per year.

President Joseph N. Weber and other officers of the federation were ordered to show cause on Sept. 3 why the injunction should not be made permanent.

In Local 248's request for an injunction Weber was accused of "personal domination" and of exercising "vast and tyrannical powers given to him under the constitution and by-laws of the union."

Concedes Defeat on Probes, Copyright

(*Continued from page* 1)

to the measure as passed by the Senate. Other members also have heard from constituents interested in the bill, and it was indicated that if any effort was made to get a vote it would precipitate a wrangle which might threaten to delay adjournment of Congress.

Court Halts Fox Met Plan; To Study It

(*Continued from page* 1)

Fox Met reorganization which had been submitted to him simultaneously.

Judge Caffey pointed out that he had accepted supervision of the Fox Met proceedings for the one month while Federal Judge Julian W. Mack is vacationing in Europe without any prior knowledge of the company or its reorganization. The Fox Met proceedings have been before the Federal court for almost four years, during which time Judge Mack has had continuous supervision over the case. Judge Caffey declared that the first he had heard of it was on Aug. 19 when some 550 pages of documents embracing orders winding up the reorganization were presented to him for his signature.

"I want to say for the record," Judge Caffey told the attorneys, "that I have serious objections to the procedure taken in this case. The plain implication of your actions seems to be that I was to be made a rubber stamp. If it was assumed as it seems to have been, that I would sign these orders merely because counsel had agreed on them, I take serious offense at your procedure."

Judge Caffey said that he had obtained Judge Mack's consent by cable to proceed with the matters before him but that he would do so at his own time and would refuse to be rushed.

Milton C. Weisman, receiver of Fox Theatres and major domo of the Fox Met reorganization, as such, accepted the responsibility for the procedure complained of by the court. Detailed explanation of the entire Fox Met reorganization plan was then begun to acquaint the court with the subject and will be continued at later hearings to be held next week.

Fined for Picketing House on Newsreel

(*Continued from page* 1)

on Saturday night, Aug. 17, the defendants paraded with anti-Hearst placards in front of the theatre, causing a crowd of about 700 to gather, and a "near riot."

The court severely reprimanded the pickets for their conduct, declaring they had no right to picket the theatre merely because they objected to a film being shown. The judge particularly was interested in the defendants' admission they had not seen the film they were protesting.

Benjamin Zelman, attorney for the International Labor Defense, defended the pickets, all of whom were members of the American League Against War and Fascism.

Frudenfeld Improves

Cincinnati, Aug. 23.—Although Col. Arthur M. Frudenfeld, division manager RKO Midwest, still is in a serious condition at Christ Hospital following a heart attack a week ago, he is reported somewhat improved. His physician, however, says that he will be compelled to take a complete rest for a month or six weeks following his discharge from the hospital.

Campaign of "Raids" Aim Of Selznick

(*Continued from page 1*)

up before he can begin on his five or six-picture-a-year schedule for United Artists' distribution, stated that he had already completed his arrangements for ample financing, representing a backing which, he said, could give him a producing organization "capable of competing with anyone."

"I do not intend," Selznick said, amplifying his avowed intention to "raid" wherever that was necessary, "to permit any old line company agreement to keep me out of the business."

He referred to the major studio agreement to refrain from negotiating for the services of talent under contract to a competitor until such time as the employing company had signified that it would not renew an employe's contract after its expiration.

"That agreement," Selznick remarked, "has been in existence for years. It probably originated at the time Warners took Ruth Chatterton, Kay Francis and William Powell from Paramount, and promised not to do it again. Darryl Zanuck was the next to do it and then agree to stop it. Now it's my turn. I'll get whom I want and be a gentleman afterwards."

Selznick made it clear that his "raiding" policy would not, under any circumstances, involve contract breaking. A case in point, he said, was his recent signing of Ronald Colman, negotiations with whom were opened while Colman still had another film to make for Twentieth Century.

"If stars walk out on their contracts," Selznick said at another point, "they deserve to take a licking."

Selznick said he placed little reliance on talent which might be available to him through borrowing. "You can't borrow unless you have something to loan," he said. "I got Freddie Bartholomew from M-G-M in exchange for George Cukor. When I have my own talent signed up I'll be willing to loan it in return for other talent, but I won't be any more philanthropic than the rest in that respect."

The producer attempted further justification for his intended policy of "raiding" with the declaration that there is an extreme dearth of big name talent now. "There are not more than 15 real stars in the business today. There isn't enough talent in the industry to make 60 good pictures a year." He branded large production schedules by individual companies and overproduction by the industry as the bane of the business. In this connection Selznick paid his respects to United Artists.

"It (U. A.) is the only place to which a producer wanting to make really fine productions can come," he said.

He remarked a tendency among the 15 whom he regarded as the only real stars to make new contracts limiting the number of pictures in which they would appear in the course of a year. "There is less inclination on their part to make a lot of money quickly," he said. "Apart from the sound theory that such players realize it is smart not to be seen too often, a fewer number of pictures per year gives them more leisure to devote to other things. And then, with the income tax what it is, most of their income from the extra pictures goes to the government, anyhow."

May Work Entirely at U.A.

Selznick, who plans to return to the coast about Labor Day, said he would probably do all of his producing on the U. A. lot and that his first for the company, "Little Lord Fauntleroy," with Freddie Bartholomew, would go into production about Oct. 15. He said there was a possibility of his making one or two pictures in England next year, depending upon the story and the casts required. He declined to reveal approximate figures at which his productions would be budgeted, stating, when asked, that he didn't think United Artists would care to have him discuss that.

Selznick was ensconced for the interview in the comfortable and immaculate office formerly reserved for Joseph M. Schenck's use when in the east, when he was president of U. A.

Selznick said he would not aim, in his new production, for road show or $2 admission pictures. "No picture," he said, "is too big to play at 60 or 70 cents, or whatever the average is. I'd rather have a picture in the Capitol or some comparable house for five weeks at the usual admissions, as 'Copperfield' was, than have one in another house for five months at a phoney, padded $2 top."

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McVickers to Light

CHICAGO, Aug. 23.—The McVicker's, deluxe 2,200 seat "loop" theatre opens Sept. 1, after being dark for about a year. Policy will be the better second run pictures from major companies. Prices will be 20 and 30 cents with three picture changes weekly. The house will be operated by Jones, Linick and Schaeffer who also operate the State-Lake.

Mexico Plans Subsidy for Its Industry

(*Continued from page 1*)

Mexico, particularly with regard to foreign pictures, and the conclusion was reached that, owing to economic circumstances, production of Mexican films is not what it should be, chiefly because of inadequate capital for this purpose.

The ministry recommends that the state take an immediate hand in aiding the national industry, not only to assure production of better pictures but because of the artistic benefits that result for the nation from this activity. The ministry urges the establishment of an autonomous organization to be known as the National Institute of the Cinematographic Industry. This institute will have exclusive charge of orientating, stimulating and controlling the Mexican industry in all its branches from production to exhibition. Special attention will be given to the distribution of Mexican pictures abroad to obtain the greatest benefits for the industry and the country.

The institute would also see to it that the exhibition of Mexican-made pictures will be profuse and for the cultural advancement of the working classes. Stimulation of the organization of new companies and regulating imports of foreign pictures are to be other functions. It will also have charge of inspecting and revising imported productions.

The program calls for reducing by 50 per cent present taxes on Mexican-made pictures which are worthy of exhibition. The institute will be composed of officers and a board of directors that represent various federal government departments, film companies and employees of the industry. It is stipulated that the institute will have a fund not under 2,000,000 pesos.

Spoor Starts Action; Wants Trustee Out

CHICAGO, Aug. 23.—George K. Spoor, former head of the old Essanay company and inventor of a wide screen and "third-dimensional" projection equipment, has filed suit in superior court here asking the removal of Albert W. Mahone, public accountant, as trustee of Spoor property which was segregated under a trust agreement.

Spoor seeks an accounting and an injunction to restrain the trustee from disposing of assets in the trust, claimed to be worth $2,000,000 and set aside to protect creditors with $65,000 of claims against Spoor. Named as defendants with Mahone are Attorneys Edward H. Barron, James G. Condon, Irvin H. Livingston, John E. Hughes and the Continental Illinois National Bank & Trust Co.

Spoor asks that a settlement of the creditors' claims be made so that he can proceed with his plans for developing his new 70 mm. film project.

"Crusades" for Chicago

CHICAGO, Aug. 23.—The deal for a roadshow opening of "The Crusades" at the Erlanger will probably be closed soon.

Rogers Films To Go Out in Regular Way

(*Continued from page 1*)

misunderstanding, our position is as follows:

"We will continue to serve the Rogers pictures to those accounts of ours that have them under contract and to our regular customers in the regular way. This will apply to the releases that are now out, as well as to the two new pictures, 'Steamboat Round the Bend' and 'In Old Kentucky,' which are still to be released. The handling and releasing of these productions will be done on exactly the same basis as though Will Rogers were still alive and working, and there will be no variation from this. We have refused, and will refuse, to reissue any of the old pictures at this time or take care of the hundreds of demands for spot bookings of the older Rogers pictures. We believe that the orderly showing of these pictures, without making any attempt to cash in on the publicity by the reissuing of old pictures, is the only decent and proper way to handle it, and that will be our policy.

"It is our opinion that Will Rogers will live in the memory of the people of the world for many, many years to come and that there will be a legitimate demand to see the work of this great character from time to time, but we refuse to make any attempt to cash in on that which would not have come to us except in the regular, orderly way. We believe that this would have been Will Rogers' wish if he were here today to express himself."

Body Lies in Crypt

LOS ANGELES, Aug. 23.—All that remains of what was Will Rogers lies sealed in a crypt at Forest Lawn Memorial Park here today. The body will remain here for a while, until Mrs. Rogers takes it back to Oklahome to be interred beside the remains of his father and mother in the Chelsea Cemetery.

Belgard Marries

HOLLYWOOD, Aug. 23.—Arnold Belgard, Paramount scenario writer, has married Bluma Crockin, non-professional. Belgard waited until he finished the script of "Invitation to Happiness" before becoming a benedict.

Join Hands in Detroit

DETROIT, Aug. 23.—Germaine Baumgarten, of the RKO contract department here, and Robert Kiddell, Jr., were married Wednesday. Carmen Morales, formerly of the UA and Monarch Picture staffs here, will succeed Miss Baumgarten at RKO.

Rowena Foley Weds

SAN FRANCISCO, Aug. 23.—Rowena Foley, former secretary of the code boards, is now Mrs. M. D. Mourning, wife of the resident manager of the Commercial Discount Co., local automobile finance firm. The couple were quietly married in Ukiah a few days ago.

Sig Reinfield Is Dead

ST. LOUIS, Aug. 23.—Sig Reinfield, 58, for many years manager of a local theatrical booking agency, is dead.

Allied Survey Finds Majors Are 61 Shy

(*Continued from page* 1)

M-G-M failed to release eight. U.A. in 1934-35 sold 23, then added four, but will only distribute 25. RKO, it was stated, may cut the seven to four. Universal, which has five to go, may come through with two or three. Warners, which sold 59 and one, the latter being "Anthony Adverse," has just advised accounts 11 will not be forthcoming.

Unger and Samuelson pointed out that the regular releasing schedules end July 31 and exhibitors must notify exchanges by Aug. 31 that they will accept late deliveries. Warners, however, is an exception and notices must be sent in by Sept. 15.

Samuelson decried the shortages which he estimated as from 18 to 20 per cent of the number of combined features announced by the eight distributors.

Discussing new output, it was stated: "The lion took a tumble from his throne last year, but this season the lineup does not look as bad. In the local territory four features are being sold at 35 per cent, eight at high allocations and eight others at low allocations.

"In other territories four are being offered at 35 per cent, four at 30 and the rest flat rentals. This company also has adopted the weekly payment plan for shorts," it was declared.

As the topic progressed, those who were not independent exhibitors were asked to leave the room.

Fox Policy Flexible

"Fox's policy is flexible. The product can be bought on a flat arrangement or six on percentage, which is an increase of two over last year. In other territories as many as 10 are being sold percentage. This company also has the short subject weekly payment plan."

Paramount's policy brought to light that "The Crusades" is being marketed at 40 per cent of the gross. This company is selling 10 on percentage, including "The Crusades," four at 35 per cent, four at 30 per cent and one picture left open. Regular payments for shorts obtain.

No definite committment from RKO has been made locally, but exhibitors stated percentages would be demanded on 16. One exhibitor held three features would be sold at 40 per cent and on the rest 20 per cent increases over last year will be sought.

Policy of United Artists is flexible and product can be bought flat or percentage. Of all the companies, this one is the only distributor not selling shorts on the weekly payment system, it was declared.

Universal can be bought on a fair basis, it was said. This company is willing to make deals under similar arrangements of past years.

In addition to "Anthony Adverse" at 50 per cent, Warners is offering 13 on percentage. "Anthony Adverse" was sold last year and is being resold because the company withdrew it from the releasing schedule. Seven features are available at 30 per cent, two at 35 per cent, and four at 25 per cent.

No one at the meeting could give information on Columbia as it was declared exhibitors have not been able to pin salesmen down to a definite policy. However, in Philadelphia, Columbia is demanding six at 35 and another six at 30 per cent with concerted resistance by exhibitors, exhibitors from that region contended.

Republic's selling arrangements could not be learned. No one at the convention had been contacted on the new lineup, it was said.

Favor Voluntary Arbitration

Atlantic City, Aug. 23.—Although opinion was divided, the majority of those at the New Jersey Allied convention here today expressed their favor of a voluntary arbitration plan. It was agreed to let exhibitors decide for themselves on cases which might arise.

Stymied over the persistent refusal of Sidney Samuelson to accept the renomination for the presidency, the convention recessed for two months to give the nominating committee sufficient time to study the situation. The time and place of the adjourned meeting were not set.

Samuelson, behind closed doors, gave apparent apathy on the part of members of the organization as the reason for his refusal to run for the presidency again. He said he desired action. A campaign for solidification and intensification of the activities of the group is being worked out and if it is followed through the incumbent head will most likely continue for a sixth year as president, it was understood.

Lee Newbury of Belmar, Simon Myers of Mooretown and I. A. Roth of Morristown comprise the nominating committee.

A motion was passed by the convention declaring eligible for membership theatres independently owned but in booking and buying pools with major circuits. There are about 10 such in New Jersey.

H. M. Richey and Ray Branch left for Detroit yesterday. Others who departed yesterday were Charles R. Metzger and Arthur Price. Abram F. Myers and Congressman Pettengill left this morning. Herman Blum leaves for New York on Sunday to discuss a deal with United Artists on Monday. On Monday night he plans to leave New York for Baltimore. Fred Herrington and Samuelson will depart Monday.

Sees 75 for Plan

Atlantic City, Aug. 23.—Although he could not estimate roughly how many theatres would go for the American Picture plan, H. M. Richey today stated he expected at least 75 Allied houses in Detroit to sign. Richey asserted 22 houses in the auto city had been using the idea before it was dropped some time ago.

On Sept. 15, national Allied will launch the plan generally, Richey stated.

October, Routine Meeting

Atlantic City, Aug. 23.—The forthcoming meeting of the eastern units of Allied in New York in October will be in line with the organization's plan to hold eastern gatherings every two months, according to Walter B. Littlefield prior to his return to Boston.

Texas Makes a Hookup

Dallas, Aug. 23.—Allied of Texas has effected an arrangement with Sacks Film Co., San Antonio, territorial distributor of Chesterfield releases, to have one release set aside, the rental from which will go into the treasury of the organization. Reciprocally, the organization will sponsor sales of other Sacks product to its membership. Col. H. A. Cole, president of Allied, is now in San Antonio shaping up the details.

A Sidelight or Two

Atlantic City, Aug. 23.—Jay Emanuel and Nat Levy spent the early hours this morning at Herman's eating and spearing sugar cubes in Eddie McEvoy's pockets. Emanuel copped four out of five tries and paid for the eats.

✚

Harry Thomas is due, according to Morris Epstein, First Division's New York manager. Al Friedlander may accompany Thomas.

✚

Representing the Walter Reade circuit are Leo Justin, partner, and Morris Jacks, general manager. Both are here with their wives and are having a good time. Justin said the convention is an excuse to take a much needed rest. Reade is vet to be heard from on this.

✚

Meyer Fine's brother from Cleveland is here.

✚

Abe Myers changed four times yesterday. He says he does it for comfort and it's not an act.

✚

David Barrist is just back from a seven-week trip to Spitzbergen, Finland, North Cape, Sweden, Russia, Norway and Denmark. Conditions in England, Denmark and Sweden are showing marked improvement, he says. Barrist claims that in Russia one can get either married or divorced for 12 cents.

✚

Abe Leff of the Leff & Meyers circuit and Maurice Brown, secretary of the I.T.O.A., were the first two New York exhibitor arrivals. Murray Ginsberg, who is interested with S. & C. in the Beacon, Beacon, has houses in Paterson and Newark, which makes him a 50-50 proposition.

✚

Charles Goldfine, who operates two Quaker City houses, is the undisputed fistic champion of the exhibitor crowd. No one can get near him—he's 6 foot 4 inches.

✚

Ben and Harry Blumberg, cousins of Nate of RKO, are attending as representatives of National Theatre Supply of Philadelphia. They know most of the boys, despite the Quaker City trade mark.

So It's G-Men

Atlantic City, Aug. 23.—"What do you mean Allied convention?" queried Julius Charnow, vice-president of the organization. "It's a gathering of 'G-Men.'"

"What do you mean 'G-Men,'" asked a fellow member.

"Just what I said," retorted Charnow. "This is a convention of Galitzianas."

When told of the incident, Sidney Samuelson evinced a sneer, revealing he was a Litvak.

Ben Rosenberg arrived late last night. He's stopping with his mother at the Shelburne, but managed to drop in and say hello to most of the boys. George Dembow and Morton Van Praag got in today for a swell round of handshakes.

✚

Marion Setlowe manages to make theatre equipment buying a pleasure. She adorns the various chairs Joe Hornstein brought down for his exhibit and has a weak selling argument, but who cares for selling arguments these hot days. It's plenty hot down here.

✚

Mrs. Helen Hildinger of the circuit which bears her name in Trenton is a true Allied trouper, attending all conventions of Allied of N. J. and national Allied. She pulled a gag about the films taken by National Screen in Atlanta. When she showed them on the screen, half of her audience one night demanded refunds.

✚

George West, distributor of Screeno in the east, is a brother of Billy West, former screen comedian. West is here. So is Bill Raynor and Tony Riccy of Movie Sweepstakes, Harold Parker of Lucky, Charles Streimer of Stakes and a couple of other game agents.

✚

Sam Rifkin is representing U.A. Nat Beier and Eddie Mullen couldn't get away from the exchange due to Moe Streimer's absence.

Theatre Foreclosure Gets Court Approval

Boston, Aug. 23.—Judge Franklin T. Hammond in Superior Court here today formally approved the foreclosure sale in Springfield July 30 of 12 theatres and real estate owned by G.B. Theatres Corp. and operated by M. and P. Publix to Wallace V. Camp and others constituting a bondholders' committee, the only bidders. The price was $287,050. Purchasers have two months in which to pay.

The mortgage was foreclosed by the National Rockland Bank of Boston and Harold Storke, the trustees.

Besides real estate the properties include the Broadway, Springfield; Victor, Holyoke; Calvin and Plaza, Northampton; Palace and Colonial, Pittsfield; Strand, Westfield; Palmer and Casino, Ware; Rivoli, Chicopee; Garden, Greenfield, and State, Utica.

Indiana Exhibitors To Meet in October

Annual meeting of Associated Theatres of Indiana will be held in October, Charles R. Metzger, attorney and general manager of the independent unit, states. No definite date is set. Neither is the meeting place.

Metzger, en route home, passed through here today from Atlantic City where he had been for two days attending the Allied eastern regional and New Jersey convention. R. R. Bair is now head of the organization and will not be continued in office, according to plans adopted sometime ago to change presidents every year.

The Leading
Daily
Newspaper
of the
Motion
Picture
Industry

MOTION PICTURE DAILY

Alert,
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Allied Hits Columbia's Sales Plans

Socks Percentages and Film Quality

Atlantic City, Aug. 25.—Columbia's sales policy came in for a concerted attack by Allied exhibitors before their convention closed here with Lou Rodner of the Broadway, Camden, leading the critics.

Rodner stated that, because of the distributors' demands in the Philadelphia territory, 20 theatres refuse to do business with Columbia. The Quaker City exchange is insisting on six pictures at 35 per cent and another half dozen at 30 per cent. The

(*Continued on page* 22)

Set Chesterfield, Invincible Plans

Chesterfield and Invincible will reduce their production schedules from last season's 18, to 12 for the new season, with distribution by First Division being continued for another year, the company revealed on Saturday.

George R. Batcheller, president of Chesterfield, and Maury M. Cohen,

(*Continued on page* 21)

Cleveland to Have Chance Games Test

Atlantic City, Aug. 25.—Hearing on a petition for a permanent injunction against bank nights at the Haltnorth, Cleveland, scheduled for Aug. 26, has been postponed by the Court of Appeals until Sept. 10, Moe B. Horwitz stated here prior to his departure for home today.

A temporary injunction was denied the Fountain recently. The case has been on various calendars since May and Horwitz feels nothing will come of it. Unfair competition and alleged violation of the lottery law is charged.

Penn. Allied to Get Data on Shore Meet

Atlantic City, Aug. 25.—William A. Davis, president, and Fred Herrington, secretary, of the M. P. T. O. of Western Pennsylvania and West Virginia, will give a detailed report on the Allied of New Jersey convention and eastern regional meeting at the monthly session of their organiza-

(*Continued on page* 21)

Sheehan Will Get $375,000 Under Settlement With Fox

Winfield Sheehan's contract with Fox Film is being settled for $375,000, it was disclosed in information submitted to the court by the company in opposition to Mrs. William Fox's action to halt the merger with Twentieth Century.

For a release from the contract under which Sheehan received $400,000 per year, according to the information supplied the court, Fox will pay the producer $75,000 during the current year, $150,000 during 1936, and $150,000 during 1937.

The combined annual salaries of Darryl Zanuck and Joseph M. Schenck under their seven-year contracts with Fox aggregate $390,000.

The papers filed with the court also reveal that Chase National Bank's Fox stockholdings are 1,750,000 shares of Class A common, or approximately 70 per cent of the issue. Under the reorganization Chase will receive in exchange for its A stock, 900,000 shares of the new preferred, which is entitled to a dividend of $1.50 per share, or $1,350,000 annually on the block of stock. Chase acquired the A stock in 1933 in exchange for cancellation of loans and debentures amounting to $33,000,000, owed to the bank by Fox.

General Theatres Equipment Corp. owns 14,000 shares of the Fox Class B stock, or about 86 per cent of the issue, and 195,000 shares, or about eight per cent, of the A stock.

181 Features Code-Stamped Since May 8

Hollywood, Aug. 25.—The Hollywood branch of Production Code Administration, headed by Joseph I. Breen, issued certificates of approval on 181 features and 140 short subjects from May 8 to Aug. 20.

Since the establishment of the reinforced formula on July 15, 1934, a total of 608 features and 499 shorts has been approved.

Titles and releasing companies of

(*Continued on page* 18)

Leff and Meyers to Double Their Chain

With 10 theatres already lined up, Leff & Meyers plans to double this number by next season. The circuit

(*Continued on page* 2)

More 10-Cent Shows Facing Kansas City

Kansas City, Aug. 25. — Unless giveaways abate naturally, or as a result of definite setback policy, more houses may be expected to occasionally go to 10 cent nights to meet their competition.

Currently, however, giveaways have not increased the number of 10 cent nights used by houses that officially belong to the 15 cent and 20 cent categories as much as might be sup-

(*Continued on page* 17)

"Diamond Jim" Is Big Draw in Roxy Start

"Alice Adams" in the first week at the Music Hall garnered a nice $95,000 gross and held up strongly

(*Continued on page* 17)

M-G-M Is Reported Selling Protection in Cleveland

Cleveland, Aug. 25.—M-G-M is understood to be concluding arrangements with an important independent circuit here to sell protection in new contracts. This is the only company which is understood to be preparing this potential upset to local clearance and zoning plans. It is said that if M-G-M signs the contract other dis-

(*Continued on page* 21)

Prefers Full Bench Decide On Fox Stay

Lazansky for Complete Court to Rule

Appellate Judge Lazansky has indicated that, in the absence of four of his confreres on the appellate bench who are on vacation, he does not desire to accept the responsibility of making a permanent ruling on the stay temporarily granted Mrs. William Fox to halt the Twentieth Century-Fox merger. The judge prefers to wait until the full bench is again sitting. This will not be before Sept. 23.

Any dissolution of the temporary stay which Fox Film attorneys will

(*Continued on page* 17)

N.Y. Independents Add to Holdings

Independent circuits are increasing their positions in the metropolitan area. Several circuits have added theatres within the past few weeks and deliberations are in progress for additional acquisitions.

Randforce has closed a deal with Harry Shiffman, president of Isle Theatres, to take over the Oasis, Brooklyn, on Sept. 1. Acquisition of this house will give Frisch & Rinzler a

(*Continued on page* 21)

Warners, Loew Pool 2 Pittsburgh Units

Warners and Loew have pooled two Pittsburgh theatres, the Stanley and the Penn, each circuit retaining management of its own house, but sharing in the net results.

The deal, which had been on for some time, was finally consummated last week. Warners operates the Stanley, and Loew the Penn. The arrangement brings to a close a competitive battle which had been raging for some time.

Serkowich Named as Capitol Press Head

Ben Serkowich has succeeded Bessie Mack as publicity director of the Capitol. Serkowich for a number of years was editor of *Publix Opinion,* a former Publix Theatres' house organ, and had been identified with various other companies during the past few years, including G. B.

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Paramount Offers Wanger New Pact

HOLLYWOOD, Aug. 25.—Paramount has torn up Walter Wanger's old contract and has given him a new one calling for 10 pictures instead of six. The first under the new pact will be "Mary Burns, Fugitive," which starts Monday. Among the others will be "Big Brown Eyes," with Joan Bennett, and "The Moon Is Our Home," by Faith Baldwin.

Wanger has signed Gene Towne and Graham Baker to long-term writing contracts.

16 Republic, 17 G. B. Films to RKO Chain

RKO late Friday night closed with W. Ray Johnston, Republic head, for 16 of his company's pictures for the metropolitan area, it was learned Saturday. The other 16 go to Loew's.

On the same night RKO buyers closed with George Weeks, G. B. general sales manager, for 17 G. B. films.

"Glory" to Draw Stars

Stars of the stage, screen and radio have been invited to the premiere of "Page Miss Glory" at the Strand on Wednesday evening. Among those scheduled to attend are Myrna Loy, Tom Brown, Henry Wilcoxon, Helen Vinson, Harpo Marx, Otto Kruger and Madge Evans.

Insiders' Outlook

By RED KANN

AS the final services were being held for Will Rogers in Hollywood and as substantial segments of the public paused in regret, this, written by Pete Harrison in his *Harrison's Reports,* was in circulation in New York and, perhaps, already in points beyond as well:

> The death of no other person in recent years created so much sorrow in the United States as did that of Will Rogers. Here in New York, the sad accident was the talk everywhere.
>
> The motion picture industry has one other reason besides the sentimental to be sorry for—the commercial. Mr. Rogers was one of the best box office assets in the United States and in many other parts of the world, and his loss leaves a void that is hard to fill immediately.
>
> The death of Mr. Rogers also creates a problem for the Fox organization and for such exhibitors as have already bought Fox product. The prices these exhibitors paid were based on the pictures of the two stars—Will Rogers and Shirley Temple. By the elimination of the one star these exhibitors are finding themselves holding contracts with prices that are altogether out of proportion with the value of the program that will be delivered.
>
> I have a letter before me from an exhibitor who feels that he is entitled to a readjustment of his contract. There are, no doubt, other exhibitors who feel likewise.
>
> The Fox Film Corp. is, of course, protected legally by the Fourteenth Clause, which absolves the distributor from his failure to deliver any picture if such failure has been occasioned by causes beyond his control. But fairness requires that the Fox company make voluntary adjustments so that it may keep the exhibitors' good will.

The dollar is a mighty man. . . .

▼

Young Dave Selznick rode into town late last week, fresh from Hollywood by way of Saratoga and the races, with a challenge on his lips and quite a hunk of a chip on his shoulder. If he feels like "raiding" other studios, he'll do it. Talent whose contracts were about up were "the property of the field"; no old-line company agreement would keep him out of the business; Warners had taken Chatterton, Francis and Powell from Paramount and were sorry; Darryl Zanuck brought people over to 20th Century from Warners and he was sorry. But that was after it had happened. So Dave, who has the Selznick flare for talking the sort of talk that makes good copy, went on, making the point quite emphatic, at the same time, that he would not encourage contract jumping. . . .

▼

Starting his own company from scratch and being obviously shy himself of the talent he's talking about, Dave's conversation is easy to give; he has little to lose. It is to be presumed, of course, that, if and when he develops, hires or acquires such talent by "raiding" there would be no objection if his announced tactics are practiced on him by some other producer who views the technique in an identical light. . . .

▼

Selznick had other observations to point up. "There are not more than fifteen real stars in the business. There isn't enough talent in the industry to make sixty good pictures a year." Agreed on count the first; disagreed on the second. Forgetting how we may view the matter, what's more to the point is what Selznick proposes doing about it. Simply to go pontifical without a remedy is old and easy stuff. His comment on the current drift toward fewer pictures from the names that count because they realize the danger of being seen too often and because the income tax makes futile any ambition to roll up huge earning power is, however, interesting. . . .

▼

One of several stories out of Hollywood recently on the latter circumstance is that of a director, prominent enough to earn $5,000 a week. When his year was over, what with the tax—state and Federal—the yarn credits his residue at exactly $25,000. This man, then and there, determined to make fewer pictures; there seemed to be no point in proceeding otherwise. Returning visitors from the studios agree the tax problem is very apt to cut the number of important starring pictures. Faced by necessity, producers, including Selznick, will have to try harder to foster new talent. . . .

▼ ▼

The technicalities of the Twentieth Century-Fox deal are over and the merger is a definitely completed corporate fact. This is how it happened: When word was flashed to the Fox office the other day that Justice McLaughlin had refused to grant Mrs. William Fox and her All-Continent Co. an injunction to halt the consolidation, the legal handicap collapsed. Stock transfer stamps and the rest of the necessary paraphernalia, poised for days awaiting this word, were put through their ritual and the final business details sealed. The stay immediately obtained by Mrs. Fox's lawyers puts a stopper on operations under the merger, but the merger itself is through. A bit technical, but there it is. . . .

▼

Straw in the wind: Reliance completes its releasing deal with United Artists with delivery of (1) "Red Salute," (2) "The Memory Lingers On," (3) "The Last of the Mohicans." But Eddie Small, the other day in Hollywood, talked about plans for ten new ones. Where will they go? Maybe that's why Harry Goetz, around the town these days, has opened up his house again. . . .

▼

Those linotypers! From Bland Johaneson's review of "The Crusades" in *The Mirror:*

> The story describes the brave Richard who loves a fight and enlists in the Crusades to recover Jerusalem from the *Sarazens.* . . .

The Gene Sarazens? . . .

▼

Then there was the amusing Dick Watts in the *Herald-Tribune* whose typewriter pounded forth a gem on the same picture:

> Determination to clear up for us certain erroneous ideas about the Third Crusade, he (De Mille) demonstrates pretty conclusively that when the hosts of Christianity and Islam, led by the mighty Richard and the chivalrous Saladin, went into mortal combat they were chiefly concerned over the hand of Miss Loretta Young. I regard this as probably the greatest contribution made to history by the cinema since an early silent picture once proved that Washington crossed the Delaware to rescue Miss Marion Davies from an evil British officer.

▼

Getting back to Selznick for a couple of lines. Could the "ample financing" he talks about refer to the Jock Whitney millions? . . .

Leff and Meyers to Double Their Chain

(*Continued from page* 1)

is now negotiating for three large houses in the Bronx and last week closed for the 72nd St. Playhouse, which is now being remodeled and will be ready for reopening around Oct. 1.

Builders of three new theatres in the Bronx have approached Abe Leff and Louis Meyers on long-term leases but the partners have turned down all offers because they do not desire to invade Consolidated Amusements' territory.

Poli 50 Years Wed

NEW HAVEN, Aug. 25.—Sylvester Z. Poli and his wife celebrated their golden wedding anniversary today at their summer residence in Woodmont. Marchesa Lillian Poli Gerini, a daughter, was a guest at the celebration and 500 other guests, including many friends in film circles were invited. Poli is the founder of the Poli New England Circuit, which is at present owned by Loew's.

GREAT
PICTURES
LIVE
FOREVER

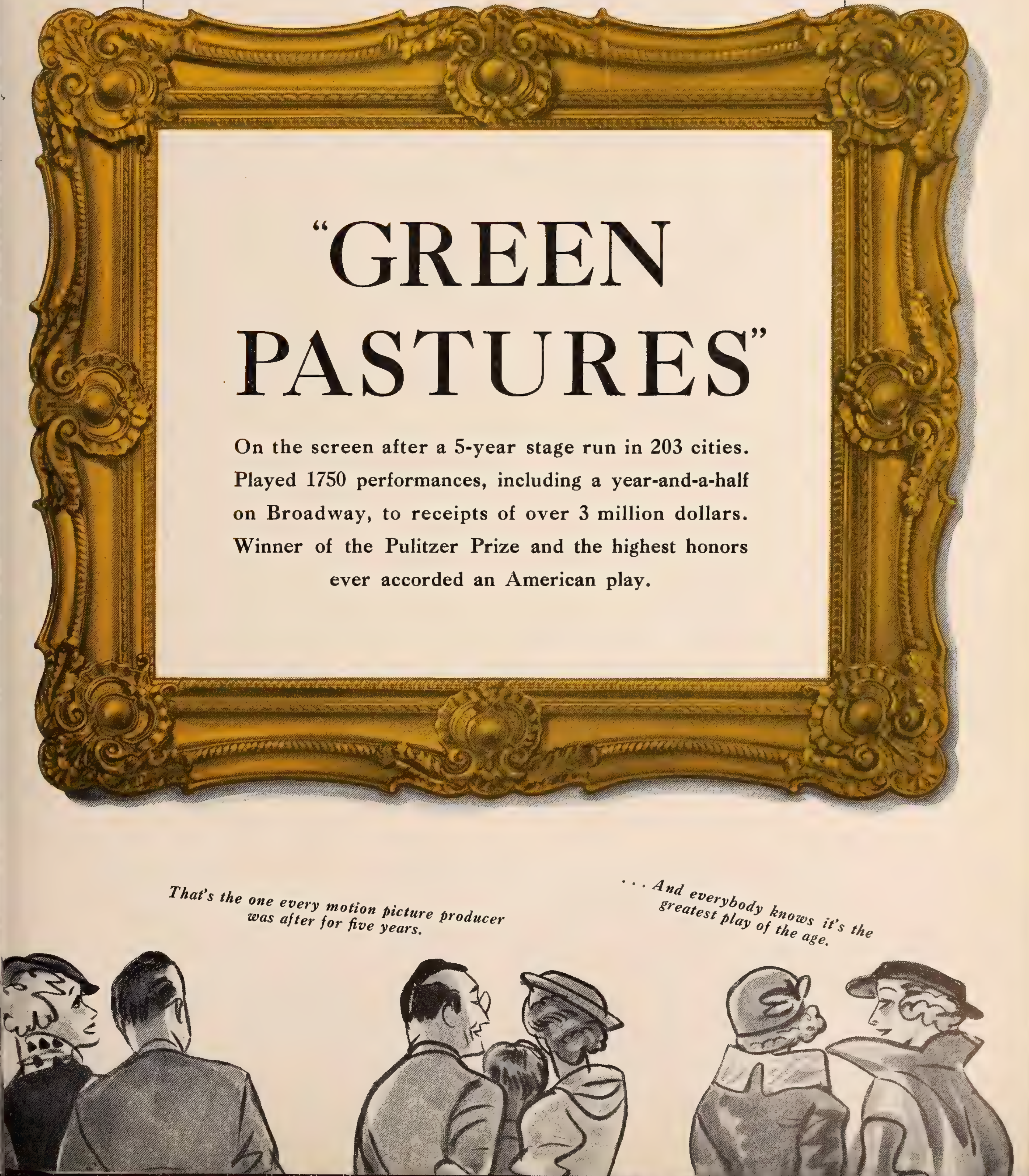
FREDRIC MARCH

in

"ANTHONY ADVERSE"

Leader of every best-seller list in the nation for the past two years. To be filmed with the whole world as its stage and 22 stars in its featured roles.

It took the author four whole years to write it!
The New York Times said it will probably be the best-loved book of our time.

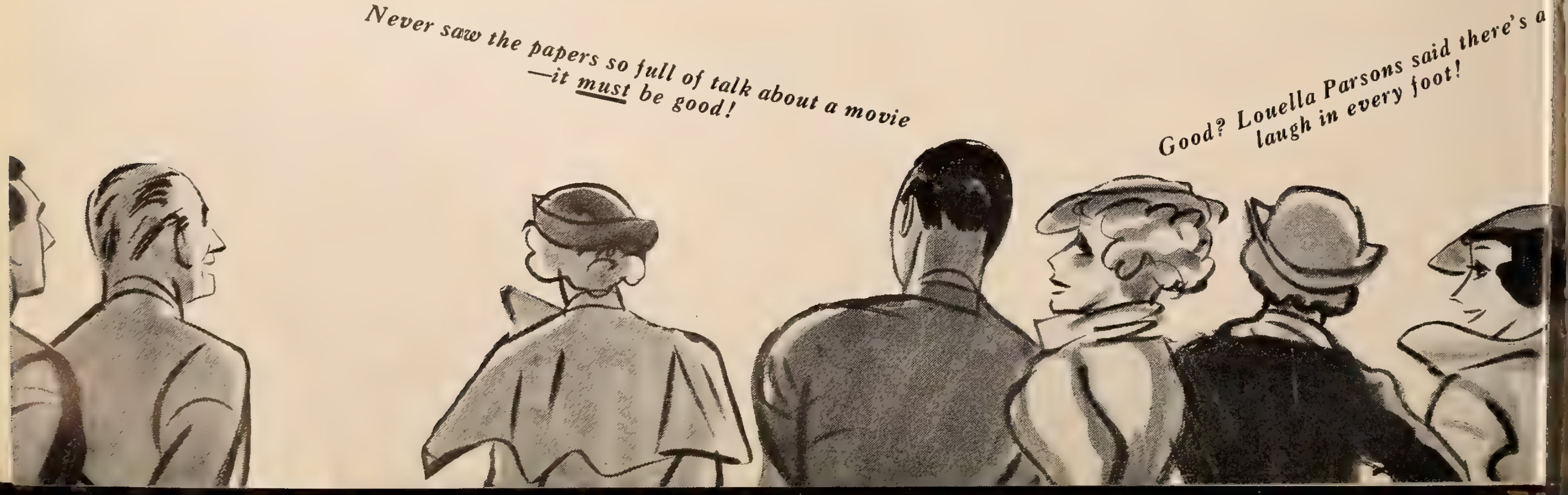

That's the one every motion picture producer was after for five years.
. . . And everybody knows it's the greatest play of the age.

"GREEN PASTURES"

On the screen after a 5-year stage run in 203 cities. Played 1750 performances, including a year-and-a-half on Broadway, to receipts of over 3 million dollars. Winner of the Pulitzer Prize and the highest honors ever accorded an American play.

MARION DAVIES
in
"PAGE MISS GLORY"

Her first Cosmopolitan Production for Warners is already considered 'the best comedy of the season' by the *L. A. Herald-Express.* An 'amazing cast' of 12 stars includes Pat O'Brien and Dick Powell. Directed by Mervyn Leroy.


Never saw the papers so full of talk about a movie —it must be good!
Good? Louella Parsons said there's a laugh in every foot!

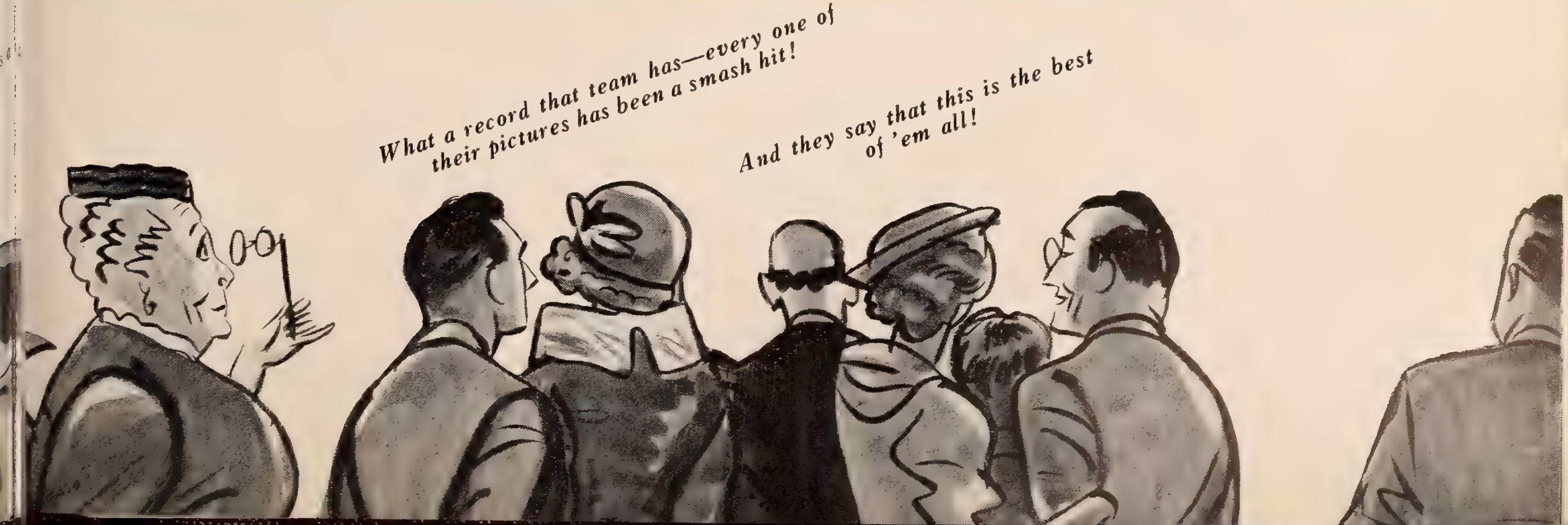
DICK RUBY

POWELL • KEELER

in

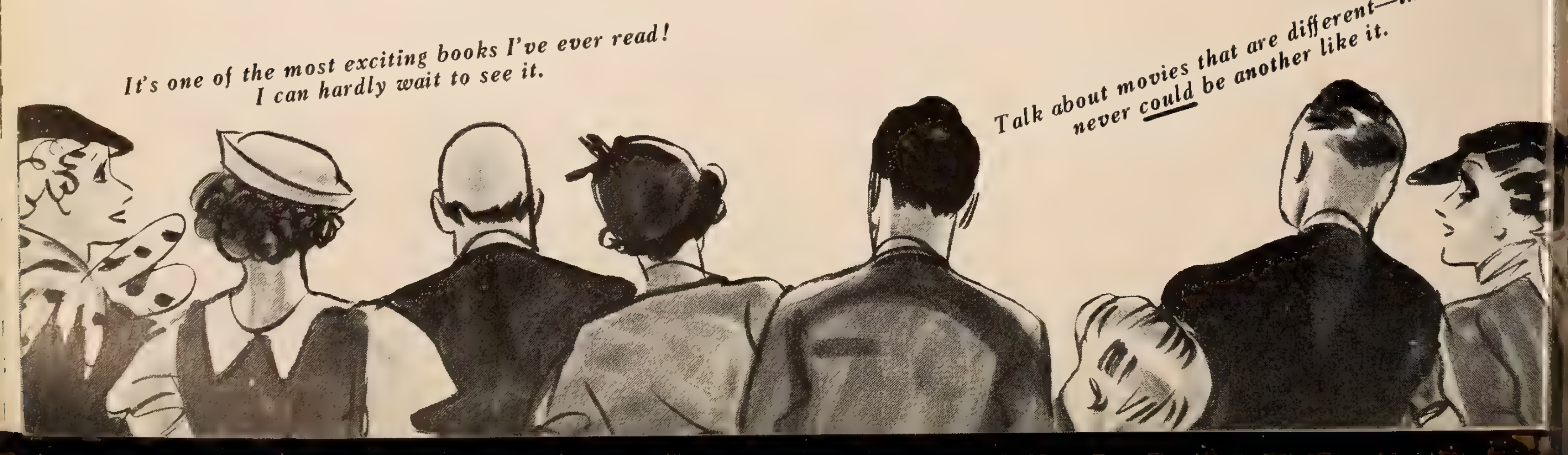
"SHIPMATES FOREVER"

America's singing sweethearts at Annapolis with marching Middies and martial music. It's the Navy's 'Flirtation Walk'! A Frank Borzage Production. A Cosmopolitan Production.


What a record that team has—every one of their pictures has been a smash hit!
And they say that this is the best of 'em all!

"CAPTAIN BLOOD"

Most celebrated of all Rafael Sabatini stories! Pirates, sea battles, romance—produced on a scale in keeping with its spectacular setting. With Errol Flynn, Olivia de Havilland and a big star cast. Directed by Michael Curtiz.


It's one of the most exciting books I've ever read! I can hardly wait to see it.
Talk about movies that are different—there never could be another like it.

"3 MEN ON A HORSE"

Broadway's longest-run comedy hit in years and still going strong! Unanimously lauded by the New York critics, its appeal is so broad that seven road companies will bring it to every corner of the globe!

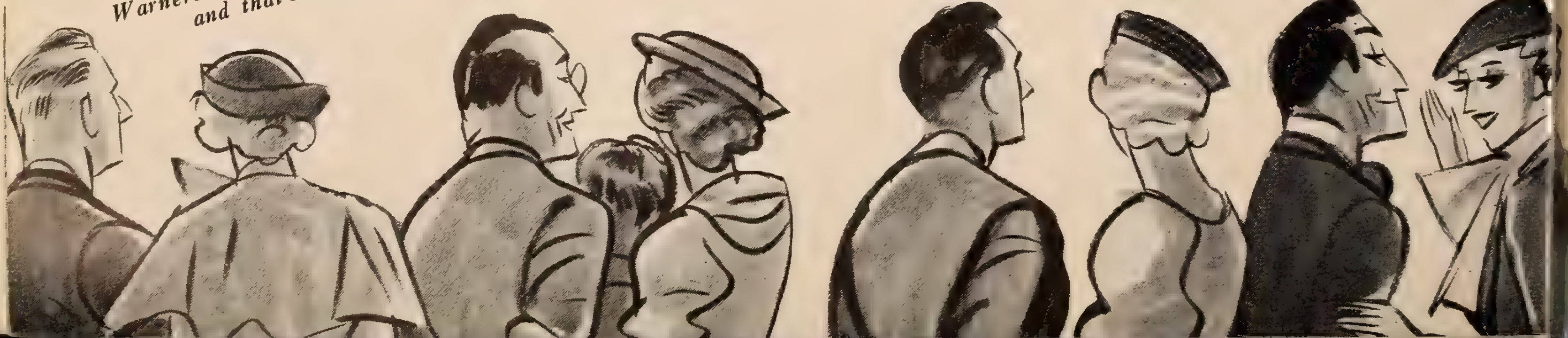
They say you've got to know the mayor to get a ticket for it in New York.
Bet they could fill the movie houses with the people they've turned away since last January.

JAMES CAGNEY

in "THE

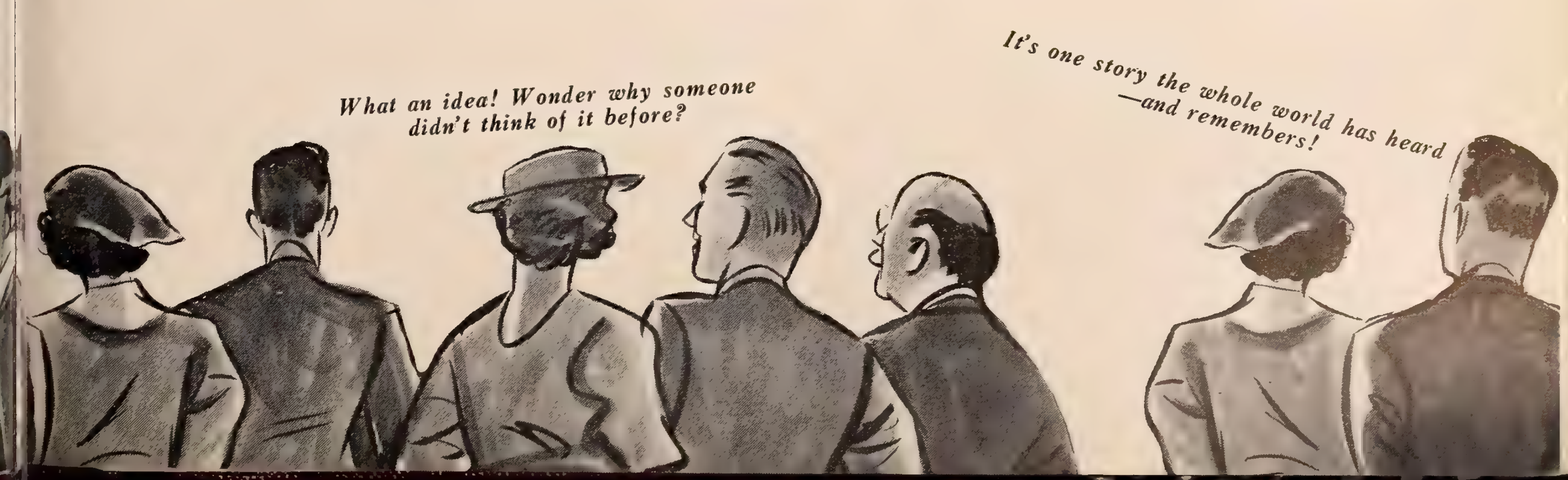
ADVENTURES OF ROBIN HOOD"

An immortal classic with the ideal role for fiery Jimmy Cagney! Guy Kibbee as Friar Tuck will head a tremendous all-star cast! One of the season's biggest productions!


Warners have Cagney in the 'smash' class—
and that's where he's staying!
Yes, and he gets better in every picture!
Remember 'G Men'?

"CHARGE OF THE LIGHT BRIGADE"

'Into the Valley of Death rode the 600'. . . Tennyson's heroic saga will be one of Warners' most brilliant contributions to the year's great entertainment offerings.


What an idea! Wonder why someone didn't think of it before?
It's one story the whole world has heard—and remembers!

JOE E. BROWN

in

"I'M IN THE LEGION"

A brand new setting and a brand new idea in Joe's shows for a grand follow-up to his sensational work in 'Bright Lights'.

LESLIE HOWARD

in "THE PETRIFIED FOREST"

His own long-run stage hit — *and*

"THE GREEN LIGHT"

The famous best-seller by the year's author find. A Cosmopolitan Prod'n.

"DICK" FORAN

"The Singing Cowboy"

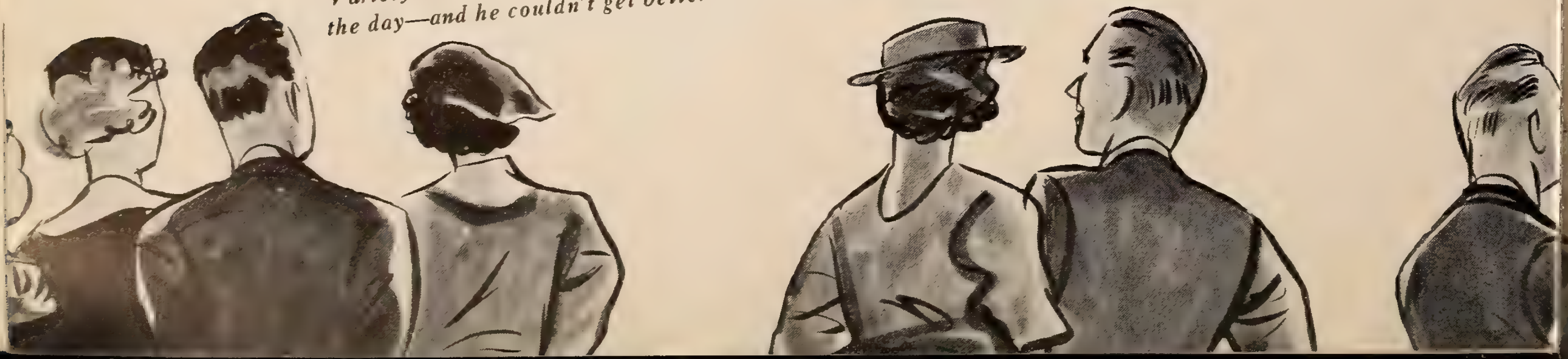
will be presented in a series of outdoor adventure stories backed by nationally plugged songs. Watch them cash in on the current vogue for western entertainment!

JAMES CAGNEY
PAT O'BRIEN

in the Broadway stage success

"CEILING ZERO"

Eight months of S. R. O. business made this one of Broadway's prizes! Chalk up another scoop for Warners!


Variety says Leslie Howard is the leading matinee idol of the day—and he couldn't get better stories than those two!
There'll be no holding that Brown boy after 'Bright Lights'!

"LAFITTE THE PIRATE"

Buried treasure and romantic Louisiana woven into a gripping action special to follow the certain success of 'Captain Blood'!

"OVER THE WALL"

by WARDEN LAWES

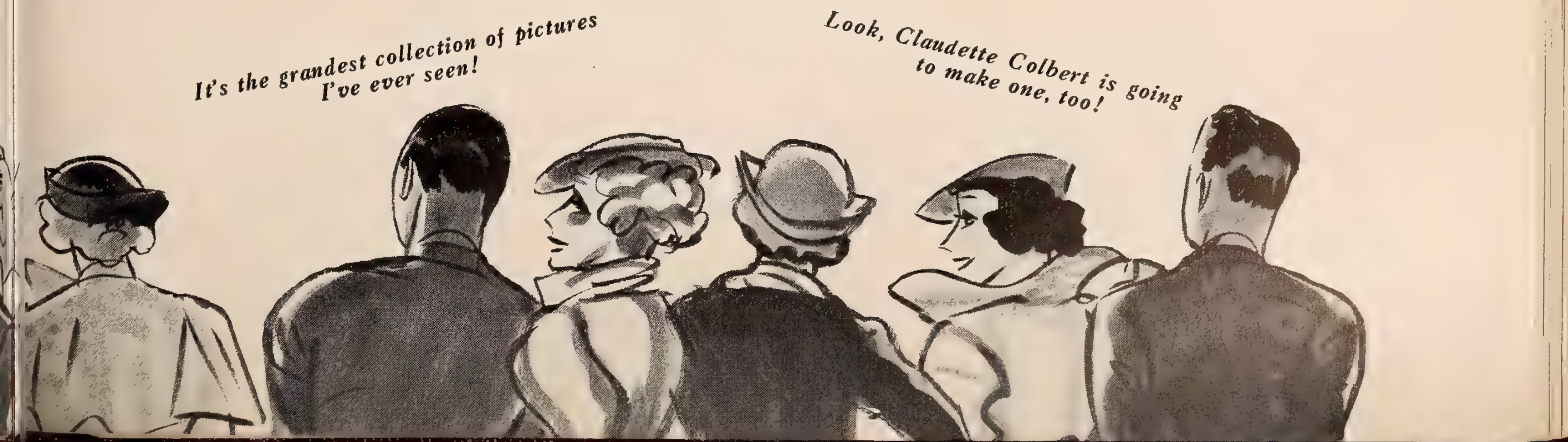
The sensational story of the life of Alabama Pitts snatched for the screen in the first hour of its publication!

"I LIVE FOR LOVE"

—Story of two popular stars with the private lives of goldfish. Introducing famous baritone Everett Marshall with DOLORES DEL RIO.

CLAUDETTE COLBERT

will make one of her greatest pictures for Warners this year! An outstanding property is now being selected as the perfect vehicle for this sensational star!


It's the grandest collection of pictures I've ever seen!
Look, Claudette Colbert is going to make one, too!

"STARS OVER BROADWAY"

with PAT O'BRIEN

Bringing radio's James Melton and Jane Froman to pictures in the Cosmopolitan Magazine story.

KAY FRANCIS

in

"I FOUND STELLA PARRISH"

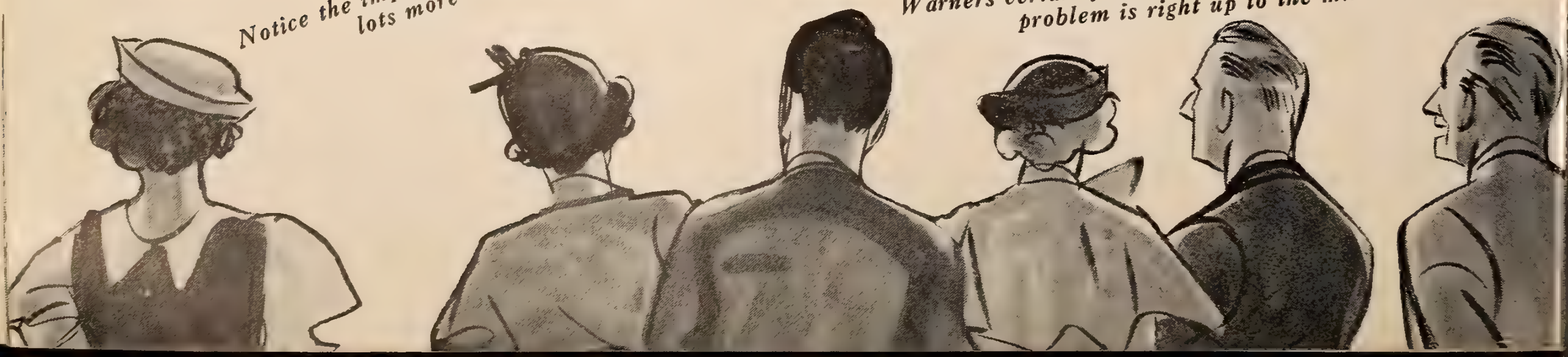
The story of the tragic disappearance of a great actress. Its tears, its heart-break, its emotional drama make it the perfect Francis vehicle.

RUDY VALLEE

will be starred in an important romance with music. A lavish cast and the studio's finest creative talent combine to add further to his ever-increasing following.

"SAN QUENTIN"

Sirens, searchlights, escaping convicts, martyred prison guards —a news-value theme timed to perfection for another story sensation!


Notice the important new talent? And there's lots more under contract!
Warners certainly can pick timely stories! That prison problem is right up to the minute!

PAUL MUNI
in
"DR. SOCRATES"

Muni as a gangsters' doctor. From the thrilling *Collier's* serial by 'Little Caesar's' author. Ann Dvorak and Barton MacLane are featured. Directed by William Dieterle.

JAMES CAGNEY
in
"THE FRISCO KID"

Jimmy as a Vigilante G-Man of the Barbary Coast! Margaret Lindsay is the girl. Lloyd Bacon is the director.

BETTE DAVIS
in
"SPECIAL AGENT"

A Cosmopolitan Production
First T-Men story, with Geo. Brent, Ricardo Cortez, Jack LaRue—*And*

"G-WOMEN"

As thrilling as its title—big star cast.

AL JOLSON

will continue his phenomenal success in 'Wonder Bar' and 'Go Into Your Dance' with the most elaborate production he's ever made.

The critics are right—Paul Muni is the screen's greatest actor! I'm not going to miss his new one!
Al Jolson still gets my vote as King of all entertainers—radio, stage, or screen!

WARNER BROS. are particularly proud to announce the foregoing productions as part of their next season's program, not so much because of their obviously vast money-making potentialities, but more especially because we believe that many of them will endure as film classics of the future. The broad scope of their stories, their already remarkable records as literary properties, the importance of the stars who appear in them, and our elaborate plans for their production in the enlarged Warner Bros. studios, encourage us in this belief.

Post Script: Many of these pictures already are set for release or are in production.

More 10-Cent Shows Facing Kansas City

(*Continued from page* 1)

posed, although some 10-centing and some increase in double billings can be attributed to extra-curricular promotions.

E. E. Webber's Mary Lue, C. E. Esterly's State and Commonwealth's Ashland are among those forced by the tidal wave of giveaways to increase the number of 10 cent nights. The State and Ashland have been ten-centing on Sundays for several months, an unusual practice, and the Mary Lue is using more 10 cent nights than it used to because of competition.

In spite of the 15 cent minimum set by Warners, M-G-M, Fox, RKO, and Paramount, few exhibitors report any difficulty getting the quantity of 10 cent pictures they need. Most of them, however, are unable to secure enough of the kind of pictures they would like to have for 10-centing.

The tendency among producers to set a 15 cent minimum for pictures: some, all; some, specials and percentage films; and the remainder has led to the speculation as to whether or not efforts of producers to make a better type of picture have had any bearing on this tendency.

Says Would Cut Giveaways

E. Rolsky, operator of the St. John and National, dime houses, feels that if more pictures were made available for 10 cent showing, there would be less use of promotional schemes because many exhibitors are opposed to giveaways and would use 10 cent shows in preference to such as a competitive measure. However, many exhibitors feel that enough pictures are already available for 10 cent showing.

One exhibitor pointed out that in the past 10 cent houses have been known to advertise "The best shows in town available in (so many) weeks for 10 cents, why pay more?"

Some pictures should never play at a dime, one exhibitor said, although he, along with others, would not object to all companies allotting certain pictures for 10 cent showing.

During the last month or two Warners, and more recently, M-G-M, have made available for double billing at 15 cents pictures previously marked for singling. This is exclusive of specials and percentage pictures, it is understood.

N. Y. Chance Game Set to Invade Chicago

Lucky, which claims to have 135 accounts in the local area, will invade Chicago on Sept. 1, Howard Parker, owner of the game, declares. The move is in opposition to Screeno, which is said to have on its books 165 theatres in the Windy City and about 65 in New York. One house in the Chicago Loop is already playing Lucky, Parker states.

Chance games are expected to get started in Baltimore shortly, exhibitors from that area state. No theatre in the city is playing games now.

Meanwhile, test case in all five boroughs here is due this week. Attorneys for the various distributors met last week discussing legal procedure.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Here's to Romance"

(*Twentieth Century-Fox*)

Hollywood, Aug. 25—Choosing a story which permitted the introduction of operatic arias and the graceful presentation of such artists as Maria Gambarelli, Escudero and Madame Ernestine Schumann-Heink, producer Jesse L. Lasky gives a masterful showmanship exhibition in offering the tenor, Nino Martini, in his picture debut.

The original story by Ernest Pascal and Sonya Levien, designed for Martini's talents, suits them admirably. Reginald Denny and Genevieve Tobin, his wife, are art patrons. Denny, philandering, has a flair for ballet dancers, and in retaliation Miss Tobin sponsors the career of Martini. Studying in Paris, Martini meets Anita Louise, a ballet student. Romance between the pair is interrupted by the arrival of Denny and Miss Tobin and they are definitely separated when Miss Louise learns Miss Tobin has paid for Martini's debut at the Opera Comique. Reunited later in New York, Miss Louise brings the Metropolitan Opera impresario to a dime store where Martini plugs songs. Martini, given the chance to sing "La Tosca" at the Metropolitan, scores an outstanding success.

Director Alfred Green has extracted the utmost from the script and has spotted Escudero, Gambarelli and Madame Schumann-Heink in specialties to the greatest advantage.

Music lovers will probably return to see this picture a second and a third time as Martini's voice offers a thrill seldom found on the screen. Reviewed without production code seal. Running time, 89 minutes. "G."

Looking 'Em Over

"Death From a Distance"

(*Invincible*)

This is a neat little effort which, aided by good direction and fine character portrayals, moves along at a lively clip and should afford suitable entertainment in most houses. It isn't a pretentious picture by any means and in spots what was meant to serve as comedy falls quite flat, but it will satisfy most audiences, particularly those liking mysteries.

Frank R. Strayer directed from a good screen play and manages to keep the identity of the culprit hidden until near the end. The camera work of M. A. Anderson does much to enhance the film's values.

The story has Russell Hopton called in to solve a murder in a planetarium while a prominent scientist is lecturing. Lola Lane, newspaper reporter covering the lecture, is in on the killing, but, like everyone else present, ignorant of what happened. The action continues in the observatory, shifting once or twice to police headquarters or to Miss Lane's newspaper as Hopton tries to find the guilty party. By means of a ruse, however, Hopton finally gathers all the suspects into the observatory and, when he seems to be completely lost in a maze of evidence, all pointing to different parties, uncovers the guilty one. The windup has Hopton and Miss Lane, for whom romance had bloomed during the course of the investigation, winding up in each other's arms.

The cast also includes George Marion, Wheeler Oakland and George Reagan in prominent parts.

The astronomy angle in the film should give exhibitors an excellent hook on which to hang some of their exploitation ideas.

Production Code Seal No. 795. Running time, 68 minutes. "G."

"Sunny Youth"

(*Amkino*)

Ukrainfilm of Russia has produced in "Sunny Youth" an interesting and actionful bit of entertainment built around the Soviet's younger generation. The film details the interests that occupy the attention of Russia's young people, not forgetting their romantic life. To give the production added appeal the producers have injected a little villainy into the story having to do with a track athlete who resorts to dirty work in an attempt to win a race.

Scenes of athletic competition pack the picture and have been given the benefit of first-rate photography. For this reason if for no other young American film-goers ought to find the film pleasant entertainment.

(*Continued on page* 21)

Prefers Full Bench Decide On Fox Stay

(*Continued from page* 1)

seek today, therefore, would not extend beyond the date indicated by Judge Lazansky. Yet if Fox Film attorneys are successful in their arguments in having the stay vacated, even for this interim period, the company could then proceed with its reorganization and merger subject to final action of the court.

Mrs. Fox's action was dismissed on Thursday in a lower court by State Supreme Court Justice Alonzo G. McLaughlin, who, in his decision, observed that "further delay in consummating the merger may cause very serious damage to the merged companies. The nature and character of the business is such that uncertainty and delay may be costly."

Mrs. Fox's attorney immediately took an appeal to the appellate division with the result that the temporary stay of the reorganization proceedings, which will be contested today, was issued.

Judge McLaughlin made known in his decision that although Mrs. Fox and her All-Continent Corp., the plaintiffs in the action against the merger, have waived their right under the stock corporation law to have their stock appraised and receive for it its cash value, through failure to serve notice of their dissent within the time fixed by law, Fox Film has agreed to extend the privilege to the plaintiffs and to bear the expense of the stock appraisal.

Twentieth-Fox Stock Listed by Exchange

The new no par value preferred and common stocks of Twentieth Century-Fox Film Corp. have been admitted to the list and registration of the New York Stock Exchange. Fox Film's old Class A common will be stricken from the list and suspended from dealings after Sept. 4 as a result.

Listing of the new stock is one of the final phases of the Twentieth Century-Fox merger and reorganization, despite the fact that Mrs. William Fox's appeal of a Brooklyn court decision to prevent the merger and reorganization is pending.

"Diamond Jim" Is Big Draw in Roxy Start

(*Continued from page* 1)

over the week-end, indicating a second week's tally of about $80,000.

"Diamond Jim Brady" opened to a terrific business at the Roxy Friday with 26,739 customers paying $7,283.25. So great was the business that an extra show had to be put on. At 11:30 P. M., Irving Lesser ordered the cashiers to stop selling tickets because of the standees in the theatre. Last week, the first independent picture to play the Roxy in two years wound up with a little more than $27,000. The picture was "Keeper of the Bees."

Second week of "China Seas" at the Capitol was good for $33,000. "Bright Lights" at the Strand took in about $12,975.

181 Features Code-Stamped Since May 8

(*Continued from page* 1)

those passed during the last two months are as follows:

BEACON

Features

"What Price Crime," "Gun Play," "Dangerous Trails."

CELEBRITY

(*Shorts*)

"Summertime"

CHESTERFIELD

(*Features*)

"Girl Who Came Back"

COLUMBIA

(*Features*)

"Unknown Woman," "Riding Wild," "Champagne for Breakfast," "Love Me Forever," "Black Room," "After the Dance," "One Man Law" (reissue), "Western Frontier," "Deadlines" (re.), "Hello Trouble" (re.), "Atlantic Adventure," "Super Speed," "Sundown Riders," "The Girl Friend," "Forbidden Trails," (re.), "Last Call for Love," "She Married Her Boss," "Call to Arms," "High School Girl," "Branded," (re.)

(*Shorts*)

"Screen Snapshots 10," "A Happy Family," "Snapshots 11, 12, 13," "A Cat, a Mouse, a Bell," "Leathernecks," "Tramp, Tramp, Tramp," "Pardon My Scotch," "Do Your Stuff," "Stage Fright," "Hoi Polloi," "Alimony Aches," "Gobs of Trouble," "Captain Hits the Ceiling," "Laughing with J. P. Medbury," "Strange Championships," "Neighbors," "Scrappy's Big Moment," "Scrappy's Trailer," "Monkey Love."

EXITO

(*Features*)

"Tango Bar"

FIRST DIVISION

(*Shorts*)

"Unfinished Symphony"

FOX

(*Features*)

"Our Little Girl," "Black Sheep," "Under the Pampas Moon," "I Love You Madly" (Span.), "Charlie Chan in Egypt," "Ginger," "Farmer Takes a Wife," "Redheads On Parade," "Orchids to You," "Free and Easy" (Span.), "Hardrock Harrigan," "Thunder in the Night," "In Old Kentucky," "Steamboat Round the Bend," "Curly Top," "Silk Hat Kid," "Rose of France" (Span.), "Here's to Romance," "The Gay Deception," "Way Down East."

(*Shorts*)

"The E-flat Man," "Ye Olde Sawmill."

GAUMONT BRITISH

(*Features*)

"Loves of a Dictator," "Morals of Marcus," "My Song for You."

J. J. HOFFBERG

(*Features*)

"Speed Devils"

INVINCIBLE

(*Features*)

"Dinner Party," "Condemned to Live."

MAJESTIC

(*Features*)

"Reckless Road"

MASCOT

(*Features*)

"Headline Woman," "Ladies Crave Excitement," "Harmony Lane."

M-G-M

(*Features*)

"Age of Indiscretion," "Murder in the Fleet," "Flame Within," "Smilin' Through," "No More Ladies," "Public Hero No. 1," "China Seas," "Calm Yourself," "Escapade," "Anna Karenina," "Mad Love," "Murder Man," "Woman Wanted," "Big House" (reissue), "Bonnie Scotland," "Viva Villa" (re.), "Pursuit."

(*Shorts*)

"Nurse to You," "Perfect Tribute," "Little Papa," "Chain Letter Dimes," "Meet the Prince," "Basketball Technique," "Lucky Beginners," "Little Skunk," "Thicker than Water," "Little Sinner," "The Infernal Triangle," "How to Sleep," "Twintriplets," "Pitcairn Island," "Trained Hoofs," "Southern Exposure," "Chinese Nightingale," "Four Star Boarder," "Follow the Leader," "Slightly Static," "Barnyard Babies."

MONOGRAM

(*Features*)

"Honeymoon Limited," "Keeper of the Bees," "Make a Million," "Cheers of the Crowd."

RAMON NOVARRO

(*Features*)

"Against the Current"

OLYMPIC

(*Features*)

"Phantom Fiend," "Broken Melody," "Bella Donna."

PARAMOUNT

(*Features*)

"The Virginian," "Wanderers of the Wasteland," "Here Comes Cookie," "Ladies of the Big House," "This Woman Is Mine," "Shanghai," "Jekyll and Hyde" (reissue), "Smart Girl," "Every Night at Eight," "Hopalong Cassidy," "Without Regret," "Two for Tonight," "Paris in Spring," "The Glass Key," "College Scandal," "Men Without Names," "Accent On Youth," "The Crusades."

(*Shorts*)

"Wild Wings," "Holly'd Extra Girl," "Babes in Holly'd," "Popular Science."

PEERLESS

(*Features*)

"Night Cargo," "Smoky Smith."

PURITAN

(*Features*)

"Outlaw Deputy"

RADIO

(*Features*)

"Nit Wits," "Hooray for Love," "The Arizonian," "She," "The Return of Peter Grimm," "Old Man Rhythm," "Cimarron" (reissue), "Jalna," "Top Hat," "Hot Tip," "Alice Adams," "Old Man Murphy," "Down to Their Last Yacht."

(*Shorts*)

"Salesmanship Ahoy," "Metropolitan Nocturne," "Love Begins at Forty," "Returned Engagement," "Happy Though Married," "Where There's a Will," "A Night at the Biltmore Bowl," "Edgar Hamlet," "A Quiet 4th," "Night Life," "The Newly Reweds," "Mismanaged," "Home Work."

RELIABLE

(*Features*)

"Now or Never," "Born to Battle," "Silent Valley," "The Test," "North of Arizona," "Unconquered Bandit," "Laramie Kid," "Texas Jack."

REPUBLIC

(*Features*)

"The Healer," "Born to Gamble," "Forbidden Heaven."

STATE RIGHTS

(*Features*)

"Range Warfare," "Border Vengeance," "Circle of Death," "Outlaw Rule," "Blazing Guns," "Last Wilderness," "New Adventures of Tarzan," "Gun Smoke," "Code of the Mounted," "Lightning Trigger," "Men of Action," "Happiness C.O.D.," "Trails of the Wild."

(*Shorts*)

"Unseen Hands" (Tarzan serial episode), "Crossed Trails."

SELECT

(*Features*)

"Frankie and Johnny"

SPECTRUM

(*Features*)

"Vanishing Riders," "Cyclone Ranger," "Texas Rambler," "Six Gun Justice."

STEINER

(*Features*)

"Coyote Trails," "Kid Courageous."

SUPREME

(*Features*)

"Riders of the Law"

UNITED ARTISTS

(*Features*)

"Escape Me Never," "Nell Gwyn," "Kid from Spain" (reissue), "Masquerader" (re.), "Gallant Lady" (re.), "Arrowsmith" (re.), "The Bowery" (re.), "Unholy Garden" (re.), "Cynara" (re.), "Whoopee" (re.) "Roman Scandals" (re.), "Moulin Rouge" (re.), "Looking for Trouble" (re.), "Palmy Days" (re.), "Palooka" (re.), "Advice to the Lovelorn" (re.), "Sanders of the River."

(*Shorts*)

Reissues: "Wayward Canary," "Just Dogs," "Mickey's Nightmare," "Trapper Mickey," "Touchdown," "Mickey's Fire Brigade," "Cookie Carnival," "Who Killed Cock Robin," "Mickey's Garden," "Pied Piper," "Lullaby Land," "Old King Cole," "Gulliver Mickey," "Mickey's Steamroller," "The Pet Store," "Giant Land," "Camping Out," "Shanghai," "Playful Pluto," "Mickey's Mellerdramer," "Ye Olden Days," "The Mail Pilot," "Mickey's Mechanical Man," "Mickey's Gala Premiere," "Puppy Love," "The Wise Little Hen," "The Flying Mouse," "Funny Little Bunnies," "Big Bad Wolf," "Grasshopper and the Ants," "The China Shop," "Babes in the Woods," "Santa's Workshop," "Birds in the Spring," "Building a Building," "Mickey's Good," "The Mad Doctor," "Mickey's Pal Pluto," "Three Little Pigs," "The Bears and the Bees," "Flowers and Trees," "Bugs in Love," "The Steeplechase," "King Neptune," "Whoopee Party."

UNIVERSAL

(*Features*)

"Alias Mary Dow," "Moonlight and Pretzels," "The Spring Parade," "Lady Tubbs," "Diamond Jim Brady," "Outlawed Guns," "Manhattan Moon," "She Gets Her Man," "The Throwback," "Man on the Flying Trapeze," "Storm Over the Andes."

(*Shorts*)

Following episodes of serial "Call of the Savage": "Pit of Flames," "Death Holds the Reins," "Fatal Blast," "Roaring West." Serial episodes: "Bronco Buster," "Baited Trap," "Mystery Shot," "Flaming Torrents," "Conquering Cowpokes," "Thundering Herd," "The Land Rush," "Torrent of Terror," "Double Crossed," "His Last Fling," "At Your Service." "Town Hall Follies," "My Girl Sally," "Three Lazy Mice," "Amateur Broadcast" and "Adventures of Tarzan" episode titled "Operator No. 17."

VICTORY

(*Features*)

"Danger Ahead"

VAN BEUREN

(*Shorts*)

"Hermits of Crabland," "Neptune Mysteries."

WARNERS

(*Features*)

"Going Highbrow," "Stranded," "Alibi Ike," "Front Page Woman," "Broadway Gondolier," "Don't Bet on Blondes," "Page Miss Glory." "The Irish In Us," "Broadway Joe," "We're In the Money," "Little Big Shot," "Special Agent."

(*Shorts*)

"Into Your Dance," "Romance of the West," "Buddy the Gee Man," "Lady in Red," "Hold That Baby," "Buddy's Lost World," "Buddy's Bug Hunt," "Country Mouse," "Buddy Steps Out."

Gold-Minded

Hollywood, Aug. 25.—"The Robin Hood of El Dorado" unit on location heard tell from the natives near Sonora that a miner had buried $10,000 in raw gold on his claim before he died a short time ago.

Now William Wellman is having a time keeping his 80 players at work. They're all out digging.

Extend Lincoln Sun Lease

LINCOLN, Aug. 25.—The Sun lease to Bob Livingston, who also manages the Capitol, has been extended three more years until 1939. The present lease has until May 31, 1936, to run. Livingston has rented the house to J. H. Cooper as a dual feature spot.

Latchis Spreads Out

BOSTON, Aug. 25.—Peter Latchis, independent circuit owner, in an expansion move has added the Rialto and the Plymouth, Leominster, to his chain. These were formerly M. A. Shea houses. Latchis is reported to be considering further increasing his theatre holdings.

Cagney Into 'Robin Hood'

HOLLYWOOD, Aug. 25.—"The Adventures of Robin Hood," with James Cagney in the title role, will enter production at Warners as soon as the star completes work in "Frisco Kid." The Robin Hood picture is rated by Warners as one of their most important productions of the fall.

New 'Frisco Exchange

SAN FRANCISCO, Aug. 25.—An independent exchange specializing in old hits such as "Hell's Angels," "Scarface" and the like has been opened here by Pat Patterson.

GermanyBusy With a Polish Co-Alliance

WASHINGTON, Aug. 25.—Steps are being taken in Germany to improve relations between German and Polish producers, according to a report to the Dept. of Commerce from Commercial Attache Clayton Lane in Warsaw.

Polish negotiations with the German industry also contemplate a contract for an exchange. It is reported theatre grosses have improved since the introduction of German language films into Poland. Negotiations are being conducted to establish joint Polish-German production.

UFA is preparing to produce educational films on Polish life and customs. The Polish Government has assured its assistance and has offered to cooperate.

Twenty features were produced in Sweden during 1934 and at least 40 will be completed during 1935, according to Acting Commercial Attache Osborn S. Watson in Stockholm.

The largest producer is Aktb. Svensk Filmindustri, Stockholm, established in 1919 and having a share-capital of 10,000,000 crowns (about $2,563,000). This company is also the largest single owner and operator of theatres.

Features are also produced by three other local firms—Europa Film, Ire Film, Vive Film. It is estimated that these firms will make 12 during 1935. Average cost for a feature produced in Sweden is around 150,000 crowns (about $38,000).

A total of 5,281 films, including originals and prints, exclusive of newsreels and nature pictures having a total length of about 13,170,000 feet were censored there during 1934. Approximately 70 per cent of the total came from the United States.

In June, 1935, 52 films, having a total length of about 166,000 feet, were censored in Czechoslovakia, according to Acting Commercial Attache Basil D. Dahl, in Prague.

Zanuck's Opening 8 Get Their Directors

HOLLYWOOD, Aug. 25.—Darryl F. Zanuck has assigned directors Henry King, William Seiter, Gregory La Cava, Irving Cummings, Tay Garnett, David Butler, Roy Del Ruth and Frank Lloyd to eight of the 12 pictures he will personally produce this season. King will direct "Shark Island," starring Fredric March; Seiter will handle "Earthbound," starring Warner Baxter; La Cava, "It Had to Happen"; Cummings, "Snatched"; Garnett, "Men Remington Knew"; Butler, "14th Street"; del Ruth, "Message to Garcia," starring Wallace Beery, and Lloyd, "Under Two Flags," introducing Simone and starring Ronald Colman.

Remlap Corp. Formed

ALBANY, Aug. 25.—Remlap Amusement Corp., New York, has been formed here with a capital of 100 shares of non par value stock to operate theatres. Sol Rosenberg, David I. Schane and Ester Denker are the incorporators.

SO THAT OUR POSITION MAY BE FULLY UNDERSTOOD

We have steadfastly refused to make announcements as to our policy on the Will Rogers pictures, old or new, until everything that human mortals could do for Will Rogers had been done. That time has now passed. We have been deluged with telegrams and letters from the public at large, and from exhibitors, urging us to release the Rogers pictures, to reissue the old ones and to make all the pictures available for theatres and other places that desire to run them. So that there will be no misunderstanding, our position is as follows:

We will continue to serve the Rogers pictures to those accounts of ours that have them under contract and to our regular customers in the regular way. This will apply to the releases that are now out, as well as to the two new pictures STEAMBOAT ROUND THE BEND and IN OLD KENTUCKY which are still to be released. The handling and releasing of these productions will be done on exactly the same basis as though Will Rogers were still alive and working, and there will be no variation from this. We have refused, and will refuse, to reissue any of the old pictures at this time or take care of the hundreds of demands for spot bookings of the older Rogers pictures. We believe that the orderly showing of these pictures, without making any attempt to cash in on the publicity by the reissuing of old pictures, is the only decent and proper way to handle it, and that will be our policy.

It is our opinion that Will Rogers will live in the memory of the people of the world for many, many years to come and that there will be a legitimate demand to see the work of this great character from time to time, but we refuse to make any attempt to cash in on that which would not have come to us except in the regular, orderly way. We believe that this would have been Will Rogers' wish if he were here today to express himself.

SRKent

President, Fox Film Corporation

Variety Club

Kansas City

Kansas City, Aug. 25.—Variety Club's No. 8 canvas is jogging along comfortably through the dog days. Monday's informal luncheons are pretty well attended; Bingo Wednesday nights is being patronized from nine to 12, after it cools off nicely, etc.

Although it cost a small fortune—$900 and over—to license the bar, that part of the club's activities is doing a good business for summer although it will be fall before profits begin to loom very large.

Aug. 12 saw twice as many at luncheon as the preceding week, with a large Fox Midwest contingent. For the latter Fox's convention at Excelsior Springs Aug. 13 and 14 largely was responsible.

D. S. Lawler and H. E. Jameyson were in from Wichita, and from Kansas City there were E. C. Rhoden, L. J. McCarthy, Charles Jones, Charley Schafer, Frank Ritter. T. S. ("Curly") Wilson, Fox manager at Excelsior Springs, was present.

Others included Don ("Hi Fi") Davis, Al Lindquist of RCA at Camden, R. C. Libeau, Joe Manfre, Jim States, and traveling auditor Ralph Brashear of Paramount; "Peck" Baker, etc.

Baker deserves having a medal struck for him as the most-consistent-Variety-Club-luncheon-attender. He hasn't missed any since Tent 8 was formed.

Philadelphia

Philadelphia, Aug. 25.—The first local industry golf tournament sponsored jointly by Tent No. 13 and *The Exhibitor* will be held Sept. 20 at Whitemarsh Country Club.

Chief Barker Earle Sweigert has named a committee including Jim Clark, Jay Emanuel, Oscar Neufeld, Jack Greenberg, Griff Boardman, Emanuel Sachs, Harry Weiner, John Bachman, Paul J. Greenhalgh, Charlie Zagrans, Ted Schlanger, Leonard Schlesinger, Al Davis.

Whitemarsh Country Club, a championship course, will be the scene. A committee consisting of Clark, Greenberg, Rogasner, Bachman and Boardman accepted the site after Barker Clark announced it could be secured.

Varietymen and industry members from here as well as other cities may attend. A prize committee is at work and a special evening's festivities is planned.

Today Tent No. 13 adjourned to Tom's River, N. J., where kings for the day Harry Blumberg and Iz Hirschblond held sway at an all-day picnic.

Sept. 4 will mark a club luncheon in Atlantic City in connection with the Showmen's Jubilee. Regular local luncheons resume in October.

Cummings Buys Play

Hollywood, Aug. 25.—After a three day visit in New York, during which he purchased screen rights to the aviation play, "Bad Weather," Irving Cummings has returned. He will return to Twentieth Century-Fox in two weeks to begin work on "Snatched."

Out Hollywood Way

Hollywood, Aug. 25. — Barbara Stanwyck wearing her right arm in a sling between takes of "Annie Oakley" at Radio. It is black and blue from kicks of the heavy shot gun she uses in the film. . . . Katharine Hepburn to go to Europe for four months after finishing "Sylvia Scarlett." "Quality Street" and "Mary of Scotland" to follow later. . . . George Folsey, ace cameraman at M-G-M, in New York on a six weeks' vacation. . . . Clifton Webb's mother, Mrs. Mabel Webb, ill with influenza. . . . Harpo Marx insists he has played a Bach concerto on his nickel flute for "A Night at the Opera." He is flying to Vermont for a few days' vacation, but will be back in time for his preview.

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Lucien Hubbard will be back at M-G-M Oct. 1. He is vacationing in South America with his wife and daughters. . . . Arthur Rose of the M-G-M production department off by plane for a two weeks vacation in New York. . . . Clarence Brown, director; Clyde DeVinna, cameraman; Eric Linden and Cecelia Parker back from the "Ah! Wilderness" location in Grafton, Mass. . . . Loretta Young, recalled from her first European vacation, to play the leading role in "Ramona," confined to bed for a few days. Not serious. . . . Claire Trevor laid up with a serious sunburn. . . .

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Nino Martini to plane out of here, following preview of "Here's to Romance." Was originally set to go last week, but postponed his trip when the date of his preview was set back because of the death of Will Rogers. . . . William Wellman, director, and members of "Robin Hood of Eldorado" company, on their second location jaunt. Now at Calabasis. . . . Gladys Swarthout moving from Grace Moore's house to another in Beverly Hills. . . . John Boles is living at Malibu Lake during the filming of "The Rose of the Rancho" for Paramount. The rest of the company commutes to Hollywood. . . . Admiral Byrd off for New York by train night after completing editing of "Little America" at Paramount. He was accompanied by Commander George O. Noville and Charles J. V. Murphy who was radio announcer from the Antarctic. . . . Robert Fender resigning from Louella Parsons' staff to join the publicity department of Paramount. . . .

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Most of the Universal lot took off for San Diego for the opening of "Diamond Jim" there. . . . Mel Riddle of the Twentieth Century-Fox advertising department says that it was a rumble seat he dropped on his right thumb. . . . Leslie Howard arrives from London Sept. 21 to make "The Petrified Forest" for Warners. . . . Richard Wallace who was hurt in the 'plane crash on his way to direct "Annapolis Farewell" for Paramount, attended the world premiere of that film at the Fox, San Diego, in honor of Alexander Hall, who replaced him as director. This was the first time Wallace has left his home since he was removed there from the hospital. . . . Wendy Barrie on a motor tour of Mexico. Returns to Hollywood about Sept. 1. . . . Vallejo Gantner, cousin of Leo Carrillo, has just finished playing his first 30 parts for the screen in "The Crusades." He met Cecil de Mille in San Francisco. De Mille promised him a small part, so down Gantner came to Hollywood hoping to get a line or two to say. First he played a Crusader. Then a knight. He has an excellent voice, so every time some part needed building in a hurry, Gantner got it. Thirty different roles he plays, but you won't recognize him behind the beards, helmets, wigs and paint. . . .

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Casting: Madeleine Carroll to co-star in the film which Walter Wanger will make with Charles Boyer in the other star spot in London in the spring. . . . Alice Faye has the feminine lead in "King of Burlesque," starring Warner Baxter at Twentieth Century-Fox. . . . Darryl Zanuck will produce. . . . Bernadine Hayes plays opposite Conway Tearle in Beaumont Pictures' "The Judgment Book" with Howard Lang, Richard Cramer, Jack Pendleton, William Gould, James Aubrey, Roy Rice and Roy Gallagher. . . . Sidney Blackmer, Irene Ware, Edward Gargan, Lucy Beaumont, Ernest Wood, Herbert Clifton, Dot Farley and John Piccori in cast of "Synthetic Lady," at Chesterfield. . . .

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Jack Mulhall in "Annie Oakley" at Radio. . . . Kay Sutton, Maxine Jennings, Jane Hamilton and Virginia Reid cast for the Ruth Etting short subject same plant. . . . Spencer Charters set for "In Person" starring Ginger Rogers. . . . Enid Marsh, vaudeville player, cast for part in "The Old Maid" at Paramount. . . . Leon Errol in a comedy part in "Coronado," also Paramount. . . . Cora Sue Collins added to Universal's "Magnificent Obsession." . . . John Miljan and Hedda Hopper cast in "Three Kids and a Queen," likewise Universal. . . . William Ricciardi has been brought from New York to play in Warners' "Stars Over Broadway," formerly titled "Radio Jamboree." . . .

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Eddie Duchin and orchestra and Jack Haley to cast of Paramount's "Coronado." . . . Gladys Swarthout opposite Jan Kiepura in his first Paramount, "Song of the Nile." . . . Purnell Pratt, Robert Emmett O'Connor and Mary Gordon for "Waterfront Lady," Nat Levine production. . . . Peggy Hopkins Joyce as charm teacher in "Collegiate" at Paramount. . . . The Choir of the St. Thomas Episcopal Church signed by M-G-M to sing in "The Bishop Misbehaves." . . .

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Warners to star Barton MacLean in "Country Boy" by Dawn Powell. William Wister Haines is doing the adaptation, and Bryan Foy will produce. . . . Preston Foster, who has been built steadily at Radio, to have lead in "Husk," the Thomas Walsh story which starts in September. . . . James Gleason will have a featured part. . . . Stephen Roberts will direct under supervision of Edward Kaufman. . . . Warners select "The Singing Kid," as the second of the series of Dick Foran westerns. William Jacobs is now writing the screen play. . . .

+

Joan Bennett opposite Ronald Colman in "The Man Who Broke the Bank at Monte Carlo" at Twentieth Century-Fox. Added to the cast: Montagu Love, Frank Reicher, Ferdinand Gottschalk, Charles Fallon, Colin Clive and Lionel Pape. . . . Gene Raymond the lead in "The Seven Keys to Baldpate," at Radio. . . . Richard Dix was starred in the Earl Derr Biggers story some time ago. . . . William Sistrom will supervise. . . . Paul Lukas replaces Warren William in the leading male role of "I Found Stella Parrish" opposite Kay Francis at Warners. . . . John Arledge signed to a long term contract as player by Radio.

+

Directors: James Flood on "Husk" featuring Preston Foster at Radio. . . . Al Santell with Barbara Stanwyck in "The Baby Market" at Paramount. . . . Frank Tuttle with Charles Rogers in "Easy Living" at Paramount starting about Sept. 1. . . . Arthur Lubin on "Sailors Forget" for Republic starting about Sept. 15. . .

+

Contracts: Ernest Cossart, brought here by Paramount for "Accent on Youth," signed to a term contract by the studio. First assignment is "Millions in the Air." . . . Allan Scott, who wrote the screen play of "Top Hat," new Astaire-Rogers musical picture with Irving Berlin score, in collaboration with Dwight Taylor, given a new five-year contract by Radio. . . . After seeing his work in "Ball of Fire," Darryl Zanuck took up a six months option on Thomas Beck.

Finds Scripts Improved

Hollywood, Aug. 25.—"In England as in the early days of the movies in Hollywood, comparatively little attention has been paid to stories themselves," stated W. P. Lipscomb on his return from a vacation there. "Producers, until recently, have been more interested in mastering the mechanics of film making. During the past two years, however, more and more importance has been attached to scenarios, and as a result British writers are having an unprecedented opportunity for development. Hollywood will directly benefit from this situation in that a healthy competition among writers had grown, and an exchange of ideas and technique will ultimately better the product of both countries," he added.

Up Fifty Per Cent

New Orleans, Aug. 25.—Returning from a trip through Northern Louisiana, Leo Seichnaydre, manager for Republic, says business in the upper section of the state is practically 50 per cent better than a year ago.

Judel Plans Serials

Chicago, Aug. 25. — B. N. Judel, local independent, will return from the coast Sept. 3. He has been there a month, his first vacation in 20 years. While on the coast, Judel made plans for a group of serials.

"China Seas" Wow Up in Providence

PROVIDENCE, Aug. 25.—"China Seas" proved a smash attraction at Loew's State, bringing in the week's largest gross at $16,000—head and shoulders above anything else in town. Other houses felt the competition keenly and failed to reach par. Press raves helped materially and picture could have been held over except for the fact that Loew's, seating 3,800, exhausts most of the big business in a single week.

"Front Page Woman" and "The New Adventures of Tarzan," pulled $6,000, or $1,000 under, at the Majestic and the same total was the best the Strand could do with "Every Night at Eight" and "This Woman Is Mine." The RKO Albee with a good show, "The 39 Steps" and "Old Man Rhythm," did only $4,000, which is $3,000 under average.

Total first run business, $33,100. Average business, $40,500.

Estimated total for week ending Aug. 22:

"EVERY NIGHT AT EIGHT" Para.)
"THIS WOMAN IS MINE" (Para.)
STRAND—(2,300), 15c-40c, 7 days. **Gross:** $6,000. (Average, $7,000)

"FRONT PAGE WOMAN" (W. B.)
"TARZAN" (Burroughs)
MAJESTIC — (2,400), 15c-40c, 7 days. **Gross:** $6.000. (Average, $7,000)

"CHINA SEAS" (M-G-M)
LOEW'S STATE—(3,800), 15c-40c, 7 days. **Gross:** $16,000. (Average, $12,000)

"THE 39 STEPS" (G. B.)
"OLD MAN RHYTHM" (RKO)
RKO ALBEE—(2,300), 15c-40c, 7 days. **Gross:** $4,000. (Average, $7,000)

"NORTH OF ARIZONA"
RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $1,100. (Average, $1,000)

N.Y. Independents Add to Holdings

(Continued from page 1)

new total of 48. Negotiations are on for the Jerome and two other units in the same borough.

Peter and Adam Adams, who some time ago bought the Park Lane, Palisades Park, N. J., in the next few days will assume operation of the Leonia, Leonia, now being run by Julius Charnow. Negotiations are expected to be consummated in a few days. The Adams also operate in partnership with Paramount the U. S., Paterson, and Paramount, Newark.

Century is understood to have completed a pooling deal with Morris Kutinsky for the Community, Queens Village.

Reinhardt Will Film Another Shakespeare

Max Reinhardt, who made "A Midsummer Night's Dream" for Warners, will return to America in the near future to do another film version of a Shakespearean play for the company, it is revealed by Jake Wilk, manager of the Warner story department, who visited the impresario in Austria last month.

Several European players trained by Reinhardt will be used by him in the film, according to Wilk, who asserts that the producer has already picked his next vehicle but refuses to reveal his choice until production is about to start.

It is further learned from Wilk that Reinhardt plans to transfer all his production activities to this country.

M-G-M Is Reported Selling Protection in Cleveland

(Continued from page 1)

tributors will take advantage of the deal and insist on similar zoning clauses.

Very little selling is going on, independents report. However, M-G-M is being watched. Whether action is planned by the Independent Theatre Owners of Ohio has not been made clear and members are noncommittal. Moe B. Horwitz and Leo Greenberger of Washington and Community circuits, respectively, have been in Atlantic City at the Allied of New Jersey convention. It is understood they will discuss the local matter with Abram F. Myers and Sidney E. Samuelson before returning here from Atlantic City.

Balto Exhibitors Angered

BALTIMORE, Aug. 25.—Independent exhibitors are riled at an important local unaffiliated circuit operator who is demanding increased protection over last year. It is understood one exchange has already granted the extended clearance which might result in filing of a suit, which already has been threatened.

Avalon Petition Filed

MILWAUKEE, WIS., Aug. 25.—Reorganization of the Avalon Realty Co., operators of the Avalon, south side neighborhood house, is sought in a petition filed with the federal district court clerk. In addition to the theatre the building consists of 20 apartments and four stores.

Assets of $699,066 and liabilities of $502,558 are listed in the petition. It points out that $285,000 of the original bond issue is outstanding. Included in the assets are rents due from the rental of the theatre, totaling $146,799. J. H. Silliman, guarantor of the theatre lease, is president of the realty company.

Buys "Wandering Jew"

CHICAGO, Aug. 25.—Sam Handlesman will distribute the Conrad Veidt starring picture, "The Wandering Jew," in Indiana, Illinois and Wisconsin.

Looking 'Em Over

"Sunny Youth"

(Continued from page 17)

A good proportion of these scenes were shot in the Kiev Stadium, one of Russia's greatest sports arenas.

For the sake of continuity the story of the efforts of a scholarly Soviet youth to develop himself into an athlete in a desperate attempt to win popularity has been worked into the production. The climax comes when the lad steps into the starting lineup in a long-distance race at the last moment and beats the villainous athlete referred to above.

The film is a pleasant relief from the ordinary run of Soviet pictures in that it contains some really attractive feminine types in its cast, in which are to be found A. Shubnaya, M. Savitskaya, A. Lakhtionova, N. Penkovich, V. Gomolyak, C. Maeyerovich and A. Kerner. Paul Koromoitsev directed.

This is a silent film with English subtitles.

No production code seal. Running time, 75 minutes. "G."

"Superspeed"

(Columbia)

It seems a shame that players such as Florence Rice, Preston Foster, Charles Grapewine and others of that ilk should be compelled to display their talents in a story such as this. The plot is frayed around the edges from constant use and in this case even the director failed to relieve the monotony by inserting different twists into the humdrum plot.

The photography of Benjamin Kline is good, but the addition of newsreel clips of boat races in several sequences rather kills the good effect his early work creates.

The story has Foster graduating from college as an all-American football player, besides being an engineer. Mary Carlisle talks her father into giving him a job in his automobile plant. Arthur Hohl, the villain, ruins Foster's hopes of success when he tampers with a supercharger the latter has invented and is demonstrating. Foster, undaunted, joins up with Grapewin and Miss Rice at their motor boat plant and with his invention installed on a boat turns the tables on Hohl, wins Miss Rice and recognition in the mechanical world.

It will be difficult to find an audience that hasn't seen the same idea many times before. For small towns and neighborhood dual bills this may fit.

Production Code Seal No. 1115. Running time, 54 minutes. "G."

Set Chesterfield, Invincible Plans

(Continued from page 1)

president of Invincible, will each produce six features for the new schedule, working jointly as in the past. The companies state that their production budgets will be "materially increased" for the new season, and that with this factor and the curtailed output, fewer and better pictures will be the aim of the two companies.

Under the new distributing arrangements completed with Pathe Film Corp. and First Division, the latter will also handle New England distribution for Chesterfield and Invincible in addition to New York, Albany, Buffalo, Philadelphia, Washington, Cleveland, Cincinnati, Detroit, Louisville, Charlotte, New Orleans, Atlanta and Pittsburgh.

Batcheller and Cohen, who are en route back to the coast to set production on two of the three remaining pictures on last year's schedule, closed for stage plays and stories for the new season while here. Their last picture on the past season's schedule will go before the cameras within the next three weeks, it was said.

Library Gets Pledge Of Industry's Aid

HOLLYWOOD, Aug. 25.—Hollywood film leaders, headed by Will Hays, pledged the wholehearted cooperation of the industry to the Museum of Modern Arts Film Library in New York at a dinner given by Mary Pickford at Pickfair last night. The dinner was held for the purpose of outlining the plans of the museum and was attended by representatives of every major studio.

The library will undertake to assemble, catalogue and preserve outstanding films dating from 1890 to the present, drawing selections from here and abroad. The films will be exhibited for study in the museum and colleges throughout the country. The library will also assemble books and periodicals on films and collect photographs and old music scores originally issued to accompany silent films.

Following the dinner Miss Pickford urged the cooperation of the entire industry. Hays pledged the support of the Producers' Ass'n. John E. Abbott, vice-president and general manager of the library, and Iris Barry, curator, who has been working quietly on the coast for the past month, leave for New York Wednesday.

Penn. Allied to Get Data on Shore Meet

(Continued from page 1)

tion next Wednesday at the Shanley Hotel, Pittsburgh.

Davis and Herrington leave here tomorrow for Pittsburgh after spending a week at the shore. Elections will be held around the middle of October, Herrington states.

Ferry Gets ITO Posts

LOS ANGELES, Aug. 25.—C. A. Ferry has been elected second vice-president, treasurer and permanent chairman of the financial committee of the local I.T.O. Dave Rector, Long Beach, succeeds Irving Callin on the directorate. Alexander Pantages has been named an honorary member of the unit.

◂ Purely Personal ▸

CLARENCE BROWN is renewing scores of acquaintances of his early youth in Grafton, Mass., where he has a company on location for "Ah, Wilderness." Brown spent much of his boyhood in the little northeastern town.

•

John J. Kenny, who for several years has been secretary to J. A. Sweetser, president of the Bigelow-Sanford Carpet Co., has been appointed assistant-secretary of the company.

•

Isabel Jewell is here conferring with theatrical producers over two stage plays in which she has been offered roles. She plans to sandwich stage engagements with a picture this Fall.

•

Bob Hope, Gracie Worth, Dick Lane, Johnny Berkes and Donald H. MacBride have just finished a Vitaphone short at the Brooklyn plant under Lloyd French's direction.

•

Frank Buck has left Shanghai for San Francisco. He is due to arrive in this country Aug. 28 and will immediately begin work on cutting and editing his new picture.

Quip of the Day

Just as a gag, after Sam Goldwyn purchased the screen rights to "The Children's Hour," three writers each sent Sam a gift with an accompanying telegram.

The first sent him a kiddie car; the second a scooter; and the third a sand box.

Telegrams were signed Shirley Temple, Jane Withers and Bobby Breen.

Charlie Ruggles is favored for "Fringe of Glory" by William Grew and first play to be turned out under the Earl Carroll-Lee Shubert producing arrangement.

•

Samuel Cummins says he will sail for Europe soon to bring Hedy Kiesler, star of "Ecstasy" to this country to perhaps produce the picture here.

•

Michael Bartlett will be heard on Jack Benny's radio program when the series starts again in the fall. The William Morris office handled the deal.

•

Harry C. Arthur moves to St. Louis on Sept. 15 and from then on it's periodic trips to New York, instead of the other way 'round.

•

Richard V. Anderson of Universal Newsreel has been commissioned Ass't Grand Lecturer of the second Masonic district of Manhattan.

•

Joe and Mrs. Brandt have returned from the coast. Brandt's son, Jerry, is working at the Universal studio cutting room.

•

Edwin Carewe is understood to have sailed for Palestine to shoot material for his picture dealing with the life of Christ.

•

Theodore Reeves' novel, "Glory Hole," has been purchased by Universal as a starring vehicle for Jack Holt.

•

Tom Brown, featured in "Annapolis Farewell," has been signed by Paramount to a new long term contract.

•

E. Thornton Kelly of the Liberty, Freehold, N. J., is back on the job after a week's trip to Wisconsin.

•

Mrs. J. E. Otterson and her daughter, Jane, arrive from the coast tomorrow on the *Santa Rosa*.

•

E. M. Feltman, now in the Warner Boston office, is in a hospital there with a seriously infected foot.

•

Lee Tracy goes into "Bright Star," stage play, soon. Due from Hollywood Sept. 15 to start rehearsals.

•

Sig Wittman leaves today for Scranton and will be gone four days. It's Universal business.

•

Mort Blumenstock is due back today from a tour of Pittsburgh, Harrisburg and Albany.

•

Irving Goodfield and family leave for Hershey, Pa., tomorrow for a three-week vacation.

•

Fred Lightner has been signed by Educational for a series of comedies to be made here.

•

Herman Blum arrived last night from Atlantic City and leaves tonight for Baltimore.

•

Herb Berg denies the colors of his latest necktie are those of his fishing club.

•

Ben Ames Williams' "Small Town Girl" has been acquired by M-G-M.

•

Beverly Schnitzer is due from the coast today. She has been away eight weeks.

•

Ted Sullivan, like H. B. Day, Jr., also wears his trousers up to there.

•

Will H. Hays is due back from the coast shortly after Labor Day.

•

W. Ray Johnston is figuring on a trip to Hollywood this week.

•

Morris Goodman, Mascot's sales manager, is Europe-bound.

•

Ray Kirkwood is on his way back to the coast.

•

Laudy Lawrence, over his illness now, is paying regular visits to the M-G-M home office. He won't return to Paris for several weeks.

•

Thomas D. Goldberg left Atlantic City yesterday for Baltimore after attending the Allied convention. Sam Soltz was on the same train.

•

James A. FitzPatrick is busy cutting and editing two new Traveltalks for M-G-M. One has to do with Canada and the other with Honolulu.

•

Jimmy Savo leaves for Hollywood around Sept. 15 to start work on his first Hal Roach feature. The deal provides options on two others.

•

. . . Canada

W. A. Baillie, prominent Toronto independent, has turned up after being on the missing list for three weeks, looking a near wreck. He had made a 3,000-mile jaunt to Halifax and back on a motorcycle.

Charles Mavety, handling film shipments out of Toronto for the exchanges, performed a Prince of Wales the other day. Fell off his favorite saddle horse and required a zipper for a bad gash on his cranium.

E. J. Delaney of Gananoque, Canada's aviator-theatre owner, competed in the Canadian flying clubs' championship for the Webster Trophy at Montreal and was an "also flew."

Wall Street

Small Losses Mark Big Board

	High	Low	Close	Net Change
Consolidated	4½	4½	4½	— ¼
Consolidated pfd.	16⅝	16⅝	16⅝	— ⅜
Eastman Kodak	149	149	149	— ½
Fox Film "A"	16¼	15¾	15¾	— ½
Loew's Inc.	41⅞	41¼	41¼	— ¼
Loew's Inc., pfd.	105½	105½	105½	+ ⅞
Paramount Publix	4⅝	4½	4½	— ¼
Pathe Exchange	1	⅞	⅞	— ⅛
Pathe Exchange "A"	10½	10½	10½	— ¼
RKO	2⅝	2½	2½	— ⅛
Universal Pictures pfd.	33¾	33¾	33¾	— ¼
Warner Bros.	5¼	5	5	— ⅛
Warner Bros. pfd.	37¼	36	36	—1¼

Sonotone Up ⅛ on Curb

	High	Low	Close	Net Change
Sonotone	2¼	2¼	2¼	+ ⅛
Technicolor	18¾	18¾	18¾	.....
Trans Lux	2⅞	2¾	2⅞	.....

Warner Lone Bond Issue

	High	Low	Close	Net Change
Warner Bros. 6s '39 wd	78	78	78	.....

(Quotations at close of Aug. 24)

Allied Hits Columbia's Sales Plans

(Continued from page 1)

exhibitor asserted the I.E.P.A. of Philadelphia, which works in association with Allied of New Jersey, is trying to get a buying combine together to break down Columbia's demands in South Jersey and Philadelphia.

In Northern New Jersey and New York independents said the company is selling on flat arrangements. Louis Gold of Newark declared he knew this to be a fact and another exhibitor who bought on a percentage basis last year stated Columbia is asking him to sign a contract on a flat rental basis.

Discussions on and off the convention floor by exhibitors indicated many may book away from Columbia this year. Rodner, at the open convention, stated that with the exception of two pictures last season none of Columbia's output made money. He asked for someone to stand up on the floor and contradict him.

No one did.

4 Columbus Houses Back Again to Neth

Columbus, Aug. 25.—In the public auction by the Franklin County Court of the four neighborhood houses, the Clinton, State, Eastern and Cameo, to satisfy foreclosure proceedings for default in bonded indebtedness, John H. McCoy, president of the City National Bank and Trust Co., representing J. Real Neth, acquired the houses for $342,000. This supplants the offer of W. C. Chesbrough of 15 per cent of the bonded indebtedness in cash for the Clinton and Eastern, the remainder to be covered by new bonds at 5½ per cent. His offer for the Cameo and State was 30 per cent cash and the remainder in 5½ per cent bonds.

By McCoy's action Neth regains control of the houses. According to state appraisals the State is valued at $108,000, the Clinton at $95,000, the Eastern at $85,000 and the Cameo at $25,000.

McCoy's bid will pay the bondholders of the Cameo and State in full, but the bondholders, on the other two houses, will not receive the full interest.

HARRY CLORK
HUGH O'CONNELL
PRESTON STURGES
in
"DIAMOND JIM"

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Chance Games Cases Go to Higher Court

Magistrate Refuses to Make a Decision

Magistrate Murphy in the Bronx yesterday passed on to Special Sessions a hearing on bank night against the Tremont, Bronx, after Melvin Albert of Weisman, Quinn, Allan & Spett, attorneys for the I.T.O.A., asked for dismissal.

Albert held that the chance games were not a violation of the lottery law, but Judge Murphy decided not to hear arguments or to ask for briefs, leaving the interpretation to the three judges to sit next month. A number of exhibitors have been arrested during the past few weeks for playing

(Continued on page 2)

Production Down; 36 Features Going

Hollywood, Aug. 26.—Production slumped last week under figures for the past two months. The weekly survey showed 36 features and four shorts in work as compared to 41 features and two shorts the week before.

Paramount had seven features working, three in preparation and scheduled

(Continued on page 2)

Jefferson Adds Two New Spots in Texas

Two new theatres have been built by the Jefferson Amusement Co. in Texas recently, making a new total of 62, Joseph Clemmons, president, stated yesterday. He is here with his brother, T. R., director of theatres, and plans to leave for Beaumont on Sept. 5.

The houses are both named Rig and seat 300. One is in Barber Hill and the other in Anahuac, newly developed oil towns.

Sol E. Gordon, now on the coast, is planning to leave for Texas the end of the week.

Claremore Planning Memorial to Rogers

Claremore, Okla., Aug. 26.—Businessmen here have organized the Claremore Will Rogers Memorial Ass'n, with the intention of building a $2,500,000 museum in honor of the humorist.

The committee in charge includes G. D. Davis, W. E. Sunday and Dr. J. C. Bushyhead.

Sales Tax for Missouri in Effect Today

Theatres There Upset Over Method

Kansas City, Aug. 26.—Exhibitors of Missouri were, figuratively and actually, groaning today as the collection of the one per cent tax gets under way Tuesday. The law replaces the one-half of one per cent tax which has been in effect and which the exhibitor absorbed. The one per cent he must collect. On practically everything the theatre buys—and all it sells—it must pay, or collect, the tax.

Few exhibitors are losing any sleep over the sales taxes which will be

(Continued on page 10)

Brandt Considering Joining New Circuit

Harry Brandt, with 42 houses in his circuit, is seriously considering joining the recently formed independent Theatre Circuit, Inc., but is withholding his decision until 30 theatres, which have signed up, send in checks for participation in the setup.

Of the 73 houses signed, 43 already have submitted payments. Brandt has been approached to accept an executive position in the new organization, but wants the circuit to prove its strength with 100 per cent participation of exhibitors. Brandt, most likely, will be named head of the unit at a salary of $1,000 a week.

'Diamond Jim' Heads For $45,000 at Roxy

"Diamond Jim" is heading for an anticipated $45,000 week at the Roxy. If this figure is reached, it will mark a new record for the house at its current admission scale.

Opening Friday, the picture did slightly under $26,000 by the close of

(Continued on page 11)

Baltimore Hikes

Baltimore, Aug. 26.—Three first runs have hiked the night price of adults from 40 to 55 cents, including tax on week days. They are Loew's Century, the Hippodrome and Warner's Stanley. The Century and Hippodrome both have stage attractions with pictures, but the Stanley runs straight film. The New, Keith's and Little will keep their present standard price in effect.

Court Gives Approval for Fox Met Shift

Federal Judge Francis G. Caffey yesterday signed an order for the transfer of assets of Fox Metropolitan Playhouses to Metropolitan Playhouses, Inc., the new parent company for 84 theatres being operated by Randforce and Skouras Theatres.

Under the terms of reorganization, Louis Frisch and Sam Rinzler of Randforce and George Skouras of Skouras Theatres get 10-year contracts. No change in the present operation setup is planned.

Election of officers and directors of

(Continued on page 8)

3 Newark, O., Houses Combine in a Pool

Newark., O., Aug. 26.—The Midland, Auditorium and Grand have pooled and will operate as the Newark Amusement Co. with the Mort Shea office handling bookings.

M. J. Hiehle, who has been managing the Midland and Auditorium, will continue, as will Floyd Price, who has been managing the Grand. Newark Amusement is a stock corporation in which the Midland interests will hold two-thirds.

Key City Grosses Reflect A Gain at $1,121,730 Bulk

Key city grosses for the week ending Aug. 8-9 gained over the previous week when 123 theatres covered in Motion Picture Daily's box-office index reported an aggregate gross of $1,121,730, as compared with 122 houses rolling up $1,051,219 the previous week.

Business was better in Boston, Buffalo, Chicago, Cleveland, Detroit, Minneapolis, New York, Oklahoma

(Continued on page 8)

New Stay Is Aimed at Fox Film Merger

Three Days Are Given to Make Contempt Moves

Functioning of the Twentieth Century-Fox merger has been held up for another three days by Presiding Justice Lazansky in the Appellate Division in Brooklyn to permit any interested parties to file notice of contempt proceedings. The stay was granted yesterday morning.

The proceedings were an outgrowth of the injunction sought recently by Mrs. William Fox. The court's action was a reversal of an order issued by Justice Alonzo McLaughlin last Thursday when he vacated his own stay and refused to grant an injunc-

(Continued on page 8)

Delay Expected for Trial at St. Louis

Hearings on the injunction proceedings against Warners, RKO and Paramount are not expected to get under way before Federal Judge Moore in St. Louis on Sept. 4, the original date set by the judge, it was stated in film legal circles yesterday.

Judge Moore is on a vacation and is not expected back until Sept. 6 or

(Continued on page 2)

Loew's and W. & V. End Virginia Pool

Loew's and Wilmer & Vincent have amicably terminated a 10-year operating pool in Richmond and Norfolk, both interests agreeing it best to bring to a close the partnership arrangement of eight years' standing.

Reverting to Loew operation are the theatres bearing the circuit name in both towns. The Norva and Grandy in Norfolk and the Colonial, National and Strand, Richmond, are W. & V. units.

Week runs will be continued in the Loew houses with M-G-M and U. A. product.

New Picket Arrests Bring Total to 400

With the arrest of 65 pickets over the week-end, the total number of Local 306 sandwich men brought into court on various charges since the union started its picketing campaign

(Continued on page 11)

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Delay Expected for Trial at St. Louis

(Continued from page 1)

Sept. 7, it was said, thus delaying departure of Bruce Bromley, Louis Phillips and I. Levinson. The three attorneys were scheduled to leave for St. Louis tomorrow, but have put off their trips until next week.

Some of the principals involved in the suit had not been served by yesterday. Harry C. Arthur, operator of the Ambassador, Missouri, Fox, St. Louis and Grand Central, plans to leave for St. Louis next week. He hasn't been served yet, but like others involved expects to be summoned any day now.

Mack Swain Passes

TACOMA, Wash., Aug. 26.—Mack Swain, 59, veteran comedian, died last night. Here from Chicago on his way to Hollywood, the actor suffered an internal hemorrhage earlier in the day. Surviving are his widow and three brothers. Swain made a name for himself in the early Keystone comedies in support of Charlie Chaplin.

FRANK CRAVEN
in
"ANNAPOLIS FAREWELL"
WILLIAM MORRIS OFFICE

Purely Personal

NEIL AGNEW, CHARLES REAGAN, ARTHUR LEE, GEORGE WEEKS, JAMES A. FITZPATRICK, EDWARD RUGOFF, GREGORY DICKSON and WILLIAM FEITELSON, at the Tavern; FRED QUIMBY, E. M. SAUNDERS, ROY H. HAINES, LEO ABRAMS, MAX COHEN, EUGENE PICKER, LOU K. SIDNEY, HENRY RANDEL, LOUIS FRISCH, SAM RINZLER, SAM SHIPMAN, HARRY BRANDT, LEON NETTER, JOSEPH PLUNKETT, J. T. COSMAN, JACOBO GLUCKSMAN, WILLIAM SCULLY, DON JACOCKS, BERT ADLER, HOWARD DIETZ and PHIL MEYER at the Astor dining and conversing at various tables.

•

MADGE EVANS, HELEN VINSON, MRS. WALLACE BEERY, MAJOR JOHN ZANFT, MAURICE and MRS. SILVERSTONE, and ALEXANDER KORDA are among the passengers arriving here today on the *Ile de France*.

•

H. G. WELLS has decided to devote his creative writing efforts directly to films and will soon be en route here from England, on his way to Hollywood.

Quip of the Day

When an executive assistant to a producer recently made a hurry-up plane trip to New York, a scribe queried the studio: "Why the sudden departure of the exec?"

Said the voice on telephone: "He's looking for new faces—for himself and the boss."

FRED ASTAIRE will be on hand to present trophies to the winners of the *Daily News'* Harvest Moon amateur dance contest at the Garden Wednesday night.

•

JOE E. BROWN will make a personal appearance at the Chicago Theatre, Chicago, next Friday night with the opening there of his latest, "Bright Lights."

•

JOSEF ISRAELS II, president of Publicity Associates, leaves Thursday on the *Aquitania* for Addis Ababa where he will represent Pathe News.

•

I. E. CHADWICK is in from the coast working on arrangements for four pictures. He plans to leave by the end of the week.

•

MRS. T. L. JENKINS and PADDY JENKINS, mother and sister of WENDY BARRIE respectively, arrived on the *Scythia* yesterday.

•

FRED W. GELSEY'S original, "Portrait of John Garner," has been purchased by Radio. It does not deal with the vice president.

•

SAM KATZMAN, independent producer, has arrived from the coast. He is working on new production plans.

•

ARTHUR WILLI, RKO Radio talent scout, is back at his desk in the RKO Building after a trip to the studios.

•

HENRI ELLMAN, Chicago independent exchange man, is in town.

•

GARY COOPER, who has been vacationing in New York and Southampton, left yesterday by plane for the coast to begin rehearsals for "The Pearl Necklace."

•

SIR MALCOLM CAMPBELL of British Fox Movietone News and BELA LUGOSI are due here today on the *Majestic*.

•

MORT SINGER returned from Chicago yesterday to sit in on the circuit-union wage negotiations.

•

CHARLES STERN, eastern division manager of U. A., left yesterday on a tour of eastern key cities.

•

JAKE GOLDEN, RKO city manager in Rochester, arrived yesterday for home office conferences.

•

BILL BRENNER of National Screen, accompanied by his wife, sails for London tomorrow.

•

HERBERT LUBIN has wed THURZAH DOCK.

Wall Street

Trading Irregular on Big Board

	High	Low	Close	Net Change
Columbia	67⅛	67	67	—1½
Consolidated	4¼	4¼	4¼	— ¼
Consolidated, pfd.	16¾	16¼	16½	— ⅛
Eastman	149	149	149	.....
Fox	15¾	15⅝	15¾	.....
Loew's, Inc.	41½	40⅝	41½	+ ¼
Paramount	4⅝	4⅜	4⅜	— ⅛
Pathe	1	⅞	⅞	.....
Pathe "A"	11	11	11	+ ½
RKO	2⅝	2½	2½	.....
Warner Bros.	5⅛	5	5	.....
Warner, pfd	37	36	37	+1

Technicolor Up 1¾ on Curb

	High	Low	Close	Net Change
Sonotone	2⅛	2	2⅛	— ⅛
Sentry Safety	⅜	⅜	⅜	— ⅛
Technicolor	20½	19⅞	20½	+1¾
Trans-Lux	2¾	2⅝	2⅝	— ⅛

RKO Bonds Gain 3⅛

	High	Low	Close	Net Change
General Theatre Equip. 6s '40 ctf	14¼	14	14	— ¼
Keith B. F. 6s '46	89⅜	89⅜	89⅜	+ ⅞
Loew's 6s '41 ww deb rights	103¾	103½	103¾	+ ½
RKO 6s '41 pp	54⅛	54⅛	54⅛	+3⅛
Warner Bros. 6s '39 wd	77	76¼	76¾	— ⅛

(Quotations at close of Aug. 26)

Committee Named to Aid Memorial Move

HOLLYWOOD, Aug. 26.—The Producers' Ass'n today named the following committee of industry leaders to cooperate in any move to establish a national Will Rogers memorial:

E. H. Allen, M. H. Aylesworth, R. H. Cochrane, Harry and Jack Cohn, E. W. Hammons, Will Hays, Henry Herzbrun, B. B. Kahane, Sidney Kent, Carl Laemmle, Jr., Al Lichtman, Harold Lloyd, Louis B. Mayer, John Otterson, Hal Roach, Joseph and Nicholas M. Schenck and Harry M. and Jack L. Warner.

Memorial for Rogers

HOLLYWOOD, Aug. 26.—A bronze plaque, bearing the likeness of Will Rogers, will be placed over the entrance to the new sound stage being erected at Twentieth Century-Fox's Westwood lot. The stage will be completed in about seven weeks and will be known as the Rogers Stage.

Chance Games Cases Go to Higher Court

(Continued from page 1)

various games after a warning by the police department. It is believed that all cases will be held up pending disposal by Special Sessions.

Milton C. Weisman's office has been retained by screeno as local counsel. Last week attorneys for various agents of games in New York met at Weisman's office and agreed to take the issue to the Court of Appeals in Albany if such a move was found necessary. However, this cannot be done until an adverse decision has been handed down.

Game operators are in favor of the Special Sessions hearing. They are of the opinion that this will bring to a temporary halt the arrests in connection with games.

Delay in Cleveland

CLEVELAND, O., Aug. 26.—The local court of appeals scheduled to hear the appeal of the Fountain Theatre from the common pleas court decision denying a petition to stop Bank Night at the Haltnorth, slated for today, has postponed the hearing until Sept. 10 because one of the judges is ill.

Halt Bank Night Case

LINCOLN, Aug. 26.—Court action in the bank night case against Roy Headrich, operator of the Lyric here, was halted for the time being today when Judge Polk asked attorneys to submit briefs. The suit is being brought by County Attorney Towle after several complaints.

Production Down; 36 Features Going

(Continued from page 1)

to begin within two weeks and seven in the cutting room. Warners had seven, one and seven; M-G-M, five, two and 11; Radio, five, two and six; Universal, four, one and two; Fox, three, two and three; Columbia, three, two and four; Goldwyn, zero, one and one, with the independents showing two, two and one.

Short subject production gained a notch. M-G-M had one in work, two in preparation and four in the cutting room. Columbia had one, one and two; Warners, one, zero and one; Radio, one, two and three; Universal, zero, two and zero. The independents had zero, two and zero.

Seek $4,100 Judgment

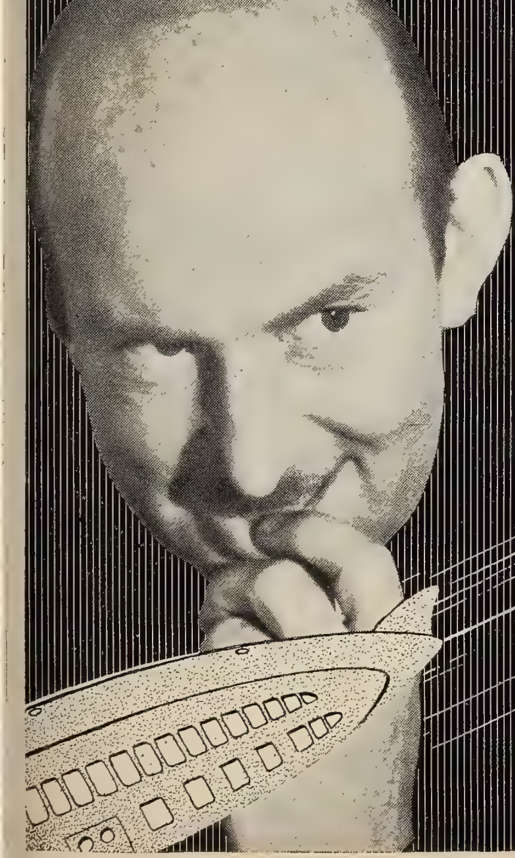
A motion for a judgment for $4,100 was filed yesterday in the Manhattan Supreme Court by the New York Amity Exchange, Inc. against Essenem Pictures Corp. covering six contracts wherein the plaintiff allegedly sold certain pictures to the defendant. Al Mackler and Harland Holmden, acting president of Local 306, who are said to have taken over Essenem, were named as co-defendants. The motion sets forth the plaintiff is entitled to a judgment because of Holmden's repeated failure to appear for examination before trial.

ROARING FARCE AT 150 MILES PER HOUR!

The Best Seasoned Box Office Dish Of The Year . . . Served Piping Hot . . . And Garnished With Giggles, Laughs and Roars.

NAT LEVINE Presents

STREAMLINE EXPRESS

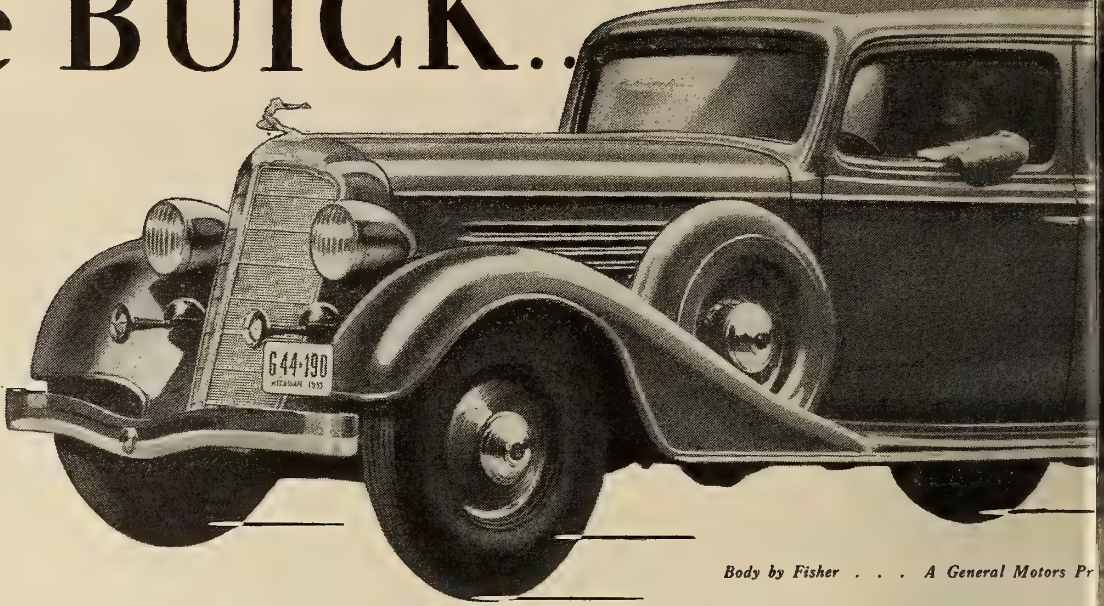


With

VICTOR JORY
EVELYN VENABLE
ESTHER RALSTON
RALPH FORBES
SIDNEY BLACKMER
ERIN O'BRIEN-MOORE
VINCE BARNETT
SYD SAYLOR

A MASCOT PICTURE

Like the BUICK. .



Body by Fisher . . . A General Motors Pr

In automobiles it's Buick for acceleration . . . And we're pleased to see that Warner Bros. have applied the same principle to pictures for 1935-'36. Pleased because prosperity for your industry will aid prosperity in ours . . . And flattered because Warner Bros. must have had Buick's quick-starting qualities in mind when they planned ALL THESE THRILLING SHOWS AT THE VERY BEGINNING OF THE NEW SEASON!

MARION DAVIES
in
"PAGE MISS GLORY"
Every opening record smashed at Earle, Washington world premiere! With
PAT O'BRIEN • DICK POWELL
MARY ASTOR and 9 OTHERS
Directed by Mervyn LeRoy

KAY FRANCIS
in
"THE GOOSE AND THE GANDER"°
with
GEORGE BRENT • GENEVIEVE TOBIN • RALPH FORBES
Kay's most fascinating role–
Directed by Alfred E. Green

SYBIL JASON
Greatest little star of them all, in
"LITTLE BIG SHOT"
with
GLENDA FARRELL • ROBERT ARMSTRONG • EDW. EVERETT HORTON • JACK LaRUE
Directed by Michael Curtiz

"I LIVE FOR LOV
with
DOLORES DEL RI
Introducing the stage's favorite singing st
EVERETT MARSHALL
Directed by Busby Berkeley

°A First National Picture ¢ A Cosmopolitan Production

.WARNER BROS.

GET OFF TO A

FLYING START

PAUL MUNI
in
"DR. SOCRATES"
Muni as the 'Scarface' of medicine in the ollier's serial by 'Little Caesar's' author—
with
ANN DVORAK
Directed by William Dieterle

DICK POWELL
RUBY KEELER
in
"SHIPMATES FOREVER"c
The 'Flirtation Walk' of Annapolis! With
LEWIS STONE • ROSS ALEXANDER
Directed by Frank Borzage

BETTE DAVIS
in
"SPECIAL AGENT"c
with
GEORGE BRENT • RICARDO
CORTEZ • JACK LaRUE
First film of Treasury Department's 'T-Men'
by 'G-Men' director William Keighley!

"CAPTAIN BLOOD"°
Rafael Sabatini's celebrated novel spectacularly produced with star cast headed by
ERROL FLYNN and OLIVIA
DE HAVILLAND
Directed by Michael Curtiz

Because we are confident that the exhibitors' success with such attractions as these will be quickly reflected in increased sales of fine motor cars, Buick is happy to extend this salute from one leader to another—and to assert our belief that when better spectacles, musicals, melodramas and comedies are made, Warner Bros. will make them.

Buick

WHEN BETTER AUTOMOBILES ARE BUILT, BUICK WILL BUILD THEM

"DIAMOND J

ALL-TIME R

NEW YORK R

FRIDAY, SATURDAY and SU
in the history of the house!
extra shows! Cashiers had
biggest smash hit the industr
And it's only the FIRST of U

CARL LAEMMLE *presents*
EDWARD ARNOLD in **"DIAMOND J**

M" SMASHES ECORDS AT XY THEATRE!

AY grosses each the biggest tics raved! Patrons demanded stop selling tickets! It's the ver started a new season with! ERSAL'S LINE-UP for 1935-36!

" with **JEAN ARTHUR BINNIE BARNES** Cesar Romero Eric Blore Hugh O'Connell George Sidney • Produced by Edmund Grainger • Directed by Edward Sutherland

New Stay Is Aimed at Fox Film Merger

(Continued from page 1)

tion against the Twentieth Century-Fox merger.

The stay sought yesterday by Murray Becker, of Hirsh, Newman, Reass and Becker, attorneys for Mrs. Fox and other minority stockholders of Fox Film Corp., was asked pending an appeal to the Appellate Division for a reversal of Justice McLaughlin's order in allowing the merger.

Ralph F. Harris, attorney for the film company, told the court that the merger had already been consummated. The court was informed that this was accomplished at 444 West 56th St. a brief time after Justice McLaughlin's order had been handed down last Thursday.

Becker insisted that the consummation of the merger had taken place before Justice McLaughlin had listed his stay on Thursday at 3 P.M. and said he had evidence to prove that the consummation actually took place at 2:30 P.M. Thursday, on which day a corporation certificate was handed the Secretary of State in Albany for the reorganized company. Harris declared that these objections were academic. Becker insisted that his point was that the consummation took place before Justice McLaughlin's order had been lifted and that while the stay was still in operation.

Harris said this situation was no embarrassment to the merger, but that it did damage the interests of 17,000 individual stockholders in the new company who found themselves in the possession of newly issued certificates of stock in the new company which they could not trade in on the open market.

Robbins to Develop Leo's Musical Stock

Hollywood, Aug. 26.—Jack Robbins has been appointed by M-G-M to form a musical stock company with new singing and dancing talent. Roger Edens, a vocal coach, will be associated with Robbins in building the company which will operate in a manner similar to the Oliver Hinsdell stock company. The project is to give new talent six months' training, start them in shorts and later present them in features.

Cancel Censored Film

Boston, Aug. 26.—After suffering more cuts than any other picture here in some months at the hands of the Dep't. of Public Safety which censors films under the Sunday laws, "The Girl in the Case" which was scheduled to open at the Fine Arts has been canceled by Manager George Kraska. Scanty dress in the first three reels drew the majority of the disapproval.

Hyams Brings Product

Bertram H. Hyams is in New York from London to market here "Variety," "Womanhood" and "Cock of the North," produced by Butchers, and "Not for Publication," a series of six two-reelers made by Ace Prod.

Key City Grosses Reflect A Gain at $1,121,730 Bulk

(Continued from page 1)

City, Philadelphia, Providence and St. Paul. It dropped off in these key points: Denver, Indianapolis, Montreal, Omaha, Portland, San Francisco, Seattle and Washington.

Comparative grosses for the last available periods:

	Week Ending Aug. 8-9		*Week Ending Aug. 1-2*	
	No. Theatres	***Gross***	***No. Theatres***	***Gross***
Boston	6	$61,500	6	$53,500
Buffalo	5	37,900	5	29,800
Chicago	8	112,800	8	111,500
Cleveland	6	43,750	6	43,000
Denver	6	20,700	6	25,800
Detroit	6	64,000	6	57,800
Indianapolis	4	18,000	4	24,500
Kansas City	5	37,250	5	37,700
Los Angeles	9	98,680	8	63,869
Minneapolis	6	22,000	6	21,500
Montreal	3	20,500	4	24,500
New York	7	220,350	6	180,200
Oklahoma City	4	17,100	4	13,600
Omaha	3	16,200	3	21,700
Philadelphia	8	67,600	8	60,900
Pittsburgh	3	25,900	4	31,000
Portland	6	26,700	6	31,700
Providence	5	34,500	5	30,400
San Francisco	7	73,300	6	79,200
St. Paul	4	15,600	4	15,500
Seattle	6	30,100	6	32,750
Washington	6	57,300	6	61,800
	123	$1,121,730	122	$1,051,219

Comparative grosses for the last available periods:

Week Ending	*No. Theatres*	*Grosses*
Sept. 27-28	132	$1,419,815
Oct. 4-5	132	1,412,844
Oct. 11-12	132	1,344,137
Oct. 18-19	131	1,385,533
Oct. 25-26	133	1,386,935
Nov. 1-2	135	1,288,992
Nov. 8-9	134	1,386,736
Nov. 15-16	133	1,389,743
Nov. 22-23	136	1,305,450
Nov. 29-30	137	1,369,576
Dec. 6-7	136	1,401,989
Dec. 13-14	135	1,244,610
Dec. 20-21	135	1,070,800
Dec. 27-28	139	1,408,788
Jan. 3-4	141	1,719,887
Jan. 10-11	138	1,361,450
Jan. 17-18	138	1,251,130
Jan. 24-25	138	1,251,130
Jan. 31-Feb. 1	137	1,354,350
Feb. 7-8	135	1,332,415
Feb. 14-15	136	1,381,960
Feb. 21-22	137	1,318,630
Feb. 18-19	140	1,405,417
March 7-8	139	1,295,650
March 14-15	137	1,358,384
March 21-22	135	1,325,360
March 28-29	137	1,334,375
April 4-5	139	1,242,487
April 11-12	140	1,205,456
April 18-19	139	1,115,386
April 25-26	142	1,421,800
May 2-3	140	1,250,132
May 9-10	145	1,417,888
May 16-17	138	1,236,100
May 23-24	137	1,235,650
May 30-31	137	1,152,200
June 6-7	134	1,119,900
June 13-14	134	1,155,950
June 20-21	134	1,089,850
June 27-28	129	1,160,370
July 4-5	126	1,063,119
July 11-12	127	1,063,200
July 18-19	125	1,023,457
July 25-26	126	989,500
Aug. 1-2	122	1,051,219
Aug. 8-9	123	1,121,730

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Court Gives Approval for Fox Met Shift

(Continued from page 1)

Metropolitan Playhouses will be held tomorrow. It is expected Joseph M. Schenck will be named president and Weisman vice-president. Neither Schenck nor Weisman has definitely indicated acceptance of the executive posts.

Judge Caffey's order becomes effective the end of the week when the necessary papers will be drawn up and completed.

Skouras yesterday stated he does not intend to drop any Long Island theatres as reported elsewhere.

Charles Skouras, who arrived from the coast over the week end, plans to remain for two weeks on product discussions.

Lina Pictures Sues To Recover Assets

Joseph Briskman, as president of the Lina Pictures Corp., filed an application yesterday, in the Manhattan Supreme Court for an examination before trial of Benjamin W. Solomon, assistant secretary of Principal Dist. Corp., in connection with an action for an accounting brought by the complainant.

Briskman claims that on April 18, 1932, Talking Picture Epics, Inc., was about to give up its business as distributor of educationals and travelogues and engaged Principal to take over all of its assets and continue distributing the pictures over which Epics had control.

In his affidavit, Briskman complains Principal has withheld some of the proceeds which it had collected for the Epics and also alleges the contract which Epics and Principal entered into has been terminated and that he is now entitled to a return of all its property. This application was submitted to Justice Samuel I. Rosenman.

Counsel for the defendant denied allegations of Briskman for an accounting setting forth that Principal had submitted monthly statements. Counsel for Principal also claimed Epics was a declared bankrupt in January, 1933, and that Briskman purchased the estate in bankruptcy from the Irving Trust Co. which was the trustee in bankruptcy; that Briskman purchased the accounts receivable and other claims for "a measly sum of $375." Justice Rosenman reserved decision.

Mix Planning Four

Canton, O., Aug. 26.—Tom Mix, heading his own circus this season, said when here he would make four features at the close of the present circus season, probably for RKO. He and Mrs. Mix plan a motor vacation in France, Italy and Buenos Aires this winter.

Buck Back Soon

Hollywood, Aug. 26.—Frank Buck will arrive in San Francisco from the Orient Aug. 28 and will go immediately to New York to cut and edit 100,000 ft. of film shot while in the Far East. RKO will release.

Thanks, MR. SARGENT

"I frankly admit to an interest in only one type of picture—the type of picture which makes it possible for Fox West Coast to keep some 200 theaters operating up and down the Coast, paying salaries to innumerable employees and giving the producer a fair return on his investment.

" 'Call of the Wild' is just such a picture. It is breaking records in almost every house. We are playing it at the worst time of the year, in the middle of a heat wave. But the most amazing thing about this picture is the fact that business grows from day to day instead of diminishing.

"Frequently, we play pictures with important stars and impressive box-office titles. When they do not live up to the expectations for the star or the title, we find we have a very profitable opening day—but from then on the receipts diminish, and the picture often ends up in the red.

"Only when the public enjoys a picture immensely does the business hold up for an entire week or two week engagement. Yet the second week's business at both the Chinese and Loew's State exceeded the first week's business of many of the important pictures played under the present policy.

"If you should ask me why 'Call of the Wild' is a success, my reply would be that it is a combination of all the ingredients of showmanship. It has a well-known story by a well-known author, is cast with well-known players, and is presented magnificently, romantically and with great human interest."

—THORNTON SARGENT, FOX WEST COAST THEATRES
in The Hollywood Reporter

JOSEPH M. SCHENCK
presents
CLARK GABLE
in JACK LONDON'S
Call of the Wild
with
LORETTA YOUNG
JACK OAKIE
a DARRYL ZANUCK Production
20th CENTURY PICTURE

Released thru
UNITED ARTISTS

Sales Tax for Missouri in Effect Today

(*Continued from page* 1)

collected from them, but they are very uneasy about the effect of collection upon their patrons and about the process of collection itself. As one exhibitor remarked, Missouri showmen underestimated the effect of the sales tax until the last few days before it went into effect and then probably overestimated it.

It is expected to be an annoyance of the first water to get patrons accustomed to paying the tax. However, theatres expected to go ahead and use the tokens, which in one-mill and five-mill denominations, resemble in size, appearance and material milk bottle caps.

The physical detail of getting patrons past the box-office and into the theatre will be increased considerably at first. However, Barney Joffee of the Tower, for one, doesn't think that after the public becomes accustomed to it additional box-office help will be required except, possibly, at exceptional peaks. And when a theatre has a big crowd, the management probably won't be worrying about a small matter like the sales tax.

Can't Use Change-Makers

Because of the physical makeup of the tokens, theatres won't be able to use change-makers. Exhibitors expect for a few days, or possibly even a few weeks, that antagonism to the tax will express itself in refusal to spend any more money than is necessary.

The Fox Midwest circuit according to L. J. McCarthy, district manager, will use what other theatres use. He said he would have liked coupon books so that cashiers would not have to make change and box-office transactions would have been speeded up, but he doesn't regard the token problem as insurmountable. Fox theatres already have had experience similar to what they will have under the sales tax in the matter of "gift stamps."

The great fear of exhibitors is that the box-office will be slowed down so much additional help will be required to get patrons into the theatre.

The tax, which covers theatre, athletic and amusement admissions, will result in a profit for theatres with admission prices ending in the five-cent mark.

Tokens Secured at Banks

Tokens are being secured at banks. They can be redeemed there or at the state auditor's office. In half a dozen small Missouri towns banks have turned down the tokens and at Charleston, Mo., merchants have refused to become tax collectors for the state. Over 15,000,000 of the caps were in circulation today and more were being manufactured.

Exhibitors will have to pay the tax on any item they use as an ultimate consumer. This includes trailers, film delivery, electric lights, water, gas, posters, janitor supplies, laundering or cleaning of uniforms, newspaper advertising, billboards and handbills. Under the old one-half of one per cent tax, there was no tax on posters and one-sheets, newspaper advertising and electric lights.

Manufacturers will have to collect the tax from exhibitors on sound equipment, cooling apparatus, carpets and seats. However, installation service charges, for sound equipment and parts, will not pay the tax if the bill for service is rendered separately from the bill for equipment. Otherwise the supply company will have to include in the bill a tax charge covering the total equipment and installation charges.

Court tests of the constitutionality of the law may be expected, according to Attorney General Roy McKittrick, who has consistently opposed the sales tax. Also, it will be illegal to collect more than the amount of the tax due; that is, two mills on 15-cent sales, etc. Under such circumstances there would have to be, besides the one-mill tokens, tokens worth a fraction of a mill. The tokens are not legal tender and hence collection of the tax by that method by the state is not legal, inasmuch as the collection of any debt must be by legal tender.

Thalberg in Tomorrow

Irving Thalberg is due in New York from Hollywood tomorrow, accompanied by his wife, Norma Shearer.

Re-Sign Wellman

Hollywood, Aug. 26.—M-G-M has signed William Wellman, director, to a long-term contract. He has just completed "Robin Hood of El Dorado" for the studio.

Montgomery Going West

Robert Montgomery, who has been vacationing here, leaves New York for the M-G-M studio today. Slated for him are "Piccadilly Jim," which Harry Beaumont will direct and Harry Rapf produce, and "Small Town Girl," which Hunt Stromberg will produce with Maureen O'Sullivan as the feminine lead.

Reversing It

Denver, Aug. 26.—"Naughty Marietta" is being brought back first run to the Broadway after having played most of the subsequent runs. The picture previously had played the Denver for a week and the Broadway for 11 days doing good business at both houses.

To Do "Beggar's Opera"

Hollywood, Aug. 26. — Edward Small will produce one of the first light operas ever written, "The Beggar's Opera," for United Artists release. George Houston will sing the leading role after he finishes in "The Last of the Mohicans."

Staub to Film Roundup

Hollywood, Aug. 26.—Ralph Staub, producer of shorts for Warners, will take a camera crew to Pendleton, Ore., Sept. 8 to film the annual Pendleton Roundup, which will take place Sept. 11-14. Staub will build a two-reeler around the scenes he shoots.

May Do a Musical

Hollywood, Aug. 26.—Robert Edmond Jones arrives here from New York Sept. 20 to start color and set designs for the next Pioneer picture. A musical is under consideration.

Warners Sign Lieber

Fritz Lieber, exponent of Shakespeare, has been signed by Warners. His first assignment, which will also be his first role in films, will be that in "Enemy of Man."

E. G. Levy a Father

New Haven, Aug. 26.—Film Row is welcoming Charles Joseph Levy, first son of Edward G. Levy.

It Happened in Cleveland

Candid camera shot of Billy Ferguson, in person, and a group of his M-G-M exploiteers in Cleveland to put over "Here Comes the Band." From left to right, the lowdown: Charlie Deardourff, Cleveland and Pittsburgh territory; W. G. Bishop, Detroit and Cincinnati; "Fergy," Benny Darrow, Buffalo and Albany; Fred Bartow, Chicago and Indianapolis. Even the costumes were promoted.

Texas Starts New Theatres In Wholesale

Houston, Aug. 26.—With almost $3,000,000 worth of actual and potential theatrical construction, renovations and repairs announced for Texas and $1,150,000 of this scheduled for Houston, the state is enjoying the greatest amount of this type of work in its history.

Much of the work is already under way and the rest is definitely planned. Projects for Houston include Will Horwitz's new Uptown Theatre and renovation on Horwitz's Iris and Texan, the latter being connected with the former by a subway under Capitol Ave. This has been under construction for several months and is expected to be completed by midfall. The amount will run to about $200,000, including a central cooling plant for the three theatres and an arcade from the Uptown to the Iris, which is on the opposite side of the same block.

Interstate Theatres, Inc., has started a program in Houston alone of one downtown deluxe and five suburban theatres at a total cost of $800,000 for the suburbans and $150,000 for the downtown. All of these houses have been announced for openings before Christmas.

In addition to the projects in Houston, others in the state are listed as follows:

Dallas: Spanish Villas Theatre, $125,000, and remodeling of the Old Mill, $70,000.

Ft. Worth: A new Interstate theatre, $110,000; a suburban at Camp Bowie, $125,000; remodeling of the Iris in the Ft. Worth Stockyards district, $60,000.

Taylor: Renovation of the Palace, $9,000.

Cameron: Renovation of the Palace, $10,000.

Laredo: New 1,200-seat theatre, $135,000.

Sweetwater: New R. and R. theatre, $140,000.

Denton: New $75,000 theatre.

Austin: New $140,000 theatre.

El Paso: Suburban theatre, $75,000.

U. A., 'Frisco, Reopening

San Francisco, Aug. 26.—The United Artists, which has been dark for several weeks, will re-open Aug. 31 with "Call of the Wild." The house will follow its accustomed long-run policy with a 40 cent top.

RKO Takes Back House

Cincinnati, Aug. 26.—RKO has again taken over the 2,100 seat Orpheum, opposite the RKO Paramount. The circuit previously operated the house until a year ago when it turned it back to the owners, the Martin estate. It has since been handled by Chester Martin.

Knobel Takes Sheridan

Ben Knobel has taken over the Sheridan on a 21-year lease. The deal provides for a $3,500 rental to Dec. 31, 1935, $9,000 annually for the next three years, $10,000 a year for the next three years, $11,000 annually for the succeeding eight years and $13,000 a year for the balance of the lease.

Photophone Men to Convene at Camden

CAMDEN, N. J., Aug. 26.—Forty-five sales representatives of RCA Photophone will hold their annual convention here Sept. 4-5 with E. M. Harley, manager of sales, in charge. At the close of the first day, a dinner will be held at the Tavistock Country Club near here.

E. T. Cunningham, president of RCA Manufacturing Co., of which Photophone is a division, will deliver an address. Ted Wallerstein will talk on recording, John K. West on 16 mm. sales, F. B. Ostman on serviceing, Thomas F. Joyce on publicity, Max Batsel on engineering, W. L. Rothenberger on commercial sound sales and Richard T. Turner on Sonotone aid-for-hearing equipment.

Photophone plans to make Trans Lux rear projection equipment available to all comers, regardless of the make of sound in the prospective customer's theatre.

Akron M'g'rs Block Carnivals Via Tax

AKRON, O., Aug. 26.—The Akron Theatre Managers' Ass'n has been successful in its campaign to limit the stay of carnivals. The city council has for consideration a new ordinance that makes carnival licenses prohibitive. Under the new setup carnivals having 25 cars must pay $100 a day; 50 cars, $200 a day, and more than 50 cars, $300 a day. The present license is $5 a day.

Agitation was started by theatre operators several weeks ago when a major carnival remained here two weeks in the heart of the downtown district, seriously affecting theatre patronage.

RKO Soon to Open Exchange in Warsaw

An exchange will be opened in Warsaw by RKO to handle distribution of RKO Radio product throughout Poland. No manager has been appointed, but Harry W. Leasim and Michael Havas of the foreign staff are looking over the field.

Reisman to Scandinavia

Phil Reisman, vice-president of RKO Export Corp., will leave London shortly on a business tour of the Scandinavian countries. He will be accompanied by E. D. Leishman, director of Radio Pictures International, Ltd. In September they will go to Warsaw to inspect the new office.

'Diamond Jim' Heads For $45,000 at Roxy

(Continued from page 1)

business Sunday and was expected to hit about $5,000 yesterday. A checkup shows 3,603 paid admissions were refunded on Saturday because of capacity crowds and that, from Friday to Sunday inclusive, almost 82,000 customers paid to see it.

The picture will be held a second week and may go three.

Second week of "Accent on Youth" at the Paramount ended with $13,000. "Curly Top" at the Palace was good for $11,700, while "Call of the Wild" finished its first week at the Rivoli with $25,000.

Vaude Back in Lincoln

LINCOLN, NEB., Aug. 26.—Vaudeville is set to return here Sept. 30 at the Orpheum now that difficulties with the local musicians' union have been ironed out.

"Da Vinci" in Color

HOLLYWOOD, Aug. 26.—Walter Wanger will produce a version of "Leonardo da Vinci" in color next spring in London. Charles Boyer will have the title role.

Serials Downtown

New Orleans, Aug. 26.—The Tudor is running a serial, "The New Adventures of Tarzan," two episodes a week. The St. Charles is running a Tom Mix serial and reports excellent results.

Heretofore, serials were supposed to be only a drawing card in the neighborhoods.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Broadway Melody of 1936"

(M-G-M)

HOLLYWOOD, Aug. 26.—Entertainment grand and glorious, comedy joyful and boisterous, songs tuneful and melodious, dancing, world-beating, taps, terpsichore, choreography and rhythms plenty hotcha meld in this musical melody that propels a new personality, Eleanor Powell, to the mazdas and gives Jack Benny, the funny man; Robert Taylor, the lover; Frances Langford, the torch singer, Una Merkel and Sid Silvers, the laughateers, with Vilma and Buddy Ebsen, two eccentrics, and June Knight full and free outlet for their ace-high talents.

Here is a show with heart interest from a yarn based on a story by Moss Hart with the screen play by Jack McGowan and Silvers. It's all about a columnist, Benny, who can't keep his nose out of other people's romances until his beezer is poked a few times. He creates a fictitious personality, and Miss Powell, small town girl, is forced to impersonate his creation, she makes good in the big show and gets her man, Taylor. The story is designed with the heartache and victory of the Main Stem.

The song, "You Are My Lucky Star," sung by Miss Langford and also by Miss Powell, sticks in your whistle. Other tunes, "I've Got a Feeling You're Fooling," "Broadway Rhythm," "Sing Before Breakfast" and "On a Sunday Afternoon," all by Nacio Herb Brown and Arthur Freed, the original "Broadway Melody" writers, are tuneful treats. Miss Powell, in her first film reveals star talents and is tops in taps, singing, beauty, imitations and trouping. Robert Wildhack's snoring specialties are belly laughs. Henry Stockwell sings the original "Broadway Melody" number.

Beautiful in movement and setting is Albertina Rasch's ballet. Distinctive is the musical direction of Albert Newman and the dances created by Dave Gould. The art direction, photography, gowns and sound are in M-G-M's best craftsman's manner.

John Considine produced under Sam Katz's aegis.

Benny's national popularity, the discovery of Miss Powell, fresh songs, laughs, dances, girls and romance make this a crackerjack musical show of big money and for big money.

Production Code Seal No. 1294. Running time, 110 minutes. "G."

"This Is the Life"

(Twentieth Century-Fox)

HOLLYWOOD, Aug. 26.—"This is the Life" is keynoted by wholesome family appeal.

Jane Withers, ward of Gloria Roy and Gordon Westcott, supports her guardians by vaudeville trouping. Displeased with ill treatment and five shows a day, Jane joins John McGuire, who is fleeing from the police, in a transcontinental trek. Casting their lot with Sidney Toler and Francis Ford, who run a traveling medicine show, the pair proceed west, dodging their pursuers.

Eventually arriving at the ranch of Sally Blane and Emma Dunn, McGuire gives himself up to save Jane. The balance of the players then start a tent show, raising money which clears McGuire and permanently frees Jane from Miss Roy and Westcott's domination, with McGuire and Miss Blane clinching for a romantic finish. Joe Engel produced.

Lamar Trotti and Arthur Horman's screen play from Gene Towne and Graham Baker's original story, gives storm and sunshine Jane an ample opportunity to display her versatility. She sings, dances and acts with the grace and poise of a seasoned veteran. The direction of Marshall Neilan is expert throughout, hitting many memorable highlights.

As a pleasing comedy drama, the picture should click.

Production Code Seal No. 1294. Running time, 67 minutes. "G."

Finkelstein Houses Trying New Policies

DES MOINES, Aug. 26.—Iowa managers of Finkelstein Theatres, Inc., are putting into operation booking policies agreed upon at a recent meeting and outing at the Inn, Lake Okoboji, Ia. Dan and Harold Finkelstein of Minneapolis presided over the two-day discussion.

R. M. Copeland, Des Moines manager for Paramount, and Elmer Tilton, manager of Warners, discussed their 1935-36 product. Frank Rubel of Des Moines, district manager for Finkelstein, assisted in the program.

The Iowa managers attending were: Clifford Lindblad of the Atlantic, at Atlantic; Don Smith of the Earle, at Carroll; Marion Parkinson of the Iowa, at Jefferson; Gordon McKinnon of the Grand, at Perry; Willard Gettier of the Spencer, Spencer; H. E. Holm of the Royal, at Spirit Lake; Percy Long of the Granada, at Webter City, and Herman Fields of the Armory, at Clarinda.

New Picket Arrests Bring Total to 400

(Continued from page 1)

several weeks ago tallies more than 400. Mass picketing of Harry Brandt theatres in the Times Square sector will be continued, it was stated at Local 306 headquarters. Allied pickets, meanwhile, continue parading before RKO and Loew houses on Broadway.

Negotiations between circuit-union representatives were resumed yesterday and are expected to last a few more days. While both sides are holding fast to an agreement not to give the sessions publicity, it is understood that the scale being set up will be basic for all theatres in the metropolitan area.

Overrules on Pickets

NEW ORLEANS, Aug. 26.—Judge Arthur Charbonnet of the Criminal District Court has reversed a decision of the lower court prohibiting theatre picketing. The lower court had convicted a group of Socialists, Liberals, Communists and Anti-Fascists who distributed handbills in front of the Crescent several months ago attacking the current film, "Man of Destiny," as un-American. Those convicted were charged with disturbing the peace.

N. O. Union Wants More

NEW ORLEANS, Aug. 26.—The scale of the projectionists' union expires September 1. The union demands an upward revision in one or two instances, particularly downtown, of approximately $10 a week.

Musician Trouble Seen

PHILADELPHIA, Aug. 26.—With expiration of the musicians' contracts shortly, circuits are expecting difficulty in getting together on new agreements. No trouble with the stagehands' union is in sight, it is stated.

Pittsburgh Agreement Nears

PITTSBURGH, Aug. 26.—An agreement is imminent between theatres and the musicians' union on a next season deal following a recent confab that lasted until daybreak.

Shirley Out Front Again; Chicago Now

CHICAGO, Aug. 26.—It looked like the good old days around the Chicago last week what with terrific matinees and block-long lines waiting for their chance to buy tickets for "Curly Top." There were stage names on the bill, too, but all fell by comparison with the magic draw of Shirley Temple. The take was $40,500. Normal there is $34,600.

Total first run business was $133,900. Average is $122,100.

Estimated takings:

Week Ending Aug. 22:

"CURLY TOP" (Fox)

CHICAGO—(4,000), 35c-50c-68c, 7 days. Stage: Willie and Joe Mandel in stage revue. "March of Time" on screen. **Gross:** $40,500. (Average, $34,600)

"CHARLIE CHAN IN EGYPT" (Fox)

ORIENTAL—(3,940), 25c-40c, 7 days. Stage: Renee Villon and Penthouse Party revue. Mark Fisher. **Gross:** $16,600. (Average, $15,000)

"ALICE ADAMS" (Radio)

PALACE—(2,509), 25c-35c-50c, 7 days. Stage: Vincent Lopez and Orchestra with vaudeville. **Gross:** $25,100. (Average, $19,000)

"ACCENT ON YOUTH" (Para.)

ROOSEVELT—(1,591), 30c-40c-60c, 5 days. **Gross:** $11,000. (Average, $11,000)

"FARMER TAKES A WIFE" (Fox)

UNITED ARTISTS—(1,700), 30c-40c-60c, 7 days. **Gross:** $17,200. (Average, $17,000)

"BROADWAY GONDOLIER" (W. B.)

APOLLO—(1,400), 25c-35c-50c, 7 days. **Gross:** $6,200. (Average, $6,000)

"MAN ON FLYING TRAPEZE" (Para.)

GARRICK—(900), 25c-35c-50c, 7 days, 2nd week. **Gross:** $4,000. (Average, $6,500)

Week Ending Aug. 23:

"THE NITWITS" (Radio)

STATE-LAKE—(2,776), 20c-30c-35c, 7 days. Stage: Broadway Blues Revue and vaudeville. **Gross:** $13,300. (Average, $13,000)

"China Seas" Wins New Haven; $10,000

NEW HAVEN, Aug. 26.—"China Seas" opened the new season at Poli's with a $10,000 week, an advance of $3,500 over average for this 3,000-seat house. The show, co-featuring "Who Killed Cock Robin," easily led the town during a stifling week and is being held over in toto for a second week at the College.

The Paramount fell below par with "Every Night at Eight" and "Symphony of Living," grossing $4,200 as against its summer average of $4,800. "39 Steps" and "We're in the Money" at the Roger Sherman did $4,000, missing its par by several hundred dollars. The College, featuring "The Black Room" (Columbia) and "Without Children" flopped to an $1,800 week, which is about $900 under par.

Estimated takings for the week ending Aug. 22:

"CHINA SEAS" (M-G-M)

POLI—(3,040), 35c-50c, 7 days. **Gross:** $10,000. (Average, $6,500)

"EVERY NIGHT AT EIGHT" (Para.)
"SYMPHONY OF LIVING" (Invincible)

PARAMOUNT—(2,400), 35c-50c, 7 days. **Gross:** $4,200. (Average, $4,800)

"39 STEPS" (G.B.)
"WE'RE IN THE MONEY" (W.B.)

ROGER SHERMAN—(2,200), 35c-50c, 7 days. **Gross:** $4,000. (Average, $4,500)

"THE BLACK ROOM" (Columbia)
"WITHOUT CHILDREN" (Liberty)

COLLEGE—(1,960), 25c-35c, 7 days. **Gross:** $1,800. (Average, $2,700)

"China Seas" Leads Boston With $17,000

BOSTON, Aug. 26.—"China Seas" made the big noise here last week and it was plenty. At Loew's Orpheum, where average is $12,000, the picture went to $17,000, and that called for a holdover.

Loew's State, which has been running day and date with the Orpheum, went $1,000 over par with the same picture, but now forsakes its former policy to go double feature. The shift is described as temporary.

"Jalna" held up at the Memorial, running to $14,000, or $2,000 ahead of the norm. Major Edward Bowes made a personal appearance Thursday to introduce his first amateur short, and this, of course, helped. Boston's substantial Irish population turned out for "The Irish in Us" at the Metropolitan, which did par business at $22,000.

Weather was fair and sweltering, except for what seemed like a cloudburst on Thursday.

Total first run business was $81,000. Average is $79,500.

Estimated takings for the week ending August 22:

"WE'RE IN THE MONEY" (W. B.)
"THE VIRGINIAN" (Para.)

FENWAY—(1,382), 30c-50c, 7 days. **Gross:** $3,500. (Average, $4,500)

"ALICE ADAMS" (Radio)

KEITH'S MEMORIAL—(2,907), 25c-65c, 7 days. **Gross:** $14,000. (Average, $12,000)

"CHINA SEAS" (M-G-M)

LOEW'S ORPHEUM—(2,970), 25c-55c, 7 days. **Gross:** $17,000. (Average, $12,000)

"CHINA SEAS" (M-G-M)

LOEW'S STATE—(3,537), 25c-55c, 7 days. **Gross:** $13,000. (Average, $12,000)

"IRISH IN US" (F. N.)

METROPOLITAN—(4,332), 35c-55c, 7 days. Stage: "Cavalcade of Fashion" with Walter Dare Wohl, Jack Holland and June Hart, Grace Barrie, Buddy Clark, Elida Ballet, and I. J. Fox Fur Fashion Revue with fifty mannequins. **Gross:** $22,00. (Average, $22,000)

"WE'RE IN THE MONEY" (W. B.)
"THE VIRGINIAN" (Para.)

PARAMOUNT—(1,793), 25c-50c, 7 days. **Gross:** $5,500. (Average, $7,000)

"THE COWBOY MILLIONAIRE" (Fox)
"WOMAN IN THE DARK" (Radio)

RKO BOSTON—(3,246), 25c-40c, 7 days. **Gross:** $6,000. (Average, $11,000)

"China Seas" Gets Indianapolis High

INDIANAPOLIS, Aug. 26.—"China Seas" was a sensation at Loew's, hitting $8,500. This is $4,000 over normal, nearly double.

It was a big week all around. "The Farmer Takes a Wife" was strong at $4,500, "We're in the Money" was well above par at $8,000, and "Every Night at Eight" pulled a good $4,500.

Total first run business was $26,500. Average is $19,500.

Estimated takings for the week ending Aug. 24:

"THE FARMER TAKES A WIFE" (Fox)

APOLLO—(1,100), 25c-40c, 7 days. **Gross:** $5,500. (Average, $4,000)

"EVERY NIGHT AT EIGHT" (Para.)

CIRCLE—(2,800), 25c-40c, 7 days. **Gross:** $4,500. (Average, $4,000)

"CHINA SEAS" (M-G-M)

LOEW'S—(3,000), 25c-40c, 7 days. **Gross:** $8,500. (Average, $4,500)

"WE'RE IN THE MONEY" (Warners)

LYRIC—(2,000), 25c-40c, 7 days. Vaudeville. **Gross:** $8,000. (Average, $7,000)

"Irish in Us" Is Strong in Lincoln

LINCOLN, Neb., Aug. 26.—"The Irish in Us" was the only picture to score an above average gross on the week. At $3,300 it was $200 above the line.

Total first run business was $8,550. Average is $8,850.

Estimated takings:

Week Ending Aug. 21:

"MEN WITHOUT NAMES" (Para.)
"SCOUNDREL" (Para.)

ORPHEUM—(1,200), 10c-15c-20c, 7 days. Split week. **Gross:** $1,600. (Average, $1,700)

"NORTH OF ARIZONA" (Spectrum)
"HOT TIP" (Radio)
"DANGER AHEAD" (Victory)

COLONIAL—(750), 10c-15c, 7 days. Three changes. **Gross:** $750. (Average, $850)

Week Ending Aug. 22:

"SHANGHAI" (Para.)

LINCOLN—(1,600), 10c-20c-25c, 7 days. **Gross:** $2,000. (Average, $2,200)

"EIGHT BELLS" (Col.)
"DEATH FLIES EAST" (Col.)

VARSITY—(1,100), 10c-15c-20c, 7 days. Dual feature. **Gross:** $900. (Average, $1,000)

Week Ending Aug. 23:

"IRISH IN US" (F. N.)

STUART—(2,000), 10c-25c-40c, 7 days. **Gross:** $3,300. (Average, $3,100)

King Awaits 'Plane

DAYTON, O., Aug. 26.—Henry King, Fox director, is here for a week while awaiting completion of a new airplane being built to his special order at Troy, O., about 25 miles distant.

Book Allen's Amateurs

CHICAGO, Aug. 26.—The Fred Allen amateur radio show goes into the State-Lake beginning Aug. 31. "Going Highbrow" will open then for its first "loop" showing.

"Curly Top," At $27,000, Frisco's Hit

SAN FRANCISCO, Aug. 26.—"Curly Top" ran away from the field in an otherwise dull week by getting $27,000 at the Warfield. This tops average by $7,000.

The only other attraction to get anywhere was a dual bill consisting of "Dante's Inferno" and "Smart Girl" which garnered $11,800 at the Paramount.

Total first run business was $72,800. Average is $69,200.

Estimated takings:

Week Ending Aug. 20:

"ALICE ADAMS" (Radio)

GOLDEN GATE—(2,800), 25c-35c-40c, 7 days, 2nd week. Stage band. **Gross:** $11,500. (Average, $13,000)

Week Ending Aug. 21:

"THE BLACK ROOM" (Col.)
"SHE GETS HER MAN" (Univ.)

ORPHEUM—(3,100), 15c-35c-40c, 7 days. **Gross:** $6,000. (Average, $7,500)

"DANTE'S INFERNO" (Fox)
"SMART GIRL" (Para.)

PARAMOUNT—(2,670), 25c-35c-40c, 7 days. **Gross:** $11,800. (Average, $10,000)

Week Ending Aug. 22:

"MANHATTAN MOON" (Univ.)

FOX—(4,600), 10c-25c-35c, 7 days. Stage: 24 Fanchonettes. **Gross:** $8,800. (Average, $10,000)

"THE IRISH IN US" (Warners)

ST. FRANCIS—(1,400), 15c-30c-40c, 7 days, 3rd week. **Gross:** $6,900. (Average, $6,000)

"CURLY TOP" (Fox)

WARFIELD—(2,700), 25c-35c-40c-50c, 7 days. Stage, band. **Gross:** $27,000. (Average, $20,000)

Week Ending Aug. 23:

"NELL GWYNN" (U. A.)

CLAY—(400), 25c-35c, 7 days. **Gross:** $800. (Average, $700)

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USE NATIONAL HIGH INTENSITY PROJECTOR CARBONS . . .

HIGH Intensity Projection allows ample general illumination for comfortable vision from the moment of entrance into the theatre. It dispels that annoying period of blindness. Patrons appreciate the ability to find their seats without stumbling or groping. National High Intensity Projector Carbons, in addition to comfortable vision, bring the further satisfaction of perfect projection. They improve the depth and realism of black and white and make colored pictures especially pleasing.

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Picture Bills Forgotten As Congress Ends

Copyrights and Sirovich Probe Hang Fire

By **BERTRAM F. LINZ**

WASHINGTON, Aug. 27.—Leaving the copyright bill and the Sirovich resolution for an investigation of the industry hanging fire, the first session of the 74th Congress adjourned shortly after midnight this morning after a continuous sitting of eight months, leaving behind it a record showing appropriations of some $8,000,000,000 and the enactment of many New Deal measures of major importance.

So far as the film industry was directly concerned there was much talk but little action on legislation. The copyright bill was passed by the Senate but will not be acted upon in

(*Continued on page* 9)

Krimskys Are Told To Appeal to Hays

HOLLYWOOD, Aug. 27.—The Krimsky brothers were informed today by the Hays office in New York that their appeal against the action of the Producers' Ass'n here in banning "Maedchen in Uniform" must be filed directly with the M.P.P.D.A. Should the appeal be ignored because of the Krimskys' non-membership in the organization, action will be taken through a producer member, it was said.

Photophone Eying Erpi Pact Details

RCA Photophone's investigation of Erpi recording license agreements is continuing here as well as in Hollywood with the questioning of individuals regarded as experts on the Erpi pacts, it was stated yesterday at the offices of Col. William Donovan, counsel for Photophone.

Although the identity of those being questioned was not divulged it was

(*Continued on page* 9)

Date for St. Louis Trial Set Sept. 10

ST. LOUIS, Aug. 27.—The new date set for hearing of the government's injunction suit against Paramount, Warners and RKO, alleging conspiracy to hold back first runs from Fanchon & Marco's Ambassador,

(*Continued on page* 9)

Lucky Wins in First Decision On New York City Chance Games

In the first case decided in local courts, Lucky yesterday was declared legal by Magistrate Eilpern in the Schneider Ave. court, Brooklyn.

Bernard Barr of Barr & Barr, representing Lucky, held that the chance game was not a violation of the lottery law. Howard Lesser's Glenwood, Flatbush Ave., Brooklyn, was defendant in the action.

Various types of games are on the calendars in other magistrates' courts. At the present time there are 135 houses in Greater New York reported playing Lucky.

Final Fox Met Action Awaits Mack's Return

Final approval of the Fox Metropolitan reorganization plan will not be given by the Federal court here until Judge Julian W. Mack, who has had jurisdiction over the company's affairs since it first entered receivership almost four years ago, returns from a European vacation some time next month, it was learned yesterday.

Thus, although Federal Judge Francis G. Caffey's order authorizing the transfer of the assets of Fox Met to the new company, Metropolitan Playhouses, will take effect this week and a complete board of nine directors has been named and is slated to meet to elect officers tomorrow, all of these steps will remain subject to

(*Continued on page* 4)

Find Code Ignored In 70 Situations

WASHINGTON, Aug. 27.—Nearly 70 examples of abandonment of former code standards in amusement industries were revealed today in statistics compiled by the NRA to show

(*Continued on page* 12)

Decision Set Today on 20th Century-Fox

A decision on Mrs. William Fox's application for an injunction against the Twentieth Century-Fox Film merger and reorganization will be made this morning by Judge Edward Lazansky of the Appellate Division of the N. Y. Supreme Court in Brooklyn. Pending his decision, Judge Lazansky continued the temporary stay of the merger proceedings, which was issued by him last Thursday, until 9 A. M. today.

At a hearing before Judge Lazansky yesterday, Murry Becker of Hirsh, Newman, Reass & Becker, attorneys for Mrs. Fox, argued further for the injunction. Becker told the court that his client

(*Continued on page* 12)

Capitol Film Prod. Formed in England

By **BRUCE ALLAN**

LONDON, Aug. 27.—Capitol Film Prod., Ltd., with a capitalization of £150,000 has been formed as successor to the old Capitol company. Major

(*Continued on page* 4)

Korda Here to Confer with Lichtman on New Pact Terms

Alexander Korda, upon his arrival on the *Ile de France* yesterday, stated the purpose of his trip to the United States was to personally meet Al Lichtman, president of United Artists, and to discuss his new program of six pictures.

Korda said he had never met Lichtman and his visit "is more of a social nature than anything else." Lichtman went down on a cutter to meet Korda. Also on the cutter was Joseph M. Schenck, chairman of the board of Twentieth Century-Fox. Robert T. Kane, English production head for

(*Continued on page* 9)

Double Bills In, Vaudeville Policy Is Out

4 More Loew Theatres Switch—39 Now

Vaudeville will be dropped in four local Loew houses, two of the de luxe type, for double features starting Sept. 6. The move will bring to a total 39 theatres in the circuit on a twin bill policy.

Three of the units will adopt duals a week from Friday. They are the Valencia, Paradise and the Orpheum. The Boulevard on Sept. 13 will drop the four-day-a-week vaudeville policy.

The first twin bill will be "China Seas" and "Bright Lights." This program will play for a full week in all 39 houses, following which split weeks will be the order of the day. "China Seas" is an M-G-M special and "Bright Lights" is a 1934-35 Warner release.

Serious consideration was given to inaugurating a dual policy at the Pitkin, but late yesterday Loew execu-

(*Continued on page* 9)

"Steamboat" Off to Big Chicago Start

CHICAGO, Aug. 27.—"Steamboat Round the Bend" is doing a terrific business at the Roosevelt, having grossed slightly over $11,000 in its first three days and heading for better than a $20,000 week. It is slated for a second week and may go four.

B. & K.'s advertising campaign is smaller than usual and nowhere in the

(*Continued on page* 12)

Ascap Receivership Extended in Seattle

SEATTLE, Aug. 27.—The temporary receivership for the Washington State branch of Ascap was continued indefinitely here today by Superior Court Judge D. F. Wright when he denied a motion to transfer the case to the Federal courts. The court also sanctioned the continuance of Tracy

(*Continued on page* 12)

Operator Wage Deal Looked for Shortly

Circuit-union conferences on a basic wage scale for the local area are expected to wind up either today or tomorrow. When the parleys end, circuits are slated to get concessions

(*Continued on page* 12)

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

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Laemmle Again Says "U" Is Not for Sale

San Francisco, Aug. 27.—For the "umpty-umpth" time Carl Laemmle has denied that he plans to retire or to sell Universal. He made this statement during the course of an interview with Fred Johnson, drama editor of the *Call-Bulletin.* Laemmle was here to attend the premiere of "Diamond Jim" at the Orpheum.

"I've been in the picture industry for 29 years and I'm not yet ready to retire," he said, "both for business as well as sentimental reasons."

Laemmle added that he was opposed to the word "murder" in film titles and that he believed a studio can make pictures without going in for cycles, such as gangsters or biographies.

"The public is interested in many other things that are vital these days," he said, also adding that he felt business was muchly improved in the film industry.

Para. Stock Rights Expire on August 30

Holders of old stock of Paramount Pictures Inc. and of certificates of deposit for such old stock yesterday were reminded by the company that the warrants, evidencing subscription rights to which such stock and certificates of deposit are entitled, expire at 3 P.M. on Aug. 30. Holders of such securities who intend to exercise their subscription rights were urged to do so at the earliest moment.

Insiders' Outlook

By RED KANN

"SERVE those accounts that are under contract accepting no repeat engagements on any and immediately lock up and seal in your vault all prints of Rogers subjects that have completed all of their contracted business."

So John D. Clark wired Fox exchange managers yesterday, making it emphatically clear that no effort will be made while the comedian's death is still fresh to capitalize on a circumstance that lends itself poorly to opportunity for commercial gain. It should be said for Fox that it turned down flat hundreds of wires, telephone calls and letters seeking repeats of Rogers pictures earlier released, the unofficial estimate of business thus dangled before the distributor running to about $250,000 and perhaps as high as $300,000.

Interesting is Clark's telegram, indicating further how the corporation will conduct itself in a situation which was not easy to handle:

"'Steamboat Round the Bend' doing unprecedented business, every pre-release engagement including Chicago, Los Angeles, Salt Lake City, San Francisco, Tucson, Sacramento, South Bend and others proving conclusively Will Rogers pictures will bring premium. Therefore make certain to book 'Steamboat Round the Bend' to best of advantage, also get your keys set as soon as possible. It is our intention at least at present to release 'In Old Kentucky' Dec. 6 as originally announced. However on your Rogers retain to book 'Steamboat Round the Bend' serve all those accounts that are under contract accepting no repeat engagements on any and immediately lock up and seal in your vault all prints of Rogers subjects that have completed all of their contracted business. Based on the unprecedented business of 'Steamboat Round the Bend' we feel that we have a very valuable asset in these older negatives and we may release some of them this coming spring or possibly put them in our or possibly put them in our schedule next year. gested that this be done and have offered terms equally as good as the terms enjoyed for first engagements. Acknowledge this telegram and advise when each individual Rogers will be withdrawn from service."

▼ ▼

Hot, like griddle cakes, is Floyd B. Odlum's interest in RKO and from it all something may develop. This is the deal whereby Atlas would become the dominant factor in RKO by purchasing RCA's investment in the company. Some of the detail of that proposal ran in this space on July 29. Because the outline has changed little and because scissors and paste make columning easier on a stuffy day, we repeat from that earlier day:

> The reputed difficulty about a deal between Sarnoff and Odlum is the usual difficulty which these matters entail. The former is striking for as much on RCA's sixteen millions in RKO that it can get. It is said to be in the Sarnoff mind that he is holding out for a dollar-for-dollar deal. It is also said for those who, by experience at least, are familiar with finance at large that Sarnoff, if he is holding on to such an idea, will find himself holding on for some time to come. The understanding is, however, that RCA is of far more interest to him than RKO and that, because this is so, Sarnoff is adamant about a full return on the communication company's investments in the film company.

▼ ▼

The third circuit menace, as Loew and RKO view it, will not develop in this area after all that's been said and some of the things that have been done. Having had difficulties with the RKO chain on '35-36 product, Andy Smith, as you probably are aware, sold away to Abe Schwartz's Century Circuit, five theatres in the latter group thereby being stepped up into the first run classification in their zones. The houses are the Kingsway, Flatbush, which is pretty much of a lone hand with no direct RKO opposition; the Merrick, Jamaica, which competes with RKO's Alden; the Fantasy, Rockville Center, which was involved in a lengthy protection row with RKO's Strand, Far Rockaway, some months ago; the Patio, Brooklyn, which is in direct competition with the RKO's Kenmore, and the Grove, Freeport, which apparently doesn't annoy RKO. . . .

▼

From Schwartz's angle the deal is of considerable interest because it made it possible to elevate the Merrick from third and fourth runs to first; the Fantasy from second and third—a victory over its traditional enemy, the Far Rockaway Strand; the Patio from third and fourth and the Grove from second and third. That is one deal. A second embraces Springer and Cocalis who operate the Beacon and Stoddard on the West Side. They have a buying arrangement with the Skouras' Riverside and Nemo and that works out in this fashion: When Skouras buys, the deal automatically includes the S. and C. houses; in reverse, the situation holds as well. The S. and C. deal, therefore, makes Warner product available first run in four, not two theatres and bids fair to seriously embarrass RKO's 81st St. A third deal with George Walsh for the Strand, Yonkers, closes out RKO's Proctor in that city. . . .

▼

Whether or not they figured Smith was bluffing is not an available fact. At any rate, the RKO crowd turned busy the other day and began to palaver with several possibilities, all designed to send the dove of peace soaring over the greater city, in the immediate offing. One may be a Warner re-purchase of Century's contract on terms eliminating some of Schwartz's film worries by switches and changes in current protection to ease the strain at several points, notably the Fantasy and the Patio. Possible also is a deal whereby RKO will relinquish the 81st St. Possible, again, is a Warner-RKO get-together to include the latter's theatres not now covered in the three manoeuvres already engineered. This is a lengthy and rather involved route leading to the conclusion, poised at the outset, that the third first run circuit in Greater New York will not develop after all. . . .

Thalberg Denies He Plans New Company

Chicago, Aug. 27.—Irving Thalberg, who passed through here today en route from Hollywood to New York, denied coast reports linking him with a new production company, reputedly planned along United Artists lines with Winfield Sheehan, Sol Wurtzel and Hunt Stromberg, as owner-members. Arthur and David M. Loew have been tied in by report as well.

Wurtzel Non-Committal

Hollywood, Aug. 27.—Sol Wurtzel declared he had nothing to say when asked about reports linking his name with a new production company with which the names of Winfield Sheehan, Irving Thalberg and Hunt Stromberg have been connected via the rumor route.

Arthur Loew Uninformed

Arthur Loew late yesterday, when asked to comment on the report, said: "I don't know anything about it."

His brother, David, could not be reached for a statement.

"CHINA SEAS"
M-G-M
Clark Gable
Jean Harlow
Wallace Beery

1935-36 PRESENTS ITS CARD!

Motion picture history is being written at the box-offices of America as "China Seas" now chalks up 2nd Week records from Coast to Coast (3rd week, Capitol, N. Y.) Despite summer heat it beats the biggest of prior M-G-M hits, even those played on holidays, even those played with expensive stage shows! The thrill of this New Season beginning gladdens the heart of M-G-M showmen all the more in the knowledge of other Giant M-G-M Entertainments, completed, previewed, acclaimed . . . and ready for your box-office!

Wall Street

Small Losses on Big Board

	High	Low	Close	Net Change
Columbia	67	63	63	—4
Consolidated	4⅜	4	4	— ¼
Cons., pfd	16½	16⅛	16⅛	— ⅜
Eastman Kodak	148¾	146	146	—3
Fox	15⅞	15⅛	15⅜	— ⅜
Loew's, Inc.	41¾	40	40¼	—1¼
Paramount	4⅜	4	4	— ⅜
Pathe	1	1	1	.....
Pathe "A"	10½	10½	10½	— ½
RKO	2⅝	2½	2½	.....
Warner Bros.	5⅛	5	5	.....
Warner, pfd	36	35¼	35¼	—1¾

Technicolor Off on Curb

	High	Low	Close	Net Change
Sonotone	2⅛	2	2	— ⅛
Technicolor	21¼	19¾	19¾	— ¾
Trans-Lux	2⅝	2⅝	2⅝	.....

Little Activity on Bonds

	High	Low	Close	Net Change
General Theatre Equip. 6s '40 ctf	14	14	14	.....
Loew's 6s '41 ww deb rights	103⅝	103⅝	103⅝	— ⅛
Paramount F. L. 6s '47	101⅜	100¾	100¾	—1¼
Warner Bros. 6s '39 wd	77	75¼	75¼	—1⅛

(Quotations at close of Aug. 27)

Purely Personal

ROSARIO BOURDON, conductor of the City Service radio orchestra, is pinch hitting for NAT SHILKRET in the scoring and recording of three FitzPatrick TravelTalks. SHILKRET is in Honolulu and is due back Sept. 6. While there he is working on the score of "David Livingstone," first of a series of features planned by FITZPATRICK.

●

MEL HEYMANN of the M-G-M publicity is home with a bad cold. MANNY REINER of the same company is expected to leave St. Elizabeth Hospital, Washington Heights, the latter part of the week.

●

THOMAS J. VALENTINO of the Gennett Record Co. sails Saturday on the *Ile de France* to place transcriptions with European radio stations and to pick up film product for various distributors here.

Quip of the Day

Joe Von Sternberg, with a desire to perpetuate profile and headline, recently engaged a sculptor to do the job. Surveying the handiwork, Von Sternberg remarked:

"But, you have given me no chin."

"I am a sculptor, not a plastic surgeon," answered the artist.

COL. WILLIAM DONOVAN, of counsel for the RKO trustees, is due in from Hollywood tomorrow and plans to return there in about two weeks on legal work for RCA Photophone.

●

JIMMY GRAINGER is among those who have been week-ending in Saratoga. Others in the same division: AL LICHTMAN, NED DEPINET, JULES LEVY, DAVE SELZNICK.

●

HENRY KAUFMAN has been named manager of Columbia exchange operations. He fills the vacancy caused by the death of HENRI LINET.

●

DOROTHY PAGE, under contract to Universal, has arrived in New York to broadcast on the PAUL WHITEMAN hour Thursday night.

●

DOUGLASS MONTGOMERY has arrived here from the coast to look over several plays he may do here this winter.

●

LILLIAN MESSENGER, RKO talent and story scout, has returned from a trip to the studios where she reported on her recent trip abroad.

●

YVONNE, CECILE, EMELIE, ANNETTE and MARIE DIONNE, Pathe News stars, are now playing "two a day" at their nursery in Callander, Ont.

●

LOUIS GOLDBERG will reopen the Pelham, Pelham, N. Y., on Sept. 6. He operates another theatre in Long Island.

●

DR. RICHARD BURTON, member of the faculty of Rollins College, will broadcast Sept. 6 and 13 over the eight-station Intercity network on "A Midsummer Night's Dream."

●

T. R. THOMPSON, Kansas City manager for RKO, is in town for conferences with Jules Levy at the home office.

●

GRACE MOORE and her husband, VALENTIN PARERA, arrive tomorrow from their European vacation on the *Rex*.

●

JOHN E. OTTERSON, whose departure from Hollywood was again delayed, does not arrive here until tomorrow.

●

JOSEPH M. SCHENCK plans to leave for the coast by plane on Friday and will remain there indefinitely.

●

TRISTAM TUPPER'S "Magnolia Grove" has been acquired by Universal for MARGARET SULLAVAN.

●

E. C. MILLS, general manager of Ascap, is due back from the coast tomorrow.

●

DORIS KENYON sails for England this morning on the *Majestic*.

●

FRED ASTAIRE and a party of four leave for the coast Monday.

●

BOB GOLDSTEIN says he thinks he's back from Murray Bay.

●

FIFI DORSAY finishes work today in a Vitaphone short.

●

. . . Chicago

HARRY BROWN, assistant manager of the Essaness North Center, trades jobs with A. L. STUVER, assistant at the Devon.

HERB COHEN, chief accountant for Paramount here, is the proud father of a new daughter, LOIS JEAN. COHEN reports mother and child are doing nicely.

HARRY ROSS is conferring with members of his office here.

FRANK CRAVEN
"ANNAPOLIS FAREWELL"
WILLIAM MORRIS OFFICE

Capitol Film Prod. Formed in England

(Continued from page 1)

H. A. Proctor, M.P., is chairman, Max Schach is managing director and directors of production are Louis A. Neel, John Hopkins and G. H. Bultimore.

The company will produce in conjunction with General Distributors, C. M. Woolf's new company, and release through the latter. British and Dominions studios will be used. The first year's production budget is set at £600,000.

The first picture on the schedule is "The Nuptials of Corbal," from Rafael Sabatini's story of the French Revolution. It will be directed by Karl Grune with Nils Asther and Aubrey Smith starred and a Hollywood player in the feminine lead. The second will be Jack Buchanan in "When Knights Were Bold," with Fay Wray. Jack Raymond will direct from a script by Austin Parker, with music by Sigler, Hofman and Goodheart.

Third on the list will be Richard Tauber in "Pagliacci," rights for which have already been acquired. Grune will also direct this one. Also scheduled is Gene Markey's "His Majesty's Pajamas." This will be the first on a two-picture deal with Al Werker. Ann Harding will star in a modern version of "The Lady with the Camelias" and a wheat story with a Canadian setting. Dita Parlo will be started in "Mademoiselle Docteur," Elissa Landi will be in "Koenigsmark," in combination with Richebe Prod. of Paris, with Maurice Tourneur directing. Anna Neagle will play in one picture with Buchanan under a three-year contract for one a year.

Tom Walls and Ralph Lynn will be under exclusive contracts to Capitol at the end of their present G. B. pacts.

Whether plans of Capitol Film Prod. Ltd., indicate a change in plans of Herbert Wilcox who recently formed an independent unit while, at the same time, he signed a new five year contract to handle supervise production for B. and D., his parent company, was not clear yesterday.

The program outlined for his independent unit, as announced in London and cabled to MOTION PICTURE DAILY, included a two-picture contract with Tom Walls and Ralph Lynn who are now embraced in Capitol's plans. Wilcox also stated he would have Anna Neagle.

Warner Theatre Men To Start Meet Today

Twelve Warner theatre zone managers from all sections of the country have arrived here for home office conferences and discussions of policy for the new quarter. The group is scheduled to convene for the first meeting this morning with Joseph Bernhard presiding. The sessions will probably go through two or three days.

Managers attending are James Coston, Chicago and Milwaukee; Nat Wolf, Cleveland; I. J. Hoffman, New Haven; Don Jacocks, Newark; Moe Silver, Albany; Ted Schlanger, Philadelphia; Harry Kalmine, Pittsburgh; J. J. Payette, Washington; Harry Copelan, Atlantic City; Lou J. Halper, Hollywood; Howard Waugh, Memphis, and B. F. Moore, St. Louis.

Final Fox Met Action Awaits Mack's Return

(Continued from page 1)

Judge Mack's approval or veto on his return.

The officers of the new Metropolitan Playhouses will be Joseph M. Schenck, president and chairman of the board; William P. Philips, vice-president and treasurer, and Milton C. Weisman, vice president and secretary.

The directors' meeting, which was to have been held today, was postponed to tomorrow when a messenger who was to take the papers to Albany for registration missed the last train for that city last night. The election will take place in Weisman's office.

Bondholders Name Three

The Fox Met bondholders' committee has named its three representatives to the board of the new company, as provided in the reorganization plan which calls for an initial board of nine members. The bondholders' representatives are Morton G. Bogue, counsel for the committee; Charlton B. Hibbard, banker, and L. B. Soper, a lawyer associated with Bogue's firm. The latter's election is regarded as a temporary one to fill the vacancy until a permanent candidate is agreed upon by the committee. The resignation of the three were tendered to the court yesterday in accordance with a condition laid down by Judge Mack at the time he gave tentative approval to the reorganization plan two months ago. The resignations permit Judge Mack to either confirm or veto the bondholders' representatives on the board, a right he reserved for the court.

Status Is Conditional

The indefinite status of these board members makes the election of Fox Met officers, and any action taken by the board or the officers between now and the time Judge Mack makes his final decision, purely conditional.

The remaining directors of Fox Met who were elected earlier are Schenck, Philips, Herbert Bayard Swope, Weisman, William Rhinelander Stewart and Samuel S. Allan. An option reserved by Schenck under the reorganization plan permits him to acquire the 50 per cent stock interest in the new Metropolitan Playhouses which would go to Fox Theatres Corp., provided the latter company does not itself exercise its right to purchase the stock. A protective committee of Fox Theatres' stockholders is now soliciting powers of attorney from stockholders in support of exercising this option. If it is not exercised, Fox Theatres would lose two members from the three it now has on the board and Schenck would gain two board members, in addition to his present two. RKO, whose representative on the board is Swope, would not increase its representation, but would be permitted to acquire a 20 per cent instead of a 10 per cent stock interest in Metropolitan Playhouses.

Friday

AMAZING!

"DIAMOND JIM"

drew

26,739

PAID ADMISSIONS

BIGGEST FRIDAY ON RECORD AT THE ROXY, NEW YORK!

(All Records Smashed)

Saturday

AMAZINGER!

"DIAMOND JIM"

drew

26,850

PAID ADMISSIONS

BIGGEST SATURDAY ON RECORD AT THE ROXY, NEW YORK!

(All Records Ruined)

Sunday

AMAZINGEST!*

"DIAMOND JIM"

drew

26,000

PAID ADMISSIONS

***THEATRE OPENS 2 HOURS LATER ACCORDING TO LAW. NEVERTHELESS BIGGEST SUNDAY ON RECORD!**

(Never Such A Sunday)

Monday

AMAZINGEST-EST!

"DIAMOND JIM"

drew

18,907

PAID ADMISSIONS

BIGGEST MONDAY ON RECORD AT THE ROXY, NEW YORK!

(What Company Made This Picture?)

Picture Bills Forgotten As Congress Ends

(*Continued from page* 1)

the House of Representatives until next session.

Representative Sirovich's resolution for an exhaustive investigation of the industry failed to receive action in the closing days of the session.

Among the measures which hung over the head of the industry during the session were bills providing for the banning of block and blind booking, repealing the prohibition on the interstate transportation of fight films, providing for the establishment of a Department of Science, Art and Literature, and creating a Federal Motion Picture Commission.

A high-light of the session just ended was the invalidation of the recovery codes by the Supreme Court and the futile effort of Congress to devise legislation to continue Government control of industry. Another feature was the "blank check" appropriation of $4,800,000,000 for public works and relief, from which the War Department will receive money for the construction of theatres at Army posts and New York City will get funds for the formation of troupes of vaudeville, dramatic and circus performers to give free shows to the public.

The industry will be directly affected by the social security legislation, providing unemployment and old-age pensions toward which all employers in the country will contribute through payroll taxes, and individuals and companies in the industry will also feel the effects of the 1935 revenue act, carrying heavy personal surtaxes and estate taxes, providing a sliding scale of corporation taxes, and increasing the capital stock and excess profits levies.

Photophone Eying Erpi Pact Details

(*Continued from page* 1)

intimated that home office officials who participated in negotiations with Erpi on the contracts in question were among them. Careful study of the pacts is also in progress with the entire activity aimed at determining whether or not the contracts contain restrictive clauses which operate to exclude Photophone from doing business with studios licensed by Erpi. The investigation is also designed, it was said, to ascertain whether the "interpretation" of the Erpi contracts serves to bring about that result.

Colonel Donovan, who has been conducting the investigation for Photophone in Hollywood for the past few weeks, returns tomorrow but will go to the coast again in two weeks to wind up his work. A decision on Photophone's course of action as a result of the investigation is expected about Oct. 1.

An Erpi official, asked for comment on the Photophone activity, said that the company had nothing to say for publication on the subject, adding, however, that "they (apparently referring to Photophone) have been studying our agreements for the last three years."

Korda Here to Confer with Lichtman on New Pact Terms

(*Continued from page* 1)

Twentieth Century-Fox, met Korda at the pier.

When asked by MOTION PICTURE DAILY if Korda would produce for Twentieth Century-Fox, Schenck stated he would not. Schenck added Korda came over to readjust his deal with U. A.

This is Korda's first trip over in five years. The production head of London Films was accompanied by Sir Connop Gutherie, chairman of the board of London Films; Stephen Pallos, commercial manager for the company, and Murray Silverstone, chairman of the board of U. A. in England.

Korda denied reports he was seeking an interest in U. A., declaring rumors of this nature were "false." He said he didn't know anyone in U. A. wanted to sell his interest, but would be happy if he could buy into the company. London Films' first color film will be "King of the Jews," a Biblical story by Mary Borden.

Korda is building a new studio at Denham. It will have five stages and will be completed sometime in February, he said. In connection with this, he will fly to the coast Thursday with Gutherie, Pallos and Silverstone to look over the latest production equipment. The group intends to remain in Hollywood three or four days.

London Films does not intend to make shorts next year, but may produce them the following year, Korda said. Asked if he would sign American talent while on the coast, the London Films' production head asserted:

"I have all the stars and players I need. I am very glad Hollywood wants my stars, I don't need theirs."

Silverstone said United Artists has signed a new four-year deal with British & Dominion to produce at least five features annually. While U. A. will have exclusive distribution rights in England and foreign countries, release of B. & D. films in this country will be up to Lichtman, who will pass on scripts before shooting is started.

Two other deals closed by U. A. in England are with Seymour Nebenzahl, who is scheduled to make two features, one, "La Vie Parisienne," based on an operetta by Offenbach, with Conchita Montenegro and Neil Hamilton. The second deal is with Marcel Hellman, who has signed Douglas Fairbanks, Jr., for an untitled picture. Hellman, Silverstone said, is now negotiating for story rights for the feature and will sign an important American director to handle it.

Silverstone added that in addition to distribution, U. A. also sponsors independent production in England, citing the two deals mentioned. He stated England is looking forward to "Dark Angel," which will have a simultaneous opening at the Leicester Square in London and in New York in September. The Broadway theatre has not been set.

John Zanft also arrived on the same liner. He said he spent six weeks in London on business dealing with the George O'Brien westerns being released by Twentieth Century-Fox. Zanft is also an agent. He stated he had signed Ned Sparks to a long term contract. He plans to leave for Hollywood in 10 days.

Helen Vinson, who has just completed a picture for G.B., said she planned to spend about 10 days before returning to the coast to resume free lancing. Madge Evans was another passenger.

It's Been 15 Years

With the arrival of Maurice Silverstone, U. A. chairman in London, the four Silverstone brothers will get together for the first time in 15 years in this country. With Emanuel and Arthur in the picture industry and here, Sid, a doctor at Mt. Sinai, completes the foursome.

"Ramona" Is Postponed

HOLLYWOOD, Aug. 27.—Darryl Zanuck today postponed the production of Twentieth Century-Fox's "Ramona" for two months because of the illness of Loretta Young, who has been ordered by her physician to rest for that length of time to avoid a dangerous operation, the nature of which was not divulged. Production will start in November.

Howes Joins Smith

LONDON, Aug. 27.—Kessler Howes, publicity chief for Columbia here, has resigned to join Sam Smith of British Lion which apparently is preparing to launch the Republic lineup which it will control in England for the next five years on a big scale.

Lasky Deal Seen Near

HOLLYWOOD, Aug. 27.—Jesse L. Lasky may sign a contract to produce under the aegis of Mary Pickford late this week. It is understood she has offered him a number of deals, but she refuses to comment on their nature.

A $5,155.75 Day

"Diamond Jim" grossed $5,155.75 at the Roxy on Monday, thereby maintaining the speed set by the first three days of the run in that theatre. The film will be held for a second week, starting Friday.

Double Bills In, Vaudeville Policy Is Out

(*Continued from page* 1)

tives decided to hold to the present single plan of full week bookings.

With elimination of stage shows, prices will be cut "comparable to local situations," it was stated at the Loew office. The new scales for the four houses will be set today.

The Boulevard, which has been playing vaudeville the first four days of the week, will double feature on these days after Sept. 13. The Orpheum has been booking vaudeville on split weeks. At the Valencia and Paradise stage shows have been booked for seven-day stanzas, but two features will play week runs beginning Sept. 6. The State on Broadway will be the lone vaudeville Loew house in the metropolitan area.

Out-of-town Loew houses playing vaudeville at present will see no immediate change in policy, it was declared.

RKO theatres playing single features are reported about to embark on a dual plan similar to Loew's.

Date for St. Louis Trial Set Sept. 10

(*Continued from page* 1)

Missouri and Grand Central has been set at Sept. 10.

The date originally was Sept. 4, Federal Judge George Moore will not return from his vacation until Sept. 6 or Sept. 7. He is at Longport, N. J. Federal Judge George A. Dewey of Des Moines, sitting here on an emergency call a few weeks ago, set this date.

That Federal Judge George Moore in St. Louis would not return from his vacation before the designated date of the injunction hearings against Paramount, Warners and RKO, thereby delaying the trial, was exclusively reported by MOTION PICTURE DAILY yesterday.

Pioneer Engages Holden

HOLLYWOOD, Aug. 27.—Pioneer has its second color director with its signing of Lansing C. Holden to a long term contract, the other being Robert Edmond Jones.

AIR CONDITIONING CHARTS

that represent standard practice in air conditioning for motion picture theatres. Practical advice on how to attain the best atmospheric conditions for your house winter and summer. Devised to be put on the wall for constant reference. Available until the supply is exhausted at 25 cents each, payment with order. Write direct to

QUIGLEY BOOKSHOP
1790 BROADWAY NEW YORK CITY

Philadelphia Tips $20,500 Top to "Seas"

Philadelphia, Aug. 27.—Moviegoers took the rubber bands from their wallets last week when "China Seas" moved into town. The first of the new season's big films, it clicked to $20,500 at the Stanley and was held a second week, rare for this big house.

The weather continued discouraging early in the week, but broke to cooler levels.

"Dante's Inferno" started big at the Fox, aided by a splurge of advertising. The pace cooled and it got $13,000 for its single week. At the Boyd "Alice Adams" did better than many recent offerings, garnering a neat $9,500 in six days. Robert Donat's new film, "The Thirty-nine Steps," was tossed in the Karlton without much advertising, but surprised with $3,100, due to Donat's popularity here.

The whole town showed surprising strength, far better than last week's doldrums.

Total first run business was $65,400. Average is $63,900.

Estimated takings for the week ending Aug. 23:

"GILDED LILY" (Para.)
ARCADIA—(600), 25c-40c-50c, 6 days, 2nd run. **Gross:** $1,700. (Average 6 days, $2,400)

"ALICE ADAMS" (Radio)
BOYD—(2,400), 40c-55c, 6 days. **Gross:** $9,500. (Average, 6 days, $12,000)

"HOT TIP" (Radio)
EARLE—(2,000), 25c-40c-50c, 6 days. Stage: Texas Mustangs band and revue, with Minnard, Buster Raeburn, Beth Moore, Coeds. **Gross:** $10,500. (Average, 6 days, $12,000)

"DANTE'S INFERNO" (Fox)
FOX—(3,000), 40c-55c-65c, 6 days. Stage: Bob Marlowe's marionettes, Billy and Beverly Bemis, Eddie Rio & Co.; Bryant, Raines and Young. **Gross:** $13,000. (Average, 6 days, $12,000)

"THE THIRTY-NINE STEPS" (G. B.)
KARLTON—(1,000), 25c-35c-40c, 6 days. **Gross:** $3,100. (Average, 6 days, $3,500)

"THE FARMER TAKES A WIFE" (Fox)
KEITH'S—(2,000), 30c-40c-50c, 6 days, 2nd run. **Gross:** $2,100. (Average, 6 days, $4,000)

"CHINA SEAS" (M-G-M)
STANLEY—(3,700), 40c-55c, 6 days. **Gross:** $20,500. (Average, 6 days, $12,000)

"THE GIRL FRIEND" (Col.)
STANTON—(1,700), 30c-40c-50c, 6 days. **Gross:** $5,000. (Average, 6 days, $6,000)

"China" Takes Big Lead in Louisville

Louisville, Aug. 27.—"China Seas' inundated the town, topping all opposition, and doing the best opening business since "Tugboat Annie." This was in spite of the continued ban on children under 14, who are in a virtual state of quarantine, due to daily reports of new infantile paralysis cases. Loew's State grossed $6,500 on the picture, which is $2,000 above average.

"The Irish in Us" at the Mary Anderson, in its second week, got $2,800, which is slightly above average, while "Accent on Youth" at the Rialto was under par, with $3,400 on the week.

The National will reopen Thursday with first runs and stage shows of five vaudeville acts and a line of 12 local girls. The price will be 25 cents at all times.

Total first run business was $18,000. Average is $18,500.

(Continued on page 11)

"China Seas" Best Straight Picture Draw in Milwaukee

Milwaukee, Aug. 27.—Outside attractions, including the circus which played to 38,000 Saturday and Sunday, hit theatres. "China Seas" was good for $8,500 at Fox's Wisconsin and Art Jarrett and Eleanor Holm did $5,200 at the circuit's Palace with admissions boosted from 40 to 55 cents top.

Donkey baseball breezed into town on Tuesday and attracted almost 20,000 people in three nights. The second of two free summer operas sponsored by the city park commission played to 15,000 on Wednesday night, while an amateur six-day girls' bike race, a free gag, was good for several thousand onlookers. In addition, a religious festival in the city's Third Ward on Friday, Saturday and Sunday had several thousand in attendance. And despite this varied competition, box-offices held up fairly well.

Estimated takings for the week ending Aug. 22:

"WELCOME HOME" (Fox)
PALACE—(2,800), 25c-35c-55c, 7 days. Stage: Art Jarrett, Eleanor Holm; Wally and Ver'dyn; Gregory and Raymond; Sonny Seaver, Carl Hauchens and Marilyn and Alyce. **Gross:** $5,200. (Average, $5,000)

"ONE FRIGHTENED NIGHT" (Mascot)
RIVERSIDE—(2,300), 15c-20c-25c, 7 days. Stage: Muriel Page, Frank Melino & Co., Dick and Dotty Remey, Jack Lavier. **Gross:** $6,200. (Average, $5,500)

"MUTINY AHEAD" (Majestic)
"CONVENTION GIRL" (First Division)
STRAND—(1,400), 15c-25c, 7 days. Stage: Miss Aid, psycho-analyst. **Gross:** $1,000. (Average, $1,250)

"BROADWAY GONDOLIER" (W. B.)
"THE ARIZONIAN" (Radio)
WARNER—(2,400), 25c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

"CHINA SEAS" (M-G-M)
WISCONSIN—(3,200), 25c-35c-55c, 7 days. **Gross:** $8,500. (Average, $8,000)

"China Seas" Hits $24,000 In Cleveland

Cleveland, Aug. 27.—"China Seas" at Loew's State was the biggest thing in town, beating "Copperfield" by $1,000 with $24,000 against a $10,000 weekly average. It moved over to the Stillman for another week.

"Curly Top," playing a second week downtown at the Allen, more than doubled an average first week at this theatre, with $6,750, making two successive record weeks for the Temple picture.

"Smilin' Thru," a revival, did average $4,000 first run business at Loew's State. "39 Steps" made a fair showing with $11,000 on a vaudefilm program at the RKO Palace that featured Billy Rose's "Small Time Cavalcade" on the stage. "Dante's Inferno" was low with $5,250 at Warners' Hippodrome where the average is $8,000.

Total was $51,000. Average is $40,000.

Estimated takings for the week ending Aug. 23:

"CURLY TOP" (Fox)
ALLEN—(3,300), 30c-35c-42c, 7 days, 2nd week. **Gross:** $6,750. (Average, $3,000)

"DANTE'S INFERNO" (Fox)
WARNER'S HIPPODROME — (3,800), 30c-35c-42c, 7 days. **Gross:** $5,250. (Average, $8,000)

"39 STEPS" (G-B)
RKO PALACE—(3,100), 30c-42c-60c, 7 days. Stage: Billy Rose' "Small Time Cavalcade." **Gross:** $11,000. (Average, $15,000)

"CHINA SEAS" (M-G-M)
LOEW'S STATE—(3,400), 30c-35c-42c, 7 days. **Gross:** $24.000. (Average, $10,000)

"SMILIN' THRU" (M-G-M)
LOEW'S STILLMAN—(1,900), 25c-35c, 7 days. **Gross:** $4,000. (Average, $4,000)

Warners Re-Borrow Hall

Hollywood, Aug. 27.—Porter Hall, character actor from the New York stage, who was brought out here by Warners for a part in "The Case of the Lucky Legs," and signed by Paramount to a term contract after that engagement, has been re-borrowed by Warners for a part in "Enemy of Man" the Paul Muni picture.

"China Seas" Cracks Record In Pittsburgh

Pittsburgh, Aug. 27.—Last week was the biggest downtown Pittsburgh has seen in several months. At the Penn, "China Seas" smashed through to more than $20,000, a figure this house hasn't seen in a blue moon, while the Stanley, with Major Bowes' radio amateur winners on the stage getting the credit rather than the picture, "College Scandal," zoomed along to a sensational $25,000.

At both houses, these figures represent a new all-time peak.

Even the Warner got its share of trade, "We're in the Money," with a good box-office draw team, Joan Blondell and Glenda Farrell, and "The Healer" doing pretty close to $4,800.

Total grosses in three first run houses were $49,800. Average is $24,300.

Estimated takings for the week ending Aug. 22:

"CHINA SEAS" (M-G-M)
PENN—(3,300), 25c-40c, 6 days. **Gross:** $20,000. (Average, $7,500)

"COLLEGE SCANDAL" (Para.)
STANLEY—(3,600), 25c-55c, 6 days. Stage: Major Bowes' amateur radio winners. **Gross:** $25,000. (Average, $13,000)

"WE'RE IN THE MONEY" (Warners)
"THE HEALER" (Monogram)
WARNER—(2,000), 25c-40c, 6 days. **Gross:** $4,800. (Average, $3,800)

Denver Party Sept. 10

Denver, Aug. 27.—Local exhibitors and distributors will hold their second annual outing Sept. 10 at the Lakewood Country Club. A golf tournament and a bridge tournament will be the principal events of the day although a baseball game and other sport events are scheduled for the afternoon.

Now "Prosperity Night"

Lorain, O., Aug. 27.—"Prosperity Night," another method of distributing cash awards, has been introduced at the Ohio.

"Seas" Smash Kansas City Hit, $25,000

Kansas City, Aug. 27.—"China Seas" rolled in last week and proved a tidal wave at the box-office of Loew's Midland. Behind big copy, the show did $25,000, more than double John McManus's par of $11,500, and it was held. The house used two cashiers Friday, Saturday and Sunday.

Well above average for combination bills at the Mainstreet was the $13,000 done by Olsen & Johnson's "Booby Hatchery" with "Old Man Rhythm" on the screen. Average for the Mainstreet is $9,000.

"The Farmer Takes a Wife" built nicely during the week to go $900 over a normal $3,500 at the Fox Uptown.

The Newman's $7,800 was considered good on "Every Night at Eight."

"Champagne for Breakfast" (Columbia) disappointed at the Tower with $5,800 against a par of $7,000.

Kansas City's first cool weather of the summer helped.

Total first run business was $56,000. Average is $38,000.

Estimated takings:

Week Ending Aug. 22:

"CHINA SEAS" (M-G-M)
MIDLAND—(4,000), 15c-25c-40c, 7 days. **Gross:** $25,000. (Average, $11,500)

"OLD MAN RHYTHM" (Radio)
MAINSTREET—(3,100), 35c-50c, 7 days. Stage: Olsen & Johnson in "Everything Goes." **Gross:** $13,000. (Average, combination bills, $9,000)

"EVERY NIGHT AT EIGHT" (Para.)
NEWMAN—(1,800), 25c-40c, 7 days. **Gross:** $7,800. (Average, $7,000)

"CHAMPAGNE FOR BREAKFAST" (Col.)
TOWER—(2,200), 25c, 7 days. Stage: Bob Carney & Co., John Tio, Kirk & Lawrence, Rector & Doreen, Lester Harding, Tower Adorables, Tower Orchestra. **Gross:** $5,800. (Average, $7,000)

Week Ending Aug. 23:

"THE FARMER TAKES A WIFE" (Fox)
UPTOWN—(2,000), 25c-40c, 7 days. **Gross:** $4,400. (Average, $3,500)

"Rhythm" on Dual Leads in Buffalo

Buffalo, Aug. 27.—Closing of the dog tracks and unusually cold weather helped grosses generally, with a dual, "The Virginian" and "Old Man Rhythm," at the Century, making the best showing. It topped normal by $1,000 on a gross of $6,500.

"Alice Adams" was strong at the Buffalo with a take of $11,000, above the line by $500. "Dante's Inferno" took $7,200 at the Hippodrome.

Total first run business was $36,900. Average is $34,800.

Estimated takings for the week ending Aug. 24:

"ALICE ADAMS" (Radio)
BUFFALO—(3,500), 30c-50c, 7 days. **Gross:** $11,000. (Average, $10,500)

"DANTE'S INFERNO" (Fox)
HIPPODROME—(2,100), 30c-50c, 7 days. **Gross:** $7,200. (Average, $7,000)

"JALNA" (Radio)
"HOT TIP" (Radio)
GREAT LAKES—(3,000), 25c-40c, 7 days. **Gross:** $6,500. (Average, $7,000)

"THE VIRGINIAN" (Para.)
"OLD MAN RHYTHM" (Radio)
CENTURY—(3,000), 25c, 7 days. **Gross:** $6,500. (Average, $5,500)

"LOVES OF A DICTATOR" (G. B.)
"MEN OF THE HOUR" (Col.)
LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $5,300. (Average, $5,300)

"Curly Top" Top Draw in Minneapolis

MINNEAPOLIS, Aug. 27. — Money honors went to "Curly Top" here last week. In its second week at the Century the Shirley Temple opus reached $5,000, above the first week average by $1,000.

Total first run business in Minneapolis was $22,500. Average is $21,000. Total for St. Paul was $16,200. Average is $14,500.

Estimated takings:

Minneapolis:

Week Ending Aug. 21:

"CURLY TOP" (Fox)
CENTURY—(1,680), 25c-40c, 7 days, 2nd week. **Gross:** $5,000. (Average, $4,000)

"SANDERS OF THE RIVER" (U. A.)
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,800. (Average, $1,500)

Week Ending Aug. 22:

"THE ARIZONIAN" (Radio)
ORPHEUM—(2,900), 25c-40c, 7 days. **Gross:** $5,500. (Average, $5,500)

"SHANGHAI" (Para.)
STATE—(2,300), 25c-40c, 7 days. **Gross:** $5,500. (Average, $5,500)

"AIR HAWKS" (Col.)
TIME—(300), 20c-25c, 7 days. **Gross:** $1,700. (Average, $1,500)

"ESCAPE ME NEVER" (U. A.)
WORLD—(400), 25c-55c, 7 days, 7th week. **Gross:** $3,000. (Average, $3,000)

St. Paul:

Week Ending Aug. 22:

"SHANGHAI" (Para.)
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $5,500. (Average, $5,500)

"CURLY TOP" (Fox)
RIVIERA—(1,200), 25c-40c, 3 days' hold-over. **Gross:** $2,500. (Average for week, $3,500)

"PARIS IN SPRING" (Para.)
RIVIERA—(1,200), 25c-40c, 4 days. **Gross:** $2,500. (Average for week, $3,500)

"THE BLACK ROOM" (Col.)
ORPHEUM—(2,000), 25c-40c, 4 days. **Gross:** $2,000. (Average for week, $4,000)

"THE NITWITS" (Radio)
ORPHEUM—(2,000), 25c-40c, 3 days. **Gross:** $2,000. (Average for week, $4,000)

"DR. JEKYLL AND MR. HYDE" (Para.)
TOWER—(1,000), 15c-25c, 7 days. **Gross:** $1,700. (Average, $1,500)

"Calm Yourself" Is Oklahoma City Hit

OKLAHOMA CITY, Aug. 27.—"Calm Yourself" at the Liberty for four days with a vaudeville bill was the only attraction in town to do better than average business. The take of $2,800 was $300 better than the usual seven-day mark. "Awakening of Jim Burke" (Columbia), in for the other three days, was extremely weak at $600.

"China Seas" was a disappointment at $3,300 at the Criterion and "The Farmer Takes a Wife" and "Orchids to You" failed to make much of an impression.

Total first run business was $10,200. Average is $13,500.

Estimated takings for the week ending Aug. 24:

"CHINA SEAS" (M-G-M)
CRITERION—(1,700), 10c-26c-36c-55c, 8 days. **Gross:** $3,300. (Average, $5,000)

"THE FARMER TAKES A WIFE" (Fox).
MIDWEST — (1,500), 10c-26c-36c-56c, 7 days. **Gross:** $1,800. (Average, $4,000)

"ORCHIDS TO YOU" (Fox)
CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $1,700. (Average, $2,000)

"CALM YOURSELF" (M-G-M)
LIBERTY—(1,500), 10c-15c-26c-36c. Vaudeville on stage, 4 days. **Gross:** $2,800. (Average, $2,500)

"AWAKENING OF JIM BURKE" (Col.)
LIBERTY—(1,500), 10c-15c-26c-36c, 3 days. **Gross:** $600. (Average, $2,500)

"China" Hit In Seattle; Gets $9,400

SEATTLE, Aug. 27.—"China Seas" was the strongest attraction in many months here. It piled up $9,400 at the Fifth Avenue, topping normal by $2,400 and was moved to the Blue Mouse for an extended run.

"The Irish in Us" did so well at the Orpheum, $6,100, that it was moved to the Music Box for a second week.

Total first run business was $31,750. Average is $30,000.

Estimated takings for the week ending Aug. 23:

"BROADWAY GONDOLIER" (W. B.)
BLUE MOUSE—(950), 25c-40c-55c, 7 days. (Extended run from Orpheum.) **Gross:** $3,850. (Average, $4,000)

"CHINA SEAS" (M-G-M)
FIFTH AVENUE—(2,500), 25c-40c-55c, 8 days. **Gross:** $9,400. (Average, $7,000)

"HARD ROCK HARRIGAN" (Col.)
"CHAMPAGNE FOR BREAKFAST" (Col.)
LIBERTY—(1,800), 10c-15c-25c-35c, 7 days. **Gross:** $3,950. (Average, $4,000)

"THE SCOUNDREL" (Para.)
MUSIC BOX—(950), 25c-40c-55c, 7 days. **Gross:** $3,250. (Average, $4,000)

"IRISH IN US" (F. N.)
ORPHEUM—(2,450), 25c-40c-55c, 7 days. **Gross:** $6,100. (Average, $6,000)

"WE'RE IN THE MONEY" (W. B.)
"WELCOME HOME" (Fox)
PARAMOUNT—(3,050), 25c-30c-40c, 7 days. **Gross:** $5,200. (Average, $5,000)

Houston Goes for "Seas" in Big Way

HOUSTON, Aug. 27.—"China Seas" ran away with the money last week, as opening day marked up a record. The week's business zoomed to around $16,000 at Loew's State where the average weekly take is $7,000. The S. R. O. sign was out every show for the first five days. Gable is a favorite because of a personal following gained when he played stock here two seasons in 1928-29. The picture was held over.

"Old Man Rhythm" drew fair patronage at the Metropolitan, and "The Raven" drew the usual quota of horror fans and children, but both films took a licking from "China Seas."

"The Arizonian," at the Kirby, did a bit above average over the week-end, and "Front Page Woman," the midweek feature at the Kirby, held nicely to five per cent above average for midweek.

Total first run business was $32,500. Average is $26,000.

Estimated takings for the week ending Aug. 22:

"CHINA SEAS" (M-G-M)
LOEW'S STATE—(2,750), 25c-40c, 7 days. **Gross:** $16,000. (Average, $7,000)

"OLD MAN RHYTHM" (Radio)
METROPOLITAN—(2,600), 25c-50c, 7 days. **Gross:** $5,750. (Average, $7,000)

"THE RAVEN" (Univ.)
MAJESTIC—(2,250), 25c-50c, 7 days. **Gross:** $5,000. (Average, $7,000)

"THE ARIZONIAN" (Radio)
KIRBY—(1,450), 15c-35c, 4 days. Gross: $3,700. (Average, $3.500)

"FRONT PAGE WOMAN" (W. B.)
KIRBY—(1,450), 15c-35c, 3 days. **Gross:** $1,700. (Average, $1,500)

New Son in Ross Family

TORONTO, Aug. 27.—A second son has arrived in the household of Tom Ross, proprietor of the Royal at Bowmanville, Ont., and past president of the Allied Exhibitors of Ontario.

K. C. Style

Kansas City, Aug. 27. — Evidences of competition:

At the Newman—"George Raft, 'Every Night at Eight'," and just below, "Play Screeno tonight at 9:30."

At 17th and Main on a billboard—"Coming: March of Time." At the bottom in small letters: "Katharine Hepburn in 'Alice Adams,' Mainstreet Theatre."

"Curly Top" Hits Charlotte Record

CHARLOTTE, Aug. 27.—"Curly Top" broke a summer record at the Carolina with a gross of $10,000 for six days, exactly double average. Occasional showers and the American Legion Junior Baseball Tournament for the Eastern District of the United States had little if any effect on theatre attendance.

Estimated takings for the week ending Aug. 24:

"CURLY TOP" (Fox)
CAROLINA—(1,400), 25c-40c, 6 days. **Gross:** $10,000 (Average, $5,000)

"PURSUIT"
IMPERIAL—(949), 25c-30c, 3 days. **Gross:** $1,000. (Average, $1,500)

"WELCOME HOME" (Fox)
IMPERIAL—(949), 25c-30c, 3 days. **Gross:** $1,500. (Average, $1,500)

"WE'RE IN THE MONEY" (Warners)
BROADWAY—(1,114), 25c-40c, 6 days. **Gross:** $5,000. (Average, $4,000)

"Jalna" on Dual $4,300 Omaha Top

OMAHA, Aug. 27.—"Jalna," with "The Girl Friend" as the other half of a dual bill, was the money-maker of the week. The take was $4,300 at the Brandeis, over the line by $700.

"Call of the Wild" had a good second week at the Omaha, helped by "Lady Tubbs," which replaced "Brewster's Millions." The combination garnered $5,200.

Total first run business was $17,200. Average is $16,000.

Estimated takings:

Week Ending Aug. 21:

"THE GIRL FRIEND" (Col.)
"JALNA" (Radio)
BRANDEIS—(1,200), 25c-35c-40c, 7 days. **Gross:** $4,300. (Average, $3,500)

"CALL OF THE WILD" (U. A.) (2nd week)
"LADY TUBBS" (Univ.)
OMAHA—(2,200), 25c-40c, 7 days. **Gross:** $5,200. (Average, $5,000)

Week Ending Aug. 22:

"ACCENT ON YOUTH" (Para.)
"FOUR HOURS TO KILL" (Para.)
ORPHEUM—(3,000), 25c-40c, 7 days. **Gross:** $7,700. (Average, $7,500)

Mayberry Quits Warners

HOLLYWOOD, Aug. 27.—William Mayberry, assistant casting director for Warners, has resigned to accept a similar post with Twentieth Century-Fox. His resignation becomes effective in two weeks.

J. L. Johnston Coming

HOLLYWOOD, Aug. 27.—John Leroy Johnston, Universal publicity director, flies to New York on Monday to accompany Marta Eggerth to the coast for her first picture, which may be "The Song of Joy."

"Glory" Gets Big $23,200, Capital Lead

WASHINGTON, Aug 27.—For the first time in nearly two months, box-office grosses took a major upward turn, the Earle with "Page Miss Glory," topping the town with $23,200, or $4,800 over average.

"China Seas" at Loew's Palace shot upward to a take of $16,100, over par by $200. The picture went into a second week.

Metropolitan, with "The Black Room," and Loew's Columbia, with a return engagement of "Curly Top," took $4,800 and $3,800, respectively, over their averages by $500 and $200.

Metropolitan's picture was pulled at 6 P. M. on August 21 to permit a special premiere of "Annapolis Farewell," which opened its regular engagement the following day at the Earle.

Total first run business was $75,400. Average is $73,700.

Estimated takings, exclusive of tax:

Week Ending Aug. 20:

"THIRTY-NINE STEPS" (G. B.)
RKO-KEITH'S—(1,836), 25c-55c, 7 days. **Gross:** $9,800. (Average, $10,600)

Week Ending Aug. 22:

"PAGE MISS GLORY" (Warners)
EARLE—(2,218), 25c-77c, 7 days. Stage: Lee Sims & Ilomay Bailey; Harris, Claire & Shannon, with Houston & Harden; Al Bernie; Paul & Nino Ghezzi. **Gross:** $23,200. (Average, $18,400)

"CURLY TOP" (Fox)
LOEW'S COLUMBIA—(1,264), 25c-40c, 7 days (return engagement). **Gross:** $3,800. (Average, first week, $3,600)

"EVERY NIGHT AT EIGHT" (Para.)
LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage: Sid Gary; Moore & Revel; Benny Ross, with Maxine Stone, Jack Sherman; The Ambassadors, with Gertrude Breifer, Rudy Paul. **Gross:** $17,700. (Average, $20,900)

"CHINA SEAS" (M-G-M)
LOEW'S PALACE—(2,370), 35c-77c, 7 days. **Gross:** $16,100. (Average, $15,900)

"THE BLACK ROOM" (Col.)
METROPOLITAN—(1,591), 25c-40c, 6 2-3 days. **Gross:** $4,800. (Average, $4,300)

"China" Takes Big Lead in Louisville

(*Continued from page* 10)

Estimated takings for the week ending Aug. 23:

"ACCENT ON YOUTH" (Para.)
RIALTO—(3,000), 15c-25c-40c, 7 days. **Gross:** $3,400. (Average, $3,500)

"CHINA SEAS" (M-G-M)
LOEW'S STATE—(3,100), 15c-25c-40c, 7 days. **Gross:** $6,500. (Average, $4,500)

"IRISH IN US" (F. N.)
MARY ANDERSON—(1,000), 25c-40c, 7 days. **Gross:** $2,800. (Average, $2,500)

"DRESSED TO THRILL" (Fox)
"SHE GETS HER MAN" (Univ.)
STRAND—(1,500), 15c-25c-40c, 7 days. **Gross:** $2,500. (Average, $2,500)

"WHOOPEE" (U. A.)
"SCARFACE"
BROWN—(1,450), 25c-40c, 5 days. **Gross:** $1,400. (Average, $2.000)

"NO MORE LADIES" (M-G-M)
"MAN OF ARAN" (G. B.)
"VILLAGE TALE" (Radio)
"KEEPER OF BEES" (Monogram)
ALAMO—(900), 15c-25c, 7 days. **Gross:** $1,200. (Average, $1,400)

Boston Shows Opening

BOSTON, Aug. 27.—The legitimate show season is soon to return to increase competition. The Colonial opened Aug. 26 with Eddie Dowling's "Thumbs Up." The Shubert raises the curtain on Sept. 2 for "At Home Abroad" with Beatrice Lillie. Two burlesque houses are also preparing to open.

Decision Set Today on 20th Century-Fox

(*Continued from page 1*)

had decided to abandon any thought of bringing contempt proceedings against Fox Film. Such procedure had been considered when attorneys for the company admitted on Monday that the reorganization and merger had been completed last Thursday between the time that Supreme Court Justice Alonzo McLaughlin dismissed a stay and the time that a new stay was issued by Justice Lazansky. The belief of Mrs. Fox's attorneys had been that with an interval of only about 20 minutes between the two court orders, the action by Fox Film might have been taken in violation of either one or the other of the stays.

In announcing the decision not to bring contempt proceedings Becker observed that a violation, if any, might have been only a matter of seconds, in any event.

Further urging of an injunction, however, led the court to inquire: "What is there to stop now that hasn't already been completed?"

Says Court Can Still Act

Becker said that the court still could enjoin Fox from exchanging the new stock for the old and from paying to Sidney R. Kent, Joseph M. Schenck and Darryl Zanuck the salaries provided for in the merger agreement.

The court observed that it considered the "real question" before it to be whether there was any inequity in the size of the salaries in question. Justice Lazansky said that the question of fraud in the merger and reorganization had been gone into by the lower court and added that "I do not feel it incumbent on me to reverse the lower court on that point—but $250,000 per year is a lot of money to pay one man, even in these days."

In reply, Ralph S. Harris of Fox Film counsel reminded the court that "high salaries are paid to many persons in the motion picture industry" and asserted that delay or trouble here in effecting the merger and reorganization might have costly consequences among the companies' "temperamental stars" in Hollywood.

The charge that the reorganization represented an attempt by Chase National Bank to dominate the merged companies was revived by Becker but appeared to make little impression on the court.

"The proposals, as a whole," Judge Lazansky remarked at one point, "appear to me to be a good business deal."

Thomas Back in Boston

BOSTON, Aug. 27.—Mike Thomas has returned to the sales forces of First Division here from the Buffalo office. Boston is the home port of Harry Thomas, head of the organization.

Metzler, Buckley Here

Fred Metzler and Charles Buckley of Fox West Coast are in New York with Charles Skouras, head of the circuit, to confer on product deals.

Kane to Leave for England on Sept. 4

Robert T. Kane, recently appointed head of the English producing activities for Twentieth Century-Fox, sails Sept. 4 on the *Berengaria* for England, where the company will make 10 pictures annually.

Kane pointed out yesterday that these films will not be quota pictures, but will be produced for the world market. He expects to set up production headquarters at Denham Studios, now being constructed by Alexander Korda. The script on the first is in work, Kane said. It is "St. Joan," which will star Elisabeth Bergner with Paul Czinner directing.

Sidney R. Kent, president of Twentieth Century-Fox, sails for England next month to complete plans for the new unit.

Ascap Receivership Extended in Seattle

(*Continued from page 1*)

Griffin as receiver, but refused to make the receivership permanent.

The decision of the court today now means that Ascap will be restrained indefinitely from conducting business or entering into any future agreements in the state without court approval.

The complaint of radio stations KOL, Seattle, and KGY, Olympia, asking receivership and return of $19,000 allegedly overpaid Ascap since October, 1928, was withdrawn because of a conflict with the state receivership proceedings conducted by Attorney General G. W. Hamilton.

"Steamboat" Off to Big Chicago Start

(*Continued from page 1*)

copy is there reference to Will Rogers' death. The picture is leading the Loop by a wide margin despite heavy competition from "China Seas" and "Curly Top."

Big in Los Angeles

LOS ANGELES, Aug. 27.—"Steamboat Round the Bend" is rolling up a heavy gross at Loew's State and the Chinese. The downtown house did $9,175 in the three days ending Monday night and the Hollywood first run, $7,271 in the same period.

Lugosi Returns

Bela Lugosi arrived on the *Majestic* yesterday after spending six weeks in London where he appeared in "The Mystery of Mary Celeste" for C. M. Woolf, who recently formed General Distributors, Ltd. He said Woolf had offered him a contract for another three pictures, but signing of a deal depends on whether he can sandwich in the time between Universal pictures. Lugosi stated he will leave for Hollywood Sept. 2 to begin work on "The Invisible Ray," following which he will appear in "Dracula's Daughter."

While in England, Lugosi signed a deal with Concordia, Inc., to play the star role in "The Cabinet of Dr. Caligari." He will sail for London on the *Majestic* on Oct. 25. Werner Kraus also will appear in this film.

Renovate at Cleveland

CLEVELAND, Aug. 27.—Loew's State will spend approximately $30,000 on a renovating program.

Operator Wage Deal Looked for Shortly

(*Continued from page 1*)

on the wage scale now in force. The contract will be for two years, effective Sept. 1.

Leslie E. Thompson, chairman of the wage committee, will issue an announcement after the last session. The confabs are now in the third week.

Five more Local 306 pickets have been arrested in front of the Liberty and paroled in custody of the union's attorney. Three pickets arrested in front of the Times Square were dismissed on disorderly conduct charges.

Philadelphia Marks Time

PHILADELPHIA, Aug. 27.—The Earle is holding off Friday's stage show pending negotiations with the local musicians' union on a new contract. The Fox also is affected and may likewise go without a stage show as negotiations between the theatres and union are reported far apart.

The wage scale is not part of the dispute, but musicians are countering the Earle plan to cut pit men with a demand for an increase in the orchestra.

K. C. Bids in Sept. 5

KANSAS CITY, Aug. 27.—Bids will be taken on Sept. 5 for completion of the 3,500 seat theatre in the municipal auditorium here. About two months ago the original bids for the work were turned down by the city manager because they were believed too high.

Find Code Ignored In 70 Situations

(*Continued from page 1*)

the effect of invalidation of the code system on American business.

With Congress expected to conduct studies of possible legislation before reassembling in January, the Recovery Administration disclosed that superficial investigation showed minorities in the film and other amusement lines were forcing the level of competition downward during July. Departures from code practices occurred in 17 states.

Suggesting the rapid spread of bank night, the NRA data listed 21 separate instances of "price cutting" in the amusement field, with 17 of this number charged up to Nebraska. There were 17 reports of increased hours, eight of wage cuts and 11 of combined hour increases and pay slashes.

The reports showed, however, that the amusement industry group had the smallest number of departures from code standards during July. Most changes were in retail trade, where more than 2,500 individual cases were noted. In all codified lines, there were well over 12,000 complaints of hour lengthening, wage cutting and price reductions.

Shore Affair Draws 750

Approximately 750 exhibitors and exchange managers and personnel attended a shore dinner and dance held last night at Villepigue's, Sheepshead Bay. License Commissioner Paul Moss was the principal guest.

We're tuning up for my 7th Birthday Party!
Tune in your United Artists Exchange and book your "WALT DISNEY REVUE" right *NOW!*

Get your share of prosperity with a program of

MICKEY MOUSE and SILLY SYMPHONIES

ALL IN TECHNICOLOR

SEPTEMBER 28th to OCTOBER 4th

Celebrate the 7th Birthday of MICKEY MOUSE

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 51 NEW YORK, THURSDAY, AUGUST 29, 1935 TEN CENTS

Warners Vote Thumbs Down For Columbia

Report Circuit Decision Due to High Prices

The Warner circuit, which along with Paramount, Fox, RKO and Loew's is one of the industry's "Big Five," will not buy Columbia product this season. The decision is national in scope and will embrace all situations in which Warner theatres operate.

While an official statement was not obtainable at Warner circuit headquarters, the understanding is decision was reached because Columbia's terms for the new lineup are regarded as out

(*Continued on page* 4)

Last Court Bar to Pathe Setup Ended

Court restrainers barring completion of final details of Pathe's reorganization were lifted yesterday with the vacating by Judge Martin of the Appellate Division of the N. Y. Supreme Court of a stay obtained by Ben Hilbert, a Pathe stockholder.

Hilbert's action to obtain an injunction restraining Pathe from completing

(*Continued on page* 2)

Springer & Cocalis Are Again Cordial

Differences between Jack W. Springer and Sam Cocalis have been ironed out satisfactorily and the partners have taken over the New United in Brooklyn, Cocalis stated yesterday.

Negotiations are on for a number of other houses which will become a part of the circuit, Cocalis said. At least six theatres are expected to be acquired within the next few weeks.

Schenck to Be Made Fox Met Head Today

Formal election of Joseph M. Schenck as president and chairman of the board of Metropolitan Playhouses, Inc., the reorganized Fox Metropoli-

(*Continued on page* 2)

Korda Has 12 to Go For United Artists

Alexander Korda declared yesterday he had 12 more to deliver under his current agreement with United

(*Continued on page* 8)

New RKO-Warner First Run Circuit Deal About Ready

Negotiations between RKO and Warners whereby the latter's product will play first run in the circuit's units non-competitive to the 30 Century circuit houses, the four Springer & Cocalis-Skouras Broadway houses and the Strand, Yonkers, will be completed by the end of the week or early next week.

In addition to the Warner product, RKO has closed a deal for 20 pictures of another company. This arrangement is not being bruited about, but the distributor involved is the only one denying the story.

Only five RKO situations will not get first runs as a result of the independent deals contracted by Warners. They are the Tilyou, Coney Island; Kenmore, Brooklyn; Alden, Jamaica; 81st St. in Manhattan; Proctor, Yonkers. Warners were negotiating with practically every inde-

(*Continued on page* 9)

Para. Theatre Partnerships ToBeRenewed

Paramount's theatre operating partnerships which expire Sept. 28 will be extended for another year with only minor changes in the present working arrangements, it was learned yesterday.

The basis for extension of the operating partnerships has been prepared for submission to John E. Otterson for approval and will be among the early order of business to be taken up by the Paramount president, who returns today from a survey of production activities at the company's studio.

CHICAGO, Aug. 28.—John E. Otterson stopped off here for the day en route from Hollywood to New York. He declined to see interviewers.

United Productions Formed in England

By BRUCE ALLAN

LONDON, Aug. 28.—United Prod., Ltd., has been organized along United Artists lines and will release through General Distributors, Ltd. Principals are Leslie Howard, Eugene Frenke, Dr. Kasas and Rudolph Forster who declare their average negative costs will run £100,000 per picture.

Howard is slated to personally su-

(*Continued on page* 8)

"Karenina" Ads Go To 37 Publications

M-G-M has got the new season under way with a rush of advertising on "Anna Karenina" that includes full pages in 37 national publications with

(*Continued on page* 8)

Operator Pay Parleys Snag On Ultimatum

Circuit and union representatives reached an impasse early yesterday morning on negotiations for a new wage scale when Local 306 turned down the circuits' ultimatum of $1.60 an hour top for operators now receiving $2.12½. The union countered with a $2 an hour minimum.

In addition to the $1.60 quotation, the circuits demanded a 10-year contract instead of a two-year deal. This was immediately turned down by the operators.

The executive board of Local 306 yesterday held a special session to discuss and vote on the circuit proposal and unanimously held for rejection. The board decided to put the matter to the entire membership which

(*Continued on page* 9)

Union Demands Hit Phila. Stage Shows

PHILADELPHIA, Aug. 28.—Prospects for a start of stage shows on Friday at the Earle and Fox are dim. The musicians are asking for two bands at each house, one for matinees and the other nights, with 20 men and a leader in each.

Both houses are now using 17 men on a summer basis with more than 20 during the winter. The union has of-

(*Continued on page* 9)

Kathryn Dougherty To Quit Photoplay

Kathryn Dougherty, one of the founders of *Photoplay* as an associate of the late James R. Quirk, has resigned as editor and publisher, ef-

(*Continued on page* 8)

Merger Stay Again Denied For Mrs. Fox

Appellate Court Refuses To Take Action

The application of Mrs. William Fox and her All Continent Corp. for an injunction to restrain Fox Film from completing its reorganization and merger with Twentieth Century was denied yesterday by Justice Edward Lazansky of the Appellate Division of the N. Y. Supreme Court at Brooklyn.

In a brief opinion supporting the denial Justice Lazansky said that while there were grounds on which he might have issued an injunction, he refrained from doing so because all but "minor, formal detail" of the merger and reorganization had been completed, and to subject the transaction to a court trial might result in "serious

(*Continued on page* 4)

New Issues Start On Exchange Lists

Trading in new Paramount and Twentieth Century-Fox issues on the New York Stock Exchange started yesterday. Paramount Publix certificates of deposit were suspended by the exchange, but holders have until tomorrow night to turn them in to Commercial National Bank in exchange for new common and second preferred.

The new Paramount common opened at 8⅛, hit a low of 8, and closed at 8½, after reaching a high

(*Continued on page* 2)

F. P. Canadian Men Start 3-Day Meet

TORONTO, Aug. 28.—Preliminaries to the business sessions of the Famous Players Canadian convention got under way here today when managers from all over Canada started to view new season product at various screenings. The big session of the three-day meeting will be Friday morning,

(*Continued on page* 4)

Broadway Is Leased By B. S. Moss Unit

The Broadway, Broadway and 53d St., closed for the past several years, was leased yesterday by B. S. Moss's Chasebee Theatre Corp. for a period of six years at graduated rentals be-

(*Continued on page* 2)

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

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Broadway Is Leased By B. S. Moss Unit

(*Continued from page* 1)

ginning at $22,600 for the first year up to $44,200 for the sixth year.

Harry Marks, attorney for Main Stem Theatre Corp., made a competitive bid for the Broadway which was $2,600 per year under that made by Moss. The Prudence Corp. is the lessor. The lease to Moss was approved yesterday by Federal Judge Grover M. Moskowitz at Brooklyn, who has jurisdiction over the Prudence Co., which is in reorganization. The Broadway will be renovated and opened next month on a policy to be determined.

New Sonotone Office

The Sonotone Corp. will open new branch offices in the Brockman Building in Los Angeles early next month with Frank J. Roemer, vice-president and director of the company, in charge. Sales and service for 13 western states will be handled in the new branch under the direction of King Cooper, western division sales manager.

ALLEN JENKINS
"THE IRISH IN US"
WILLIAM MORRIS OFFICE

Purely Personal

Fred Metzler, Bill Powers, Harry and Charles Goetz, Harry Brandt, Harry Ross, Laurence Bolognino, James A. Fitz-Patrick, Arthur Lee, George Weeks, A. J. Van Beuren, S. S. Krellberg, Joseph Plunkett, Myron Robinson, Sam Rinzler, Al Hovell, Budd Rogers and J. H. Hoffberg congregated at the Tavern for a snack during the mid-day hour yesterday.

•

M. H. Aylesworth, Martin Beck, Marcus Heiman, Herb Yates, Ned Depinet, Herman Robbins, Sam Dembow, Jr., Willard McKay, Martin Quigley, Meyer Schine, George Lynch and Charles Paine were among the diners at "21" yesterday.

Quip of the Day

A postal from Mox Shabbus from his manse on the fringe of Hollywood.

"I see by Motion Picture Daily *where the M. & P. Publix headquarters in Boston are getting their sea legs on a cruise aboard the Discovery 2nd to Maine.*

"Forty-two feet of boat they have and on board they have three engineers, as many as on a transatlantic liner, a first officer and skipper. No mention of a crew.

"Who takes the orders and who carries them out?"

Allan Robbins launches on a picture career sometime next month under the aegis of Bob O'Donnell of the Interstate circuit. Headquarters, of course, in Seattle.

•

Lou Irwin is now firmly ensconced in his new offices in Radio City. Grey is the motif of the new decorations and Irwin is carrying it out even to his own dress.

•

Gary Cooper has flown back to the coast to report to Paramount. Mrs. Cooper, the former Sandra Shaw, was supposed to accompany him but didn't at the last minute.

•

Cameron Rogers, editor of the *Grace Log* for the past six years and director of publicity for the Grace Line since 1933, has been appointed assistant passenger traffic manager.

•

Edmund Breese is in town rehearsing for the new Al Woods show. He's stopping at the Barbizon Plaza.

•

Jimmy Mills, head of the Mills Artists Bureau, got in from the coast yesterday.

•

Isabel Jewell strolling down Sixth Ave. late yesterday in a navy blue and canary ensemble.

•

Myrna Loy rushing to beat a traffic light at Park Ave. and 50th.

•

A. Merritt's novel, "Burn, Witch, Burn," has been acquired by M-G-M.

•

Jules Levy, vice-president and general manager of RKO Distributing Corp., is in Detroit on a business trip. He may go to Canada before returning early next week.

•

H. G. Wells is expected here from England in about two weeks and will leave immediately after his arrival for Hollywood.

•

Jake Golden, RKO city manager in Rochester, has left for his upstate headquarters after a few days at the home office.

•

William S. Farmer, assistant manager of the RKO branch in Panama, is paying his first visit here in five years. It's a two-week vacation.

•

Frank Tuttle, Paramount director, leaves for the coast by train today. Madge Evans will be on the same train.

•

Charles Buckley, F. W. C. attorney, says he doesn't like flying and always takes a train when traveling to and from the coast.

•

Ruth Feiner's "The Cat Across My Path" has been acquired by M-G-M.

•

Charles Skouras has a swell tan which he says he acquired on the California golf links.

•

Murray Weiser will manage the Euclid, Brooklyn, when the house reopens around Sept. 15.

•

Ruth Weisberg, back from her Hollywood tour, is still talking about the swell time she had on the coast.

•

Helen Vinson at Forest Hills watching Fred Perry practicing for the coming national championships.

•

Joe Stein of the Copyright Protection Bureau is back from a hurried trip to Seattle.

•

Anna May Wong sails today for Bermuda on the *Queen of Bermuda.*

•

Jack Shea is putting on weight.

•

. . . Baltimore

Charlie McCleary, manager of Loew's Parkway, has gone to Sinai Hospital for treatment for an ulcerated stomach.

C. H. McGlothlin, *News-Post* film advertising man, saw his son Harold off to join the navy the other day.

Frank A. Hornig, M.P.T.O. of Maryland, Inc., president and Horn theatre proprietor and his wife, are enjoying a trip to California.

C. B. Corcoran, pinch hitting critic for G. E. Kanour, *Evening Sun,* while the latter was on vacation, started giving opening of pictures a break on day they opened. Kanour stuck to giving the opening notices on one day regardless of when they actually opened.

Julius Goodman, proprietor of the Ideal, commuting between here and Atlantic City as his family is there for the summer.

Benjamin Livingston, Clover proprietor, spent a few days in New York recently.

Looks Like $48,000

With $5,721 rolled up on Tuesday, the fifth day of its run at the Roxy, "Diamond Jim" last night was in line for a $48,000 to $50,000 week at that house.

New Issues Start On Exchange Lists

(*Continued from page* 1)

of 8⅞ for the day on a turnover of 23,500 shares. Opening sale of the first preferred was listed at 84, which also was low for the day, reached a high of 86⅜ and closed at 86. Total number of sales for this issue was 800. The second preferred, which has a $10 par value, opened at 9¼, also low for the session, touched 10⅜ and ended with a final sale of 10⅛. Sales totaled 1,600 shares.

Paramount Publix, Inc., 6's '55, the new bond issue, were active with sales totaling 56. The bonds were quoted at 93¾ high, 93 low, and 93½ as the final sale.

Two Twentieth Century-Fox issues made their debut on the exchange. Trading was limited to 500 on each. The common's first sale was at $13, also low for the day, and gained a half point, closing at the high. The preferred opened at $25¾, high for the session, closing at $25, low for the day.

Last Court Bar to Pathe Setup Ended

(*Continued from page* 1)

its reorganization was denied Aug. 14 by State Supreme Court Justice Kenneth O'Brien. Pathe completed its reorganization immediately afterwards, but despite this Hilbert obtained a temporary stay pending an appeal to the Appellate Division. It was this stay which was vacated yesterday by Judge Martin.

Hilbert's action was brought on the grounds that the section of the stock corporation law authorizing the holding of extraordinary meetings of stockholders such as the one at which the Pathe reorganization plan was approved is unconstitutional. This action was also dismissed by Justice O'Brien and appealed by Hilbert. A hearing of the appeal has been set for Oct. 4 in the Appellate Division.

Schenck to Be Made Fox Met Head Today

(*Continued from page* 1)

tan Playhouses company, is scheduled for today at a first meeting of the new board of the company. Other officers to be elected are William P. Philips, vice-president and treasurer, and Milton C. Weisman, vice-president and secretary. The meeting will be held at Weisman's offices.

Schenck leaves for the coast by plane tomorrow for an indefinite stay.

Albany, Aug. 28.—Papers of incorporation for Metropolitan Playhouses, Inc., and 16 subsidiaries were filed today with the Secretary of State. Weisman, Quinn, Allen & Spett are the attorneys.

Metropolitan Playhouses is the new name for Fox Met.

MINOR WATSON
"ANNAPOLIS FAREWELL"
WILLIAM MORRIS OFFICE

THE PICTURE OF THE WEEK

With a handful of records already to its credit in pre-release engagements, **JOE E. BROWN's** latest starrer for Warner Bros., **"BRIGHT LIGHTS"** by name, quite evidently tops the week's screen releases. Besides giving the inimitable Mr. Brown opportunity for an uproarious display of his singing and dancing talents, the film also boasts Ann Dvorak, Patricia Ellis, William Gargan, the 5 Maxellos, and excellent direction by Busby Berkeley. A First National Picture. Released August 31st.

Merger Stay Again Denied For Mrs. Fox

(*Continued from page 1*)

loss to all interested and be of little benefit to the plaintiff." The decision also observed that "the plan is satisfactory to all but a very few shares of Fox Film."

The grounds on which the court's opinion held that an injunction might be issued were those involving All Continent's allegations that Twentieth Century's assets had been speculatively valued and the purchase price was "recklessly exorbitant." These allegations, the opinion held, were not "satisfactorily answered" by Fox Film.

Mrs. Fox's attorneys said that while they would not appeal Judge Lazansky's decision in a further effort to obtain a stay of the merger and reorganization, they would probably take action within the next few days to obtain court orders prohibiting the carrying out of some of the provisions of the merger. Their action against officers, directors and large stockholders of Fox Film, charging wastage of assets and other acts, still remains and may be tried in October, according to the attorneys. If this action is won the court could compel the company to undo what has been done in the reorganization and merger procedure, a representative of Hirsh, Newman, Reass & Becker said.

Original Stay Denied Thursday

The original application for an injunction was denied by N. Y. Supreme Court Judge Alonzo G. McLaughlin at Brooklyn last Thursday, and the merger and reorganization was completed by Fox Film in the approximately 20 minutes intervening between Judge McLaughlin's decision and the issuance of a new stay by Justice Lazansky on All Continent's taking an immediate appeal to the Appellate Division.

In his decision yesterday Justice Lazansky said:

"I am of the opinion it would not have been an improvident exercise of discretion to have granted an injunction pendente lite in view of the statement in the moving papers below, not satisfactorily answered, indicating that the price paid by Fox Film to Twentieth Century Pictures, Inc., for the latter's property, speculatively valued, was recklessly exorbitant. But it is represented by counsel for the defendant that after a decision below, and before application for a stay pending appeal, the transaction sought to be enjoined had been fully consummated except as to some minor, formal detail. I have decided not to grant a stay as to those details for the following reason:

"To disturb the status quo until the validity of the transaction may be determined at a trial might cause serious loss to all interested and be of little benefit to plaintiffs, of whom the corporate plaintiff (All Continent) is really represented by the receiver of another corporation (General Theatres Equipment) appointed in Delaware, the court of which state has directed that receiver to vote for the plan, and the other plaintiff (Mrs. Fox) has a very small interest in Fox Film. Twentieth Century Pictures, Inc., is not before the court. The plan is satisfactory to all but a very few shares of Fox Film. Application for a stay denied."

St. Louis Theatre Activities Gaining

St. Louis, Aug. 28.—Theatre activity continues in this territory. The 1,000-seat Avalon on West Kingshighway is nearing completion and a permit has just been issued for a new house at University City, Mo.

The University City house will be a one-story brick building to cost $16,000 and seat 700. It will be operated by the Varsity Theatre Corp., subsidiary of Ansell Amusement Co.

The St. Louis Amusement Co. has been given a permit to wreck the old Kings Theatre on North Kingshighway.

Cardinal Theatre in the Jennings District of West Florissant Ave. has been transferred by John W. Dickson to Irving Mueller. The Bijou at Waverly, Ill., has been taken over by Hall & Hart. The Russell at Brunswick, Mo., has been closed.

The Lincoln and Washington Theatres at Belleville, Ill., have been leased by the Zenith Amusement Co. of Chicago from General Amusement Co.

Arthurs to Invade Phoenix

Phoenix, Ariz, Aug. 28.—Milton and Harry Arthur, with Harold and Al Stetson, will open a new theatre here next door to Harry Nace's Rialto about Jan. 1. They will play first run.

The Stetson and Arthur brothers operate the Studio in Phoenix and another house of the same name in Prescott.

Middletown Spot to Open

Middletown, O., Aug. 28.—The Sorg Opera House, one of the oldest theatres in this section, recently leased by the Gordon Theatre Co., is scheduled to reopen Sept. 12 after being remodeled following a fire which occurred several months ago. The policy will be stage shows and pictures. Robert Gibbs will manage.

The lessees also operate the Gordon here.

New Philadelphia Company

Harrisburg, Pa., Aug. 28.—Eagle Theatre Co., Philadelphia, organized to "rent and operate motion picture theatres," has obtained a Pennsylvania charter. Incorporators are D. E. Milgram, Joseph A. Miklasiewicz and Charles J. Solomon, all of Philadelphia.

To Open at Kansas City

Kansas City, Aug. 28.—Stanley Schwartz will open his new State, Kansas City, Kan., Sept. 7. The house has 400 seats and will charge 15 cents from 10:30 A. M. to 11:30 P. M.

Cincy Shubert to Open

Cincinnati, Aug. 28.—The RKO Shubert, after being remodeled at a cost of approximately $100,000, reopens Friday with "Lady Tubbs" on the screen and Cab Calloway and his orchestra on the stage.

Wall Street

Small Gains on Big Board

	High	Low	Close	Net Change
Columbia	64¼	62⅝	64¼	+1¼
Consolidated	4⅛	4⅛	4⅛	+ ⅛
Cons., pfd	16⅜	16¼	16⅜	+ ¼
Eastman	147	145½	146½	+ ½
Fox	15⅝	15¼	15⅜	.....
Loew's, Inc.	40½	39⅝	40⅜	+ ⅛
Paramount	8⅞	8	8½	.....
Paramount, pfd	86⅜	84	86	.....
Paramount 2, pfd	10⅜	9¼	10⅛	.....
Pathe	1	1	1	.....
Pathe "A"	11⅛	10½	10⅝	+ ⅛
RKO	2½	2⅜	2½	.....
20th Century-Fox	13½	13	13½	.....
20th Century-Fox, pfd	25¾	25	25	.....
Warner	5	4⅞	5	.....
Warner, pfd	36	35	36	+ ¾

Technicolor Gains on Curb

	High	Low	Close	Net Change
Sonotone	2	1⅞	2	.....
Sentry Safety	⅜	⅜	⅜	.....
Technicolor	20½	19⅝	20¼	+ ½
Trans-Lux	2⅝	2⅝	2⅝	.....

RKO Bonds Drop 4 Points

	High	Low	Close	Net Change
General Theatre 6s '40 ctf	14¼	14	14¼	+ ¼
Loew's 6s '41 ww deb rights	104	104	104	+ ⅜
Paramount Pictures 6s '55	93¾	93	93½	.....
Paramount F. L. 6s '47	102	100⅞	102	+1¼
Paramount Publix 5½s '50	103	103	103	.....
RKO 6s '41 pp	53	53	53	—4
Warner Bros. 6s '39 wd	76½	74½	76½	+1¼

(Quotations at close of Aug. 28)

Loew Publicity Men Are Shifted Around

Several changes in the Loew publicity personnel have been effected in the last few days. Gene Murphy, who had been handling the Penn, Pittsburgh, is now working on a number of Brooklyn houses. No successor will be appointed to the Smoky City post.

Harry Speigel, formerly at the Valencia, Jamaica, is now handling the east side with Sam Koolick of the home office assisting. Freddy Jablons, who has been covering Brooklyn, is back at his old post at the Valencia.

Ohioans Ignore Ban Issued on Screeno

Cincinnati, Aug. 28.—Management of the Andalus, St. Bernard, and the Woodlawn, Cheviot, both nearby suburban houses, but outside the city limits, are disregarding the recent order of Sheriff George A. Lutz to discontinue screeno. The game still is in operation one night a week at both.

The exhibitor angle is that social and fraternal organizations conduct bingo and similar games almost nightly for profit, and even advertise them in the newspapers.

To Redeem Loew Notes

Drawings for redemption have been made on $247,500 of Loew's, Inc., 15-year six per cent debentures due in 1941, according to Dillon, Read & Co., sinking fund agent for the company. Payment will be made at 101 on Oct. 1.

Hoffberg Cuban Office

J. H. Hoffberg Co., Inc., has closed a deal with Emilio de Armas Martin for the establishment of a branch office in Cuba with the latter in charge.

Warners Vote Thumbs Down For Columbia

(*Continued from page 1*)

of line as compared with performance based on other season's deliveries. Coupled with this are rumblings of "high-handed tactics."

This is the second anti-Columbia move which has developed in less than a week. At the Allied of New Jersey convention in Atlantic City last week, opposition of Philadelphia zone independents was also voiced to the distributor's selling plan for 1935-36. Lou Rodner of the Broadway, Camden, at that meeting led the opposition, declaring exhibitors had refused to buy Columbia on the basis of six at 35 per cent and a second half dozen at 30 per cent. He also stated 20 houses in the Quaker City area already had refused to do business on these terms and that the Independent Exhibitors' Protective Ass'n of Philadelphia was forming a buying combine one of the purposes of which would be to resist Columbia.

Rodner also stated that, with the exception of two pictures last season, none of the Columbia output had made money and defied any of the theatremen there present to contradict him. There were no dissenting opinions.

Columbia Profits Up

Columbia yesterday reported a net for the fiscal year ending June 29 of $1,815,266.72 after all charges including provision for Federal income taxes. This is equivalent to about $9.91 on each common share after deducting preferred dividends, the company states.

During the 1934 fiscal year the income was $1,008,834.58, equivalent to $5.69 on the common.

The balance sheet as of June 29 shows working assets of $7,255,046.73 with current liabilities of $1,136,627.13. Earned surplus was given as $4,627,554.57. Cash on hand totaled $1,272,136.53. Assets were listed at $9,407,211.59.

F. P. Canadian Men Start 3-Day Meet

(*Continued from page 1*)

when President N. L. Nathanson is expected to arrive on the scene after being away in Europe since early June. That afternoon there will be held the annual picnic of the circuit's managers.

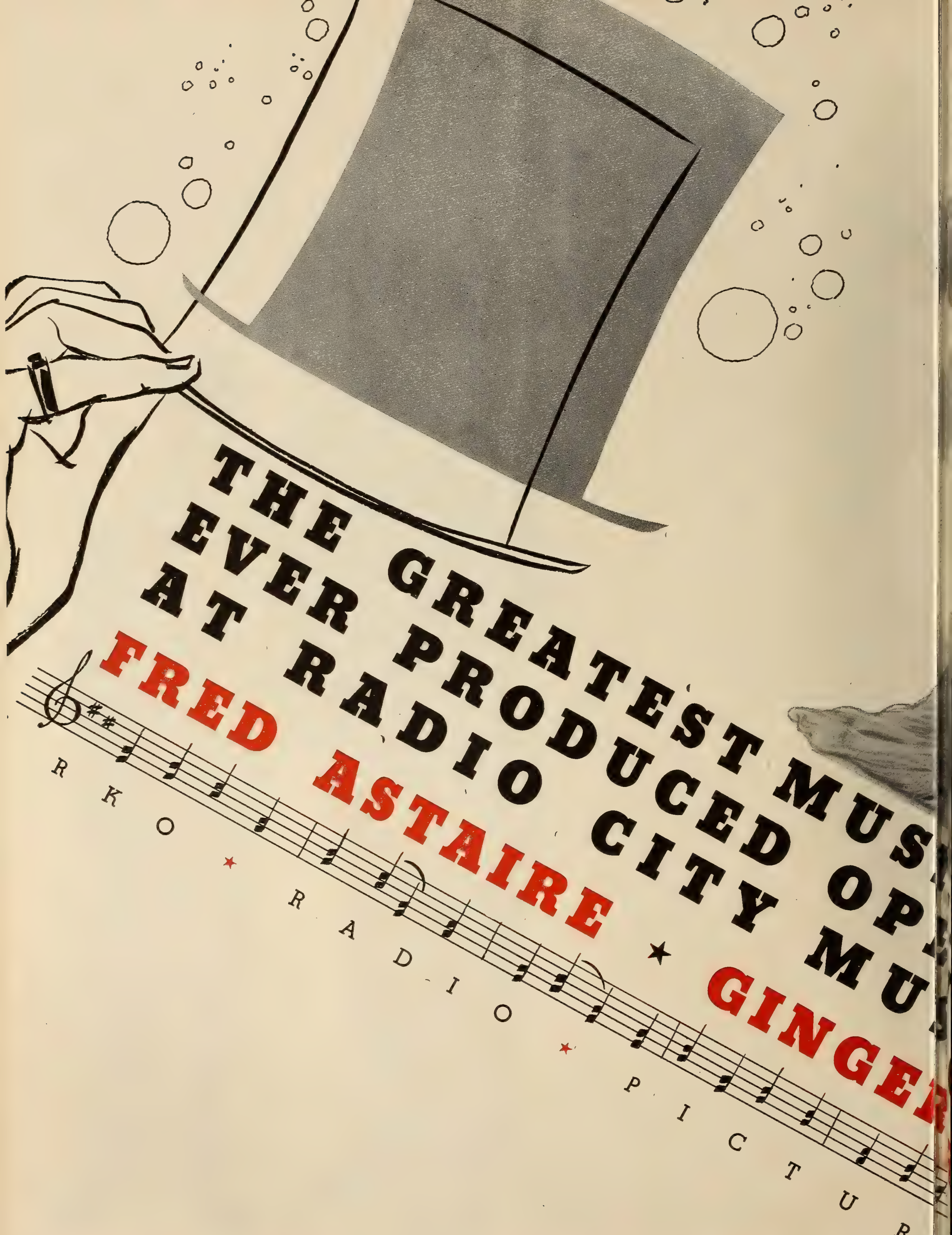
When the conventionites began to arrive today they were greeted with the news that Mayor H. E. Wilton of Hamilton, manager of the Strand there, had been nominated for the House of Commons at Ottawa on the Conservative ticket. This information met with a rousing reception.

FWC Gets Republic Film

Hollywood, Aug. 28.—Fox West Coast has booked "Westward Ho" throughout the circuit. The Republic Exchange made an exception in the case of this John Wayne film with the understanding that there will be further commitments from the circuit. Prior to this time, policy of the exchange has been to make no individual deals for single films.

"BONNIE SCOTLAND" is riotous with laughs," says New York Mirror ... "Screamingly funny," says American. "Tops any past performance. Packed with laughs", says Brooklyn Times.
"Gee, I'd like to see that one. Who's in it ?"

The arrival of a FULL-LENGTH LAUREL-HARDY FEATURE is always occasion for joy among picture-goers. Hal Roach's new one again demonstrates that these comics are a national institution. *And an M-G-M one, too!*



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"TOP HAT"

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IRVING BERLIN

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HELEN BRODERICK
ERIK RHODES • ERIC BLORE
DIRECTED BY MARK SANDRICH
A PANDRO S. BERMAN PRODUCTION

Front Pages Supply Most Yarns—Tuttle

Producers are getting subject matter for their pictures more and more from the front pages of the daily newspapers because it is there they find what audiences are sincerely interested in, said Frank Tuttle yesterday as he prepared to return to Hollywood after a short visit here. "In the next few years, and probably long before, pictures will begin to be produced with more of a lesson and in more vital and closer contact with people as a whole," he further explained.

In discussing the suggestion of M. A. Lightman that exhibitors would do well to zone their territories according to the customers and consequently only show pictures to fit these sections, Tuttle expressed the opinion that directors and producers could turn out better work if they aimed at only one class of audience. There should be certain pictures for the family trade, certain ones for sophisticates and certain ones for general audiences, he continued, and when those making the pictures in Hollywood can aim at certain audiences and concentrate on these, the work will be correspondingly better.

Tuttle at present is under contract to Paramount and just finished directing Bing Crosby's latest, "Two for Tonight." His contract comes up for renewal in November. He admitted that he had been approached by Crosby and Emanuel Cohen to direct the picture they will make starring the former, but nothing definite on the deal has been done as yet.

Tuttle leaves today for the coast by train and will start work soon on the yet untitled feature starring Jean Arthur and Buddy Rogers for Paramount.

Warner Zone Heads Finish Policy Talk

The 12 Warner theatre zone managers yesterday concluded a two-day meeting under direction of Joseph Bernhard to discuss policy for the coming quarter. The session was originally scheduled to last two or three days but was concluded in one.

Managers attending were James Coston, Chicago and Milwaukee; Nat Wolf, Cleveland; I. J. Hoffman, New Haven; Don Jacocks, Newark; Moe Silver, Albany; Ted Schlanger, Philadelphia; Harry Kalmine, Pittsburgh; J. J. Payette, Washington; Herbert Copelan, Atlantic City; Lou J. Halper, Hollywood; Howard Waugh, Memphis, and B. F. Moore, St. Louis.

The group last night assembled at the St. Moritz to tender a dinner to Bernhard at which home office theatre department executives also were present.

Premiums Harmful, Mort Singer States

Mort Singer, RKO theatre partner in the middle west, is definitely against premiums and chance games for his nine theatres. He states that this sort of stimulant only tends to kill business, rather than aid grosses.

"I want to stick to the theatre business," Singer declares. He plans to leave for his home in Beverly Hills as soon as negotiations between circuits and unions wind up.

Looking 'Em Over

"Charlemagne"

(France-Film)

In "Charlemagne" Pathe-Natan of France has produced a highly amusing satire on government. Lack of a knowledge of French ought not to hinder American filmgoers in their enjoyment of this film, thanks to the generous use of subtitles in English and the splendid work of the cast, headed by Raimu, who, in the name part, turns in a most effective performance.

In its theme the film is reminiscent of Barrie's "The Admirable Crichton." It tells of a stoker, bullish and crude but with a deep sense of the injustice of things, who finds himself holding the upper hand when a yacht is wrecked on a desert isle.

The castaways, among whom is a sole woman (Marie Glory), become completely dependent upon the stoker for their existence. Realizing the strength of his position now, he rebels at being bossed around and sets himself up as king of the island with Mlle. Glory, an actress, as his queen. Raimu revels in his new-found glory, forcing the others to take a bit of their own medicine until their rescue reduces the stoker to his former station in life.

The satire is extremely well done, with many moments of real fun the result. Fine photography has been lavished upon the film, which was directed in good style by Pierre Colombier.

Leon Bélières, Jean Dax, Gaston Jacquet, Pierade and Lucien Baroux are among the other players.

No production code seal. Running time, 77 minutes. "G."

"Public Opinion"

(Chesterfield)

By virtue of an interesting treatment Invincible has turned familiar material into attractive entertainment for neighborhood houses. The film also has the benefit of a good cast. Especially is it fortunate in the services of Crane Wilbur, who offers a sterling performance in the role of a famous bacteriologist married to an opera star (Lois Wilson).

The story details the ups and downs of the married life of the scientist and the prima donna. The two separate when Andre de Segurola, an operatic tenor, comes between them. As is usual in tales of this type on the screen, the wife is innocent of any wrongdoing, the husband just insisting on misunderstanding her relations with the third party. After much suffering on both sides, husband and wife are reunited when their boy, dangerously ill of infantile paralysis, recovers through the ministrations of the mother.

The happy ending is made possible when Shirley Grey, who consoled Wilbur during his separation from Miss Wilson and who secretly loves him, bows out of the picture.

There are to be found in the picture a number of genuinely dramatic moments. Direction is by Frank Strayer.

The film has been given a good production and first-rate photography. Luis Alberni, Paul Ellis and Ronnie Cosbey are also in the cast.

No production code seal. Running time, 71 minutes. "G."

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Streamline Express"

(Mascot)

HOLLYWOOD, Aug. 28.—Using a streamline train a la Grand Hotel, this rapid comedy clicks, unfolding several plots and counterplots as it goes.

Victor Jory, a stage producer, is pursuing Evelyn Venable, who has walked out on his show. He gets a job as steward on her train, where a varied assortment of characters gather. Ralph Forbes is taking Miss Venable home to marry her. Clay Clement, eloping with Esther Ralston, finds Erin O'Brien Moore, his wife, also on the train. Sidney Blackmer, fleeing the police, is an old friend of Miss Ralston. Vince Barnett is rushing his wife west so that his heir may be born in California. Bobby Watson rounds out the group as a drunk.

In the ensuing complications a diamond pendant is reported stolen and each character comes under suspicion, though the jewel has been given to Blackmer by Miss Ralston as blackmail. When things are

(Continued on page 9)

Korda Has 12 to Go For United Artists

(Continued from page 1)

Artists. Five of these will be Korda Prod. and presumably will be sold through the U. A. machine in this market. The other seven, which may or may not come over, will be sold by the company in England.

The producer declined to comment on reports the purpose of his trip has to do with dissatisfaction over his present distributing contract nor would he talk about reports he may make a deal with Twentieth Century-Fox.

Korda Goes West Tomorrow

Alexander Korda, who arrived in New York Tuesday, leaves for Hollywood tomorrow. He will spend a week conferring with Samuel Goldwyn, Charlie Chaplin and Mary Pickford, and will be accompanied by Al Lichtman, Sir Connop Guthrie, Maurice Silverstone and Stephen Pallos.

Lichtman will be host to the Korda party and following U. A. officials, Arthur Kelly, Harry Buckley, Harry Gold, Paul Lazarus, James Mulvey, Emanuel Silverstone, Monroe Greenthal, Morris Helprin and Charles Skouras at a dinner at Jack Dempsey's prior to attending the Baer-Doyle fight tonight.

"Karenina" Ads Go To 37 Publications

(Continued from page 1)

a circulation of 34,000,000 and an estimated reader coverage of 100,000,000.

Howard Dietz is convinced that his nationwide billboard campaign in 1,900 cities on "China Seas" got that picture off to a big start and that the magazine advertising now under way will prove a general industry benefit at the start of the new season.

The company expects to spend $2,500,000 on advertising during the year, he says.

Kathryn Dougherty To Quit Photoplay

(Continued from page 1)

fective Oct. 31. She will announce her new association shortly.

Miss Dougherty (Mrs. John S. Tuomey) took charge of the magazine following the death of Quirk and has continued as editor and publisher since the acquisition of the publication some months ago by the Macfadden interests.

United Productions Formed in England

(Continued from page 1)

pervise "Bonnie Prince Charlie" and Frenke, "Lady Hamilton," with Anna Sten.

Garrett Klement Prod. today signed Henry Wilcoxon for the lead in "A Woman Alone" opposite Miss Sten.

Leslie Howard is under contract to Warners and, therefore, is understood to be unable to appear in any pictures planned by United Prod. Ltd.

K. C. Men in New York

KANSAS CITY, Aug. 28.—"Tommy" Thompson, RKO exchange manager; Max Roth, district manager, and Harry Taylor, exchange manager for Columbia, are in New York.

Operator Pay Parleys Snag On Ultimatum

(Continued from page 1)

convened at midnight last night at the Central Opera House. About 1,800 members agreed with the executive board.

Circuit representatives are expecting to meet with the union men today when the results of last night's meeting will be detailed. However, the meeting may not be held, but this depends on whether theatre heads are willing to confer again with the operators on different terms.

Harry Brandt, president of the I.T.O.A., yesterday filed a number of suits against Local 306 through Joseph Basson, president, alleging damages aggregating $500,000. Milton C. Weisman filed the papers for Brandt in the N. Y. Supreme Court.

Union Demands Hit Phila. Stage Shows

(Continued from page 1)

fered to scale wages so that the expense would not be much heavier than with one band, but the theatres object to attempting to routine shows with two orchestras. They also object to increases in the personnel.

Unless an agreement is reached tomorrow, the houses will go on a straight picture basis until the dispute has been settled.

Omaha Paper's Music Show Stirs Friction

OMAHA, Aug. 28.—A situation that once caused friction between exhibitors and the Omaha *World-Herald* gives indication of returning.

The *World-Herald* sponsored the Midwest Music Festival Saturday night, starring Mary McCormic, the opera singer, and featuring 1,000 musicians, singers, choral groups and bands.

The program was staged in Creighton stadium before 15,000 persons at a 25-cent top. It has been announced that the festival will become an annual event.

Saturday night business in all houses was hit badly. Topping it off there was a circus in town to mar the matinee receipts.

The *World-Herald* and the local exhibitors came to an understanding last winter when the publisher began booking operas and ballets. At that time he agreed to step out of the theatrical business.

Radio Busy on Shorts

HOLLYWOOD, Aug. 28.—The shorts department at Radio is unusually active under the supervision of Lee Marcus. Al Boasberg, who has just finished writing and directing "Ribber Stay Away from My Door," which stars Leon Errol, has been assigned to direct and write the next of the Errol series. "The Worm Burns," starring Dorothy Sebastian, has also just been completed, and Harry Edwards who directed, is preparing another.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Streamline Express"

(Continued from page 8)

straightened out Jory wins Miss Venable from Forbes, Clement returns to his wife and Barnett's wife is the mother of twins.

Director Leonard Fields has touched lightly on all these situations, making them entertaining though not too believable. The screen play by Fields, Dave Silverstein and Olive Cooper from Wellyn Totman's original provides some amusing dialogue. George Yohalem's production concentrating on the modernistic lines of the train is interesting.

The picture should satisfy on a bill with a more serious subject.

No production code seal. Running time, 68 minutes. "G."

"Top Hat," this morning's opener at the Radio City Music Hall, was previewed by wire from Hollywood, Aug. 14.

"Page Miss Glory," which opened last night at the Strand, was reviewed from Hollywood by wire on July 5.

"Anna Karenina," which was previewed by wire from Hollywood on July 1, *opens tomorrow morning at the Capitol.*

New RKO-Warner First Run Circuit Deal About Ready

(Continued from page 1)

pendent circuit when RKO stepped in and asked for a halt. These deals are off until the major circuit situation is cleared.

RKO is planning to double feature on split week policies in all local houses, starting around Sept. 6. Some of the theatres are now showing duals the first part of the week with singles the latter. This booking setup will be changed to follow the Loew policy. RKO has bought a number of independent features to fill in with major product.

RKO may tie up with George Walsh at the Strand, Yonkers, pooling the house with the Proctor. A deal is in work. If consummated, it will give RKO the benefit of Warners and Paramount, which Walsh has lined up.

"Page Miss Glory," first of the new Warner releases, is set to open at the Paramount, Brooklyn, on Sept. 6, following which it goes into the entire Century circuit.

Reports Warners were trying to buy back the Century and S. & C. contracts were denied by all three parties. Warners claim both deals are advantageous to the company. Century stated it had been looking for a first run contract for 15 years and now that the circuit has it there is no chance in giving it up. Sam Cocalis yesterday put the damper on re-purchasing reports, saying he hadn't even been approached.

Form Academy Pictures

BOSTON, Aug. 28.—Academy Pictures of New England, Inc., has been organized to distribute in New England with Phil Smith, who controls a good sized theatre circuit, as its head. Smith has scrapped the title of Medallion Pictures of New England, originally chosen for his latest film venture.

Offices will probably be opened late in September.

Lasky to East Monday

HOLLYWOOD, Aug. 28. — Jesse L. Lasky starts east Monday. From Chicago he will proceed directly to Toronto, from where he will depart for England. The fact Lasky is avoiding New York is interpreted here as indicating he probably will have closed a deal on the coast prior to his departure.

Dark Now, Lights Soon

CHICAGO, Aug. 28.—The Star and Garter, downtown burlesque house dark for the past three months, reopens Sept. 2. Burlesque and second run pictures will be the policy at 75 cents top.

Transfer E. W. Johnson

KANSAS CITY, Aug. 28.—E. W. Johnson, formerly with United Artists at Minneapolis, has been transferred to cover northern Oklahoma and southeast Kansas, with headquarters at Kansas City.

Des Moines Theatre Meeting Terminates

DES MOINES, Aug. 28. — Tri-State Publix annual three-day convention closed at the Kirkwood Hotel here today.

G. Ralph Branton, who presided, praised producers for offering for the new season the best product in years. The consensus of opinion among the managers present was that a feeling of better patronage existed throughout the territory.

B. & K. and Tri-State worked out improved territory arrangements for Publix for the coming year. B. & K. was represented by Barney Balaban.

The convention closed with a banquet and a screening of "The Crusades." Among the speakers of the day were Cecil B. DeMille, Jerome Beatty, A. H. Blank, Bishop Bergen, Mrs. Max Mayer of the Des Moines Civic Club and John Cowles of the *Register-Tribune.*

IBEW Opens Trial of 40 Members Tuesday

HOLLYWOOD, Aug. 28.—The International Brotherhood of Electrical Workers on Tuesday will place the first group of 40 members before a trial board for asserted activity in the National Ass'n of Cinema Craftsmen, formerly called the National Ass'n of American Employes. The organization will charge violation of obligations to the brotherhood and will ask that members found guilty be punished to the full.

No findings will be rendered by the trial board until all accused members have been heard.

The extreme penalty is expulsion from the I.B.E.W., which automatically prevents members from working in studios having a pact with the brotherhood.

Big Crowd Is Drawn To "Glory" Opening

The opening of Marion Davies' first Cosmopolitan picture for Warners, "Page Miss Glory," drew a big crowd to the Strand last night. It was said by Warner officials to be the biggest summer opening in the history of the theatre.

In the audience were Mae Murray, Noel Francis, Fifi D'Orsay, Dorothy Mackaill, Jerry Cooper, Luigi Pirandello, Charley Carlisle, Dick Himber, Ted Husing, Grantland Rice and Armida.

THEATRE ACCOUNTING

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Variety Club

Cincinnati

CINCINNATI, Aug. 28. — Variety Club is taking over an adjoining room in the Netherland Plaza, making three rooms in the local quarters.

The club was chartered a little less than two years ago, and the membership is increasing steadily.

Kansas City

KANSAS CITY, Aug. 28.—Tent No. 8 is planning a carnival, tentatively set for Oct. 4-5. The function probably will take place in Variety Club rooms.

A number of the directors met at luncheon to discuss the matter and suggest plans. Among these were R. R. BIECHELE, WILLIAM WAGNER, CHARLES JONES, JOHN MUCHMORE, Chief Barker GEORGE BAKER, CHARLES SCHAFER, F. E. RITTER, R. C. LIBEAU, ARTHUR COLE, EDWARD SHANBERG, and A. F. ("Peck") BAKER.

Tentative plans call for a floor show, concessions, dancing, and drawings for prizes. Probably there will be an admission price, in addition to special charges for concessions. Purpose of the carnival is to raise money for the club.

A Hallowe'en party was also suggested at the meeting and SHANBERG said he thought the tent should be planning for its New Year's Eve party, highlight of the social season for Variety members.

The annual charity ball will be moved forward this year until after the first of the year so as not to conflict with holiday activities and thus bring it too close to the carnival.

Omaha

OMAHA, Aug. 28. — Sol Francis, manager of American Distributors, was chairman of the weekly luncheon. He introduced as guest speaker, A. W. MILLER, warden of the Nebraska Reformatory. MILLER took occasion to express his gratitude to managers of all exchanges for the use of films shown in the reformatory theatre.

Danubia Acquires 10

Among 10 pictures acquired by Danubia Distributing Corp. for American distribution are "Igloi Diakok" (College Boys of Iglo), "Koszonom Hogy Elgazolt" (Thanks for Knocking Me Down), and "Lila Akac" (Purple Acacia).

The company also has obtained metropolitan distribution rights for the Europa Film Co. of Cleveland which handles Hungarian dialogue films.

Drop Winnipeg Pickets

WINNIPEG, Aug. 28.—Labor difficulties have been temporarily shelved with the giving of an understanding by the Canadian Theatrical Federation and the Winnipeg Musicians' Ass'n. that they will not continue the picketing of named theatres until applications by the proprietors for an injunction against the unions is heard in September.

The labor organizations had demanded that two union operators instead of one be employed and that exhibitors discontinue the doubling of an orchestra at two theatres. The houses involved are operated by Allied Amusements.

Throttle Pushing

by H.E.N.
MOTION PICTURE DAILY

CHEYENNE, WYO. — Walter S. Smith, new city manager of the Fox houses here, is doing a bang-up job. Walter was transferred here from the Santa Ana house of the Fox Coast division. Chet Miller, Fox Rocky Mountain division manager, still has his home here.

G. E. Jaynes, operating the Orpheum at Buena Vista, Colo., is remodeling the old silent house at Red Cliff and plans to open Aug. 15. M. P. Foster, who has managed Dave Hess's Granada at Monte Vista for the past five years, is busy supervising installation of a new Neon sign and present plans provide for redecoration and complete remodeling of this popular theatre this summer.

Hi Bischoff, who operates the Armada, Lowell, Wyo., and the Cowley at Cowley, is busy remodeling and enlarging the Armada from 400 seats to 650 and installing an air-cooling system. Just as soon as the present work on this theatre is completed, work of remodeling the Cowley will begin.

Things are humming around Ross J. Keckler's Wigwam Theatre at Basin, Wyo. Modern stage equipment, sliding curtain control and modern ventilating, washed-air system are being installed. Also a new marquee, paint and all the trimmings. Ross has been five years in business in this thriving community.

Speaking of real pioneers there is Tom Kirby, who operates the Elk at Worland, Wyo., and who started in show business at Sheridan in 1908. Tom has purchased ground across from the Elk and will build a 700-seat house in the near future. Present equipment at the Elk has been augmented by the recent installation of new Simplex projectors and Wide Range sound.

We had a fine time trying to find J. S. Ward of the Princess, Douglas, Wyo., the other day. After a couple of hours, we located the reason, who was E. M. Loy, Fox salesman, who had been busy selling the works to Ward. This deal was finally consummated in the office of our Roll-A-Home trailer.

Fred Curtis, owner of the Whiting, Thermopolis, Wyo., has just returned from a trip to Hollywood, where he visited Charlie Starlett and Honey Wilcoxian of the RKO studios. According to Fred, this must have been a real binge. Tim McCoy and Isabel Jewell come from this section. Fred tells us that the "March of Time" is a 100% draw for his house and is building all the time. George Arliss is his leading star, but they walked out on "Black Fury." The principal patronage of this section is Belgian coal miners. Stark and Rahrer, who are operating the Liberty, Fromberg, Mont., told us a funny one. We have often suspicioned that editorials of our dynamic editor, Red Kann, carried a mean wallop, but it fell to the lot of F. W. Stark to verify this fact. He tells us that when the issues of MOTION PICTURE DAILY are of no further use to his theatre, he gives them to the different coal miners around here to use for wadding for their "shots" in the mines.

Bill Kyle is receiving bids for the general overhaul and remodeling of his Oasis Theatre at Columbus, Mont. This is a thriving community in Yellowstone Valley where crop conditions are very good. Conditions throughout this section are the best they have been for the past five years.

Yellen Yells

Sam Yellen, general manager for the Leff & Meyers circuit, had a trying and somewhat unusual experience the other day when he was arrested for playing Screeno at the De Luxe, Bronx.

Unable to get $500 bail for three hours, Yellen was thrown into jail. The first thing the cops did was remove his tie and belt. This is the same procedure when crooks are locked up, the police fearing suicide if the articles are not taken away.

Yellen was more interested in getting his tie and belt back than the necessary bail, but as it happened he got all three after three hours behind bars.

Metro Develops New Portable Sound Unit

HOLLYWOOD, Aug. 28.—M-G-M will use new portable sound equipment on location for "Rose Marie." The equipment was designed by Douglas Shearer, head of the sound department, and was constructed at the studio. It is light enough to be transported by two pack mules and powerful enough to record a full symphony orchestra, it is claimed.

'Change by November

LOS ANGELES, Aug .28.—The new Paramount exchange, now being constructed at 20th St. off Vermont, will have the last word in equipment. Eight vaults with blowout chambers and drainage pipes for sprinklers are being built into the foundation. The structure will be two stories high, thoroughly fireproofed, and will give the exchange an area of 11,500 sq. ft. It will be ready in November.

Oklahoma Firm Expands

OKLAHOMA CITY, Aug. 28.—The Film Speaker Co. here has changed its name to the Oklahoma Theatre Supply Co.

The name was changed because the company, which formerly sold only sound equipment, now carries a complete line of theatre equipment.

To Build at Waynesville

WAYNESVILLE, N. C., Aug. 28.—James E. Massie, proprietor of the Waynewood here and the Colonial in Canton, will begin work soon on a new $40,000 theatre here.

Short Subjects

"Rah, Rah Radio"

(Vitaphone)

Several radio performers, including Ralph Kirberry, Jack and Loretta Clemens, are presented in novel manner. Harry Burns is conducting a radio technique school and advertises the established stars as his former pupils. He presents them as examples of his work, introducing several gags while doing so. A bit of entertainment that should please. Production Code Seal, No. 0374. Running time, 7 mins. "G."

"How to Sleep"

(M-G-M)

HOLLYWOOD, Aug. 28. — Offering Robert Benchley in a wild mood, this short is one of the funniest Benchley has made. In his familiar role of lecturer, he gives a satirical talk on insomnia, at the same time illustrating his remarks with bedroom gymnastics. Every problem that has ever confronted a person unable to sleep is offered in Benchley's most amusing manner. Production Code Seal No. 1,120. Running time, 9 mins. "G".

"Lady in Black"

(Vitaphone)

This is a very good musical short that combines a romantic episode with the presentation of several night club performers. Countess Olga Albani and Albert Van Dekker are featured with the vocal numbers of the countess the highlights of the picture. Most audiences will more than appreciate this one, and where radio fans know the singer it should increase the appeal. Highly recommended. Reviewed without production code seal. Running time, 20 mins. "G."

"Pitcairn Island Today"

(M-G-M)

HOLLYWOOD, Aug. 28. — Although smacking strongly of being a glorified trailer for "Mutiny on the Bounty," this short is pictorially effectual and comment by Carey Wilson is interesting. Starting with a shot of H.M.S. *Bounty*, the picture shows shots of the island and its present-day inhabitants, while the voice of Wilson tells the story of the mutiny. Those who do not object to advertising in this form will find it an interesting subject. Production Code Seal No. 1,069. Running time, 9 mins. "G".

"Trained Hoofs"

(M-G-M)

HOLLYWOOD, Aug. 28. — A Pete Smith "Sports Parade." Tracing the career of a thoroughbred colt from the time it is foaled until it faces a racing barrier for the first time, this short will hold interest for all animal lovers. Nice touches, showing the affection between mare and colt, and a gripping scene showing the young horse being nursed through pneumonia have been cleverly inserted by Director David Miller. The Smith comments mix sympathy with humor. Production Code Seal No. 1,148. Running time, 9 mins. "G".

Report Sound Sales Up

KANSAS CITY, Aug. 28.—Indicating better times, the RCA Photophone division here is working on 12 new jobs, according to Don Davis.

"Every Night" Detroit High; Hits $22,300

DETROIT, Aug. 28.—"Every Night at Eight" was the best draw of the week here. It grabbed $22,300 at the Michigan with five acts of vaudeville on the stage.

"China Seas" ran a close second with a take of $12,200, over the line by $2,200, at the United Artists. All other first runs found the going rough.

Total first run business was $58,800. Average is $60,000.

Estimated takings for the week ending Aug. 22:

"CURLY TOP" (Fox)
ADAMS — (1,770)—10c-40c, 7 days, 3rd week. **Gross:** $3,800. (Average, $5,000)

"DANTE'S INFERNO" (Fox)
FOX—(5,500), 15c-55c, 7 days. Stage, 5 acts vaudeville. **Gross:** $12,500. (Average, $15,000)

"STRANDED" (Warners)
"MEN WITHOUT NAMES" (Para.)
FISHER—(2,975), 10c-40c, 7 days, 2nd run. **Gross:** $4,100. (Average, $5,000)

"EVERY NIGHT AT EIGHT" (Para.)
MICHIGAN — (4,100), 15c-55c, 7 days. Stage, 5 acts vaudeville. **Gross:** $22,300. (Average, $20,000)

"WE'RE IN THE MONEY" (Warners)
"CIRCUMSTANTIAL EVIDENCE (Chesterfield)
STATE—(3,000), 10c-40c, 7 days. **Gross:** $3,900. (Average, $5,000)

"CHINA SEAS" (M-G-M)
UNITED ARTISTS — (2,070), 15c-55c, 7 days. **Gross:** $12,200. (Average, $10,000)

"Curly" at $8,500 In Montreal Slump

MONTREAL, Aug. 28.—"Curly Top" led the parade here last week with a take of $8,500, but this was nothing to get excited about. Normal for the Palace is $11,000.

Cooler evenings are offering managers some encouragement, but more competition is in sight next week, as the Imperial and Loew's are scheduled to reopen.

Total first run business was $22,000. Average is $26,500.

Estimated takings for the week ending Aug. 24:

"BROADWAY GONDOLIER" (Warners)
"DON'T BET ON BLONDES" (Warners)
CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $7,500. (Average, $9,500)
IMPERIAL and LOEW'S closed.

"CURLY TOP" (Fox)
PALACE — (2,600), 25c-35c-40c-50c-65c, 7 days. **Gross:** $8,500. (Average, $11,000)

"OLD MAN RHYTHM" (Radio)
"ONE WOMAN'S LIFE" (Radio)
PRINCESS—(2,272), 30c-35c-50c-65c, 7 days. **Gross:** $6,000. (Average, $6,000)

"Steamboat" Advanced

ST. LOUIS, Aug. 28.—In order to get an earlier playdate for Will Rogers' "Steamboat 'Round the Bend", Fanchon & Marco have switched the bill for the reopening of the Ambassador. "Diamond Jim" will be set back. The length of the run will be indefinite.

Into 2 L. A. Houses Saturday

LOS ANGELES, Aug. 28.—Fox West Coast has booked "Steamboat Round the Bend" into the United Artists and Egyptian here, starting Saturday. This does not represent a shift in policy, an exception simply having been made in the case of the Will Rogers film.

"Steamboat" Starts Well On the Coast

LOS ANGELES, Aug. 28.—"Steamboat 'Round the Bend" got off to a flying start playing day and date at Loew's State and the Chinese. In five days it took $15,200, above par for a week by $1,200 at the former, and at the latter it reached $12,117 in the same length of time.

The heat was terrific, but in spite of this grosses stood up fairly well. "Sanders of the River" took $5,200 at the 4-Star, "Front Page Woman" reached an average $8,000 at the Hillstreet, and "Man on the Flying Trapeze" took a better than fair $16,200 at the Paramount.

Total first run business was $75,417. Average is $84,500.

Estimated takings for the week ending Aug. 28:

"STEAMBOAT ROUND THE BEND" (Fox)
CHINESE—(2,500), 30c-55c, 5 days. **Gross:** $12,117. (Average, $12,500)

"LA MATERNELLE"
FILMARTE—(800), 40c-50c, 7 days. **Gross:** $2,000. (Average, $2,750)

"SANDERS OF THE RIVER" (U. A.)
4 STAR—(900), 30c-55c, 7 days. **Gross:** $5,200. (Average, $3,250)

"FRONT PAGE WOMAN" (Warners)
HILLSTREET—(2,700), 25c-40c, 6 days. **Gross:** $8,000. (Average, $8,000)

"STEAMBOAT ROUND THE BEND" (Fox)
LOEW'S STATE—(2,500), 30c-55c, 5 days. **Gross:** $15,200. (Average, $14,000)

"MAN ON THE FLYING TRAPEZE" (Para.)
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: F. & M. revue, Rube Wolf and his orchestra. **Gross:** $16,200. (Average, $18,000)

"FRONT PAGE WOMAN" (Warners)
WARNER BROS. (DOWNTOWN)—(3,000), 25c-40c, 6 days. **Gross:** $9,100. (Average, $14,000)

"THE IRISH IN US" (Warners)
WARNER BROS. (HOLLYWOOD)—(3,000), 25c-40c, 6 days. **Gross:** $7,600. (Average, $12,000)

Mitchell Will Come East on Long Reels

HOLLYWOOD, Aug. 28.—Gordon Mitchell, manager of the Academy Technicians' Branch, is slated to leave for New York early next month for conferences with distributors on the proposed 2,000-foot reel length.

Mitchell will describe and clarify advantages of the new length. He says producers here have not yet taken any definite action on the change.

Frank Lydon Recovering

BOSTON, Aug. 28.—Frank Lydon, Allied executive, is well on the road to recovery from injuries incurred in the film district, where, trying to prevent two men from stealing his automobile, he was dragged some distance and then thrown against another machine. His car also was smashed as a result of the incident.

Skouras Managers Meet

About 28 local Skouras managers met at the circuit's headquarters yesterday for a discussion on product and policies. A screening of "Gay Deception" was held. It was stated a deal is pending for Warner product.

Hess Returning East

HOLLYWOOD, Aug. 28. — Gabriel Hess flew to New York today.

Give Away Studio

Toronto, Aug. 28.—A film studio was given away today when the Ontario government wrote finis to its producing enterprise started 20 years ago.

The studio was presented to the town of Trenton on condition that it be converted into a gymnasium. In recent years the studio has been rented to producing units.

"China" Gets Big Portland Holdover

PORTLAND, Aug. 28.—"China Seas" continued for a second good week at the United Artists with a take of $6,000, or $1,000 over average.

It took 10 additional features at balance of first runs to bring them up to average.

Beach resorts did the heaviest business of years over the week-end with near torrid weather.

Total first run business was $25,700. Average is $24,700.

Estimated takings for the week ending Aug. 24:

"BRIGHT LIGHTS" (F. N.)
"MURDER MAN" (M-G-M)
BROADWAY—(1,912), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

"G-MEN" (F. N.)
"MISSISSIPPI" (Para.)
(2nd Run)
BLUE MOUSE—(1,700), 15c-25c, 7 days. **Gross:** $1,700. (Average, $1,700)

"EVERY NIGHT AT EIGHT" (Para.)
"MYSTERY MAN" (Col.)
MAYFAIR—(1,700), 25c-35c-40c, 7 days. **Gross:** $3,000. (Average, $3,000)

"DANTE'S INFERNO" (Fox)
"WE'RE IN THE MONEY" (W. B.)
ORPHEUM—(1,700), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

"ACCENT ON YOUTH" (Para.)
"LADY TUBBS" (Univ.)
PARAMOUNT — (3,008), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

"CHINA SEAS" (M-G-M)
(2nd Downtown Week)
UNITED ARTISTS—(945), 25c-35c-40c, 7 days. **Gross:** $6,000. (Average, $5,000)

FWC Managers Shifted

HOLLYWOOD, Aug. 28.—Five managerial changes have been made by Fox West Coast.

J. W. Hauck is new manager of the California, Glendale, replacing Lester Clark, who has taken over the United Artists in Pasadena. Clark replaces Terry McDaniel, who resigned to return to Atlanta and manage his own theatre.

Dell Hamilton has taken over the Gateway, Glendale, replacing R. F. Duke, who now is managing the Capitol, Glendale. Duke replaced Joe Buse, who has been moved to the Glendale, in Glendale.

Cowan Signed by Marco

HOLLYWOOD, Aug. 28.—Mike Marco today signed Lester Cowan, former Academy head and recently a Columbia producer, to an associate producer's contract. Cowan will immediately assemble a staff to work on several Marco story properties now being given screen treatments. Fanchon will be art and musical director for all productions.

Marco's first film will probably be a musical with a ballet, although he will also produce straight dramatic features in the program.

"China Seas" Denver Lead; Gets $10,500

DENVER, Aug. 28.—"China Seas" had repeated standouts at the Orpheum and ran up a take of $10,500, which is $2,500 over par. It was held over.

"Call of the Wild" had a strong $2,000 at the Broadway in spite of the fact that it had already had a big week at the Denver. "The Farmer Takes a Wife" reached $7,000 at the Denver and was held for three extra days.

Total first run business was $26,450. Average is $19,800.

Estimated takings for the week ending Aug. 22:

"REDHEADS ON PARADE" (Fox)
ALADDIN—(1,500), 25c-35c-50c-60c, 7 days. **Gross:** $2,200. (Average, $2,000)

"CALL OF THE WILD" (U. A.)
BROADWAY—(1,500), 25c-40c, 7 days. Follows big week at the Denver. **Gross:** $2,000. (Average, $1,200)

"WITHOUT REGRET" (Para.)
DENHAM—(1,500), 25c-40c, 7 days. **Gross:** $1,750. (Average, $4,000)

"THE FARMER TAKES A WIFE" (Fox)
DENVER—(2,500), 25c-35c-50c, 7 days. Stage band. **Gross:** $7,000. (Average, $5,000)

"CHINA SEAS" (M-G-M)
ORPHEUM—(2,600), 25c-35c-40c, 7 days. **Gross:** $10,500. (Average, $8,000)

"THE BLACK ROOM" (Col.)
PARAMOUNT—(2,000), 25c-40c, 7 days. **Gross:** $3,000. (Average, $3,000)

"China Seas" Hits $19,500 in Cincy

CINCINNATI, Aug. 28. — "China Seas" rolled in at high tide on a nine-day run at the RKO Albee with an estimated take of $19,500. This is a summer high water mark at this stand where the average is $12,000. It went into the Capitol.

"Curly Top," after a big first week at the RKO Palace, did an approximate $6,500 at the Capitol, equalling par. The Temple opus moved to the Grand for a third downtown stanza. "Let's Live Tonight," with a $2,150 take at the Strand, independent, topped normal by $650, although a bathing beauty contest, on the stage for one night, helped bring 'em in. Otherwise business was below average.

Total first run business was $46,250. Average is $48,200.

Estimated takings for the week ending Aug. 23:

"CHINA SEAS" (M-G-M)
RKO ALBEE—(3,300), 35c-42c, 9 days. **Gross:** $19,500. (Average, 7 days, $12,000)

"DANTE'S INFERNO" (Fox)
RKO PALACE—(2,700), 35c-42c, 7 days. **Gross:** $9,600. (Average, $10,000)

"CURLY TOP" (Fox)
RKO CAPITOL—(2,000), 35c-42c, 7 days, 2nd downtown week. **Gross:** $6,500. (Average, $6,500)

"SMART GIRL" (Para.)
RKO LYRIC—(1,400), 25c-30c-40c, 7 days. **Gross:** $3,900. (Average, $6,500)

"THE IRISH IN US" (Warners)
RKO GRAND—(1,200), 25c-30c-40c, 7 days, 3rd downtown week. **Gross:** $2,600. (Average, $2,750)

"OUTLAWED GUNS" (Univ.)
RKO FAMILY—(1,000), 15c-25c, 3 days. **Gross:** $900. (Average, $1,200)

"DARING YOUNG MAN" (Fox)
RKO FAMILY—(1,000), 15c-25c, 4 days. **Gross:** $1,100. (Average, $1,250)

"LET'S LIVE TONIGHT" (Col.)
RKO STRAND—(1,200), 15c-25c, 7 days. **Gross:** $2,150. (Average, $1,500)

"IT'S A TORNADO"

—Howard S. Cullman, N. Y. Roxy Theatre

"BEAT 'IMITATION OF LIFE' OPENING BY A THOUSAND DOLLARS"

—Orpheum Theatre, San Francisco

" 'DIAMOND JIM' A SENSATION. CROWDS STANDING IN LINE THREE HOURS. THOUSANDS UNABLE TO GAIN ADMITTANCE"

—Spreckels Theatre, San Diego

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Ascap Begins Move to Fight Georgia Taxes

Regarded as Starting of National Battle

A test of the constitutionality of state legislation imposing heavy taxes on music licensing will be undertaken by the American Society of Composers, Authors & Publishers in Georgia at once, E. C. Mills, general manager of the society, said yesterday following his return from a month's study of new adverse influences affecting Ascap operations.

The test will be in the form of a court action attacking the constitutionality of Georgia's law imposing a tax of $1,000 per county on music licensing agencies. Although similar laws have been enacted in Louisiana, Mississippi and Wisconsin, no effort to enforce them by attempts to collect the taxes specified have been

(*Continued on page* 14)

More K. C. Theatres Go for Zoning Plan

Kansas City, Aug. 29.—Additional exhibitors have signed the petition for a clearance prepared by independent operators and forwarded for action to the home offices by local exchange managers.

Ed Dubinsky has signed for the Liberty and Regent; Mrs. Maloney for the Paseo; Mrs. Burkey for the Summit. J. F. Rigney of the Westport, and Jay Means of the Oak Park and Bagdad are not yet back in town,

(*Continued on page* 7)

Schenck Named Head Of the New Fox Met

Joseph M. Schenck was elected president and chairman of the board of Metropolitan Playhouses, Inc., the reorganized Fox Metropolitan company, at a first meeting of the board of the new company at the law offices of Milton C. Weisman yesterday.

Weisman was elected vice-president and secretary, and William P. Philips, treasurer of United Artists Theatre Corp., was elected vice-president and treasurer of Metropolitan.

Down to 18

Metropolitan Playhouses, Inc., under its revised setup, has condensed its corporate setup into 18 subsidiaries.

Admissions to Stay As Is, Early Survey Data Reveal

What is the drift in theatre admissions—up, down or none at all? Now that business conditions, it is conceded on all sides, are better, the industry has been ruminating about the course theatres at large will pursue insofar as price scales are concerned.

Motion Picture Daily *today begins to furnish the answer with Boston, Washington, Kansas City—big key centers, and Albany and Bridgeport, lesser key centers—reporting no shift. The city-by-city dopesheet follows. Other points will be covered in subsequent issues.*

New England Standing Pat

Boston, Aug. 29.—New England is standing pat on admissions, it is revealed by a Motion Picture Daily survey just completed in this territory. There is every indication, furthermore, that theatres in this state will continue to stand pat.

With the present seasonal competitive difficulties in this vacation area, many believe that the only sage change that could be made in admissions would be to scale them down during the summer months when pari-mutuel horse and dog tracks garner millions of dollars weekly, when beaches and lakes draw hordes, and when beano, golf, baseball, dances and macadam roads serve as a magnet for a majority of the populace.

"Raise admission prices?" one theatre executive asked. "There wouldn't be any sense to it."

M. and P.-Publix, operating the largest circuit in this territory, is not making any move to lift prices. According to an official of the company,

(*Continued on page 7*)

Kansas Prices Not Hiked

Kansas City, Aug. 29.—Exchange managers, exhibitors and circuit operators report definitely that admissions throughout the western Missouri and Kansas territory have not been raised. They even go so far as to point out that no indications are apparent at the present time that they will be soon.

There has been little change for the past eight months, either in Kansas City or outside it, unless the increased use of chance games and premiums can be taken to mean that prices actually are lower than they were a year ago.

The increase in number of 10-cent nights in Kansas City is so small it could not be considered as lowering the general level of prices.

First run managers have had no word on increased admissions for this fall, though this has been considered a possible development. Protection and the use of giveaways by suburbans this fall will probably determine such a move.

Key cities like Kansas City, Wich-

(*Continued on page 7*)

Otterson May Make Coast Trip Oct. 1

John E. Otterson, Paramount president, who returned from a two months' survey of the company's studio yesterday, may return to Hollywood about Oct. 1. Before leaving Otterson will pass upon agreements extending for one year the Paramount theatre operating and partnership contracts which expire Sept. 28. Preliminary drafts of these extension agreements have been prepared for his inspection and are awaiting his approval. Many of the pacts will have to be passed upon by the Paramount board, as well.

American Internat'l Plans 24 Features

The American International Dist. Corp., recently organized in California, will release 24 pictures beginning Nov. 15, according to Max J. Weisfeldt, its

(*Continued on page 7*)

"Top Hat" Terrific In Music Hall Start

"Top Hat" opened to terrific business at the Music Hall yesterday, setting a new first day record, according to RKO. By 4 P.M., approximately 13,000 paid to enter the theatre, it was stated. Fred Astaire, star of the picture, attended the second evening show with a party of friends. "Alice Adams," which finished a second week at the Music Hall, tallied about $75,500.

The big noise of the week which closed last night was "Diamond Jim" at the Roxy, which grossed $41,922 in

(*Continued on page 7*)

Pathe Name Change Is Effective Today

Pathe Exchanges, Inc., will legally drop the name today for Pathe Film Corp. It is understood the new company plans to move soon to the RKO

(*Continued on page 2*)

Operator Wage Scales Talks Resume Today

Circuits and Local 306 Agree to Discussion

Representatives of major circuits and Local 306 will resume negotiations today on a basic wage scale for the local territory, it was agreed yesterday following a three-hour session in Charles C. Moskowitz's office at Loew's.

Local 306 yesterday advised the circuits its board of directors and membership had rejected the theatre men's minimum and maximum offer ranging from 98 cents to $1.60 an hour. The union, however, expressed a desire to continue negotiations in an effort to reach a satisfactory agreement.

Circuit executives contend that in New York they have been paying the highest wages to operators for the

(*Continued on page* 14)

Loew-RKO Proposed Jersey Pooling Off

Loew's has called off a contemplated pool with RKO in North Bergen and Union City, N. J. A deal had been under way, but bondholders interested in the Loew house were not in favor of the arrangement.

Reports that RKO and Loew were getting together on a joint booking deal for the Albee and Metropolitan in Brooklyn were declared erroneous yesterday. Loew's has just signed for half of Universal and 50 per cent of

(*Continued on page 7*)

Bank Night Crowds Put in Parking Lot

Chicago, Aug. 29.—The Southtown, a B. & K. neighborhood de luxe house here, which will make a $1,200 bank night award tonight, was selling standing room at 3:20 P. M. today. By 5 o'clock the lobby was filled with 400 standees and the theatre's parking lot, which had been converted into an overflow accommodation, had 300 additional ticket holders. At that point the management of the house, which

(*Continued on page 7*)

No Paper Monday

***Motion Picture Daily* will not publish on Monday, Sept. 2, which is Labor Day and a legal holiday.**

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Pathe Name Change Is Effective Today

(*Continued from page* 1)

Building on the same floor with First Division.

A new financing company will be formed shortly at a capitalization of $250,000, the money to be used for the backing of Chesterfield and Invincible which will distribute nationally through First Division.

The RKO-Pathe five-year contract expires next March.

New Issues Admitted

The new securities of Pathe Pictures have been admitted to trading on the N. Y. Stock Exchange and are being exchanged for the old securities of Pathe Exchange, Inc., on the basis provided for in the company's reorganization plan.

The vacating on Thursday of a stay obtained by Ben Hilbert, Pathe stockholder, against the consummation of the Pathe reorganization, made it possible for the company to proceed with the exchange of the new securities for old and the admission of the former to the trading list.

Calls Cleanup B. O. Aid

KANSAS CITY, Aug. 29.—That the moral self-regulation of the industry has brought more money into the nation's box-offices was the assertion made today by Gabriel Hess, M. P. P. D. A. attorney, during a stop here on his way to New York.

Insiders' Outlook

By RED KANN

JACK COHN on the telephone yesterday with this:

"The story in this morning's paper is a lie. We [*Columbia*] have been doing business with Warners for years. The product for the new year was sold to them weeks ago all over the country and in most of their spots."

▼

The story or the part, at least, branded as a falsehood:

"The Warner circuit, which along with Paramount, Fox, RKO and Loew's, is one of the industry's 'Big Five' will not buy Columbia product this season. The decision is national in scope and will embrace all situations in which Warner theatres operate.

"While an official statement was not obtainable at Warner circuit headquarters, the understanding is decision was reached because Columbia's terms for the new lineup are regarded as out of line as compared with performance based on other seasons' deliveries. Combined with this are rumblings of 'high-handed tactics'."

▼

The facts, awful perhaps, but the facts:

Prior to a visit to Warner theatre offices by Abe Montague, sales manager for Columbia, and his assistant, Rube Jackter, a commitment had been made for *some* of the Columbia product for *some* of the Warner coast theatres which total exactly twelve.

A heavier commitment had been made for *some* of the Warner theatres in the Philadelphia zone, one hundred houses strong.

Unconfirmed, but probably true, is a third deal for *some* of the circuit's houses operated out of Albany by Moe Silver.

However, and despite Cohn's flat statement that "the product was sold to them weeks ago *all* over the country and in *most* of their spots," the situation is this:

Warner theatres have not bought and will not use the Columbia lineup in these cities and areas:

Chicago.
Connecticut.
Kentucky.
New England.
Ohio.
Pittsburgh.
St. Louis.
Wisconsin.

▼

Selling isolated situations is not closing a circuit deal. Cohn either knows that or he is rewriting accepted trade parlance to suit Columbia's purpose. He may be interested in learning here that Warners are so intrigued by Columbia's six-at-thirty-five and six-at-thirty-per-cent demands and their methods that, in their present frame of mind, they are determined never to do business with the distributor again. Not even in those scattered coast theatres. Or in Philadelphia. Or in Albany.

How do we know? An executive of the circuit says so and he ought to know. . . .

▼ ▼

A prediction: That, no matter what the basis or who gives up what, the circuits and 306 will get together finally and that the possibility of a strike in New York is remote enough to be entirely discounted. . . .

▼

Irving Thalberg on the why and wherefore of his current sojourn:

"Even a producer is entitled to visit New York once in two years, don't you agree."

What else to do? . . .

Argument Up Today In "Adeline" Action

A motion will be argued by counsel in the N. Y. County Supreme Court this morning on behalf of Harry Armstrong and Richard E. Gerard, authors and composers of the song, "Sweet Adeline," to file an amended complaint for $500,000 damages against M. Witmark & Sons, Inc., Warner Bros. Pictures and Warner Brothers Production Corp.

The amended complaint charges that the defendants unlawfully appropriated the musical composition known as "Sweet Adeline" without the authority of the plaintiffs. The plaintiffs further aver that on Feb. 27, 1930, they entered into an agreement with M. Witmark & Sons, Inc. for the renewal of the copyright to "Sweet Adeline" and that they were to receive one-third of any sum derived from the song. The complaint further states that without obtaining the sanction of the plaintiffs Witmark & Sons, which is affiliated with Warners, permitted the latter to use the composition for the picture, "Sweet Adeline" and that the defendant falsely represented that Jerome Kern and Oscar Hammerstein II, were the authors and composers of "Sweet Adeline." The plaintiffs also ask for an accounting and an injunction restraining the defendant from further violating the agreement. Counsel for the defendant will move before Justice Samuel Roseman to have the complaint dismissed.

Skouras Gets Englewood

George Skouras today takes over the Englewood, Englewood, N. J., from Walter Reade on a 10-year lease. The deal was signed yesterday following election of officers and directors of Metropolitan Playhouses, Inc., the new parent company for Fox Met.

Moss Gets Lease on New Broadway Spot

B. S. Moss has closed a deal with City Bank Farmers Trust Co. for a 42-year lease on the new 1,800-seat theatre now being constructed on the old Criterion-Loew New York site. Aggregate rental for the period of the lease will be about $3,000,000.

The understanding is that Moss will not operate. He is reported trying to make a deal with Paramount. Eugene DeRosa is the architect and he will draw up the plans under supervision of Thomas W. Lamb.

A six-year deal for the Broadway was closed by Moss on Wednesday. He had operated the theatre for a number of years and dropped it about four years ago.

Sherman Takes Over Belle Film Buying

Ben Sherman has relieved Elias Mayer in the buying for Belle Theatres, which operates about 15 houses on the east side of Manhattan. Charles Steiner, who assisted Mayer, will continue in the same capacity with Sherman.

Mayer, meanwhile, has taken over the Majestic, Jersey City. Negotiations with Harry Harris and Belle circuit on a booking deal have been definitely declared off.

Michigan Allied to Convene in Detroit

DETROIT, Aug. 29.—Allied of Michigan will hold its annual convention in Detroit this year, probably early in October, H. M. Richey says.

An effort will be made to bring the author of the Pettengill bill here as a speaker. Allied leaders from other centers also will attend.

Wall Street

New Issue Gains on Big Board

	High	Low	Close	Net Change
Columbia	70	66¾	67⅞	+3⅝
Consolidated	4⅛	4⅛	4⅛	.....
Cons., pfd	16⅜	16⅛	16⅛	— ¼
Eastman	147	146½	146½	.....
Eastman, pfd ...	153	153	153	—1½
Fox Film "A"....	16⅝	15¼	16⅝	+1¼
Loew's, Inc.	41⅛	40⅝	40⅞	+ ½
Loew's, pfd	105	105	105	— ½
Paramount	8¾	8⅜	8½	.....
Paramount, pfd ..	86	86	86	.....
Paramount, 2 pfd	10¼	9⅞	9⅞	— ¼
Pathe	⅞	½	½	— ⅜
Pathe Film	6	5¾	5⅞	.....
RKO	2⅜	2⅜	2⅜	— ⅛
20th Century-Fox	14½	13¾	14½	+1
20th Century, pfd	25½	25¼	25½	+ ½
Warner Bros. ..	5⅛	5	5	.....

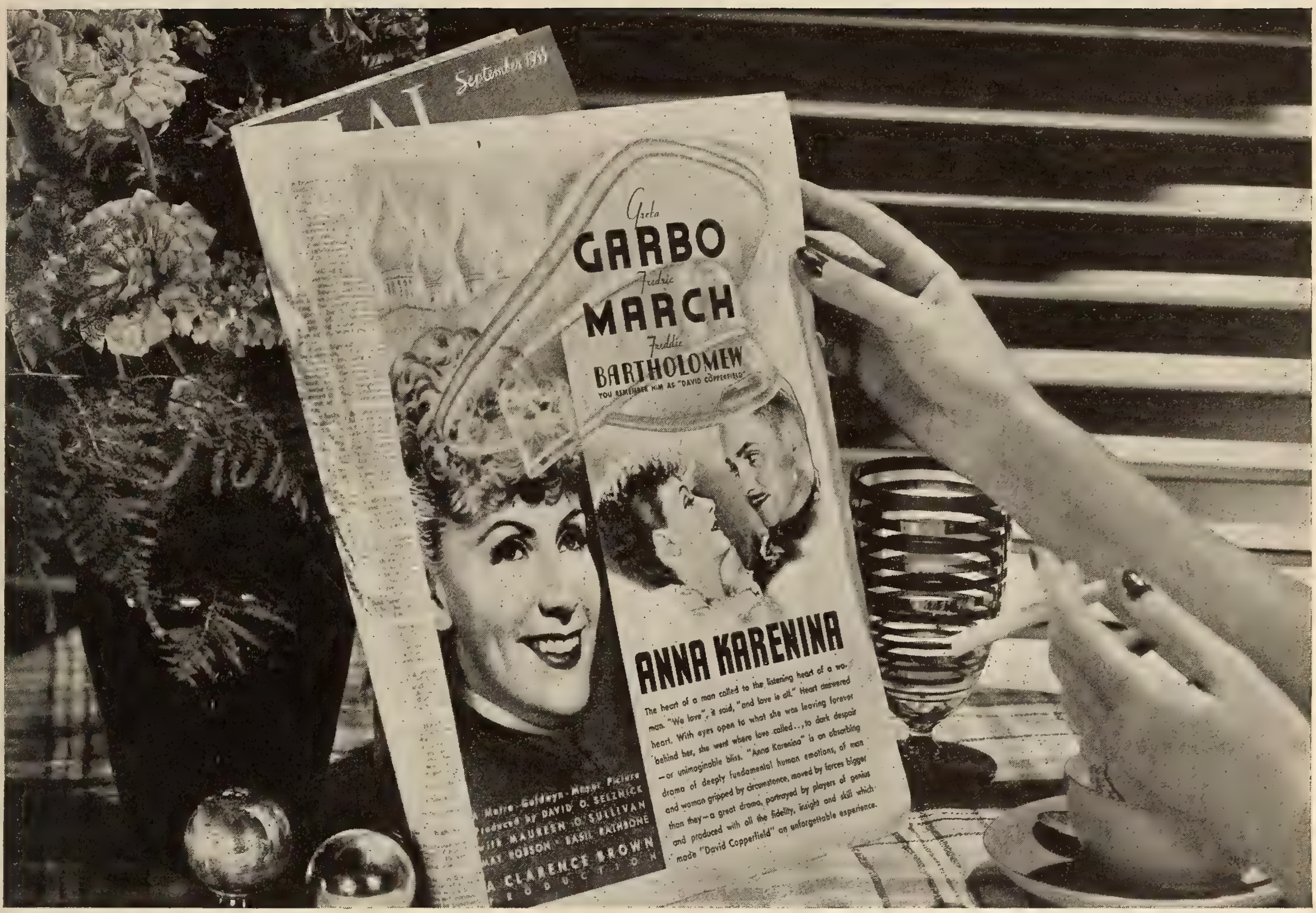
Technicolor Up ⅝ on Curb

	High	Low	Close	Net Change
Sonotone	2	2	2	.....
Technicolor	21	20⅝	20⅞	+ ⅝
Trans-Lux	2⅝	2½	2⅝	.....

RKO Bonds Off 2 Points

	High	Low	Close	Net Change
General Theatre Equip 6s '40.....	14⅞	14¼	14⅞	+ ⅞
General Theatre Equip. 6s '40 ctf	14¾	14	14¾	+ ½
Loew's 6s '41 ww deb rights..	104	104	104	.....
Paramount 6s '55	93⅝	93	93½	.....
Paramount Publix 5½s '50	103¾	103¾	103¾	+ ¾
RKO 6s '41 pp..	53	51	51	—2
Warner Bros. 6s '39 wd	77⅜	77	77	+ ½

(Quotations at close of Aug. 29)



Greta
GARBO
Fredric
MARCH
Freddie
BARTHOLOMEW
YOU REMEMBER HIM AS "DAVID COPPERFIELD"

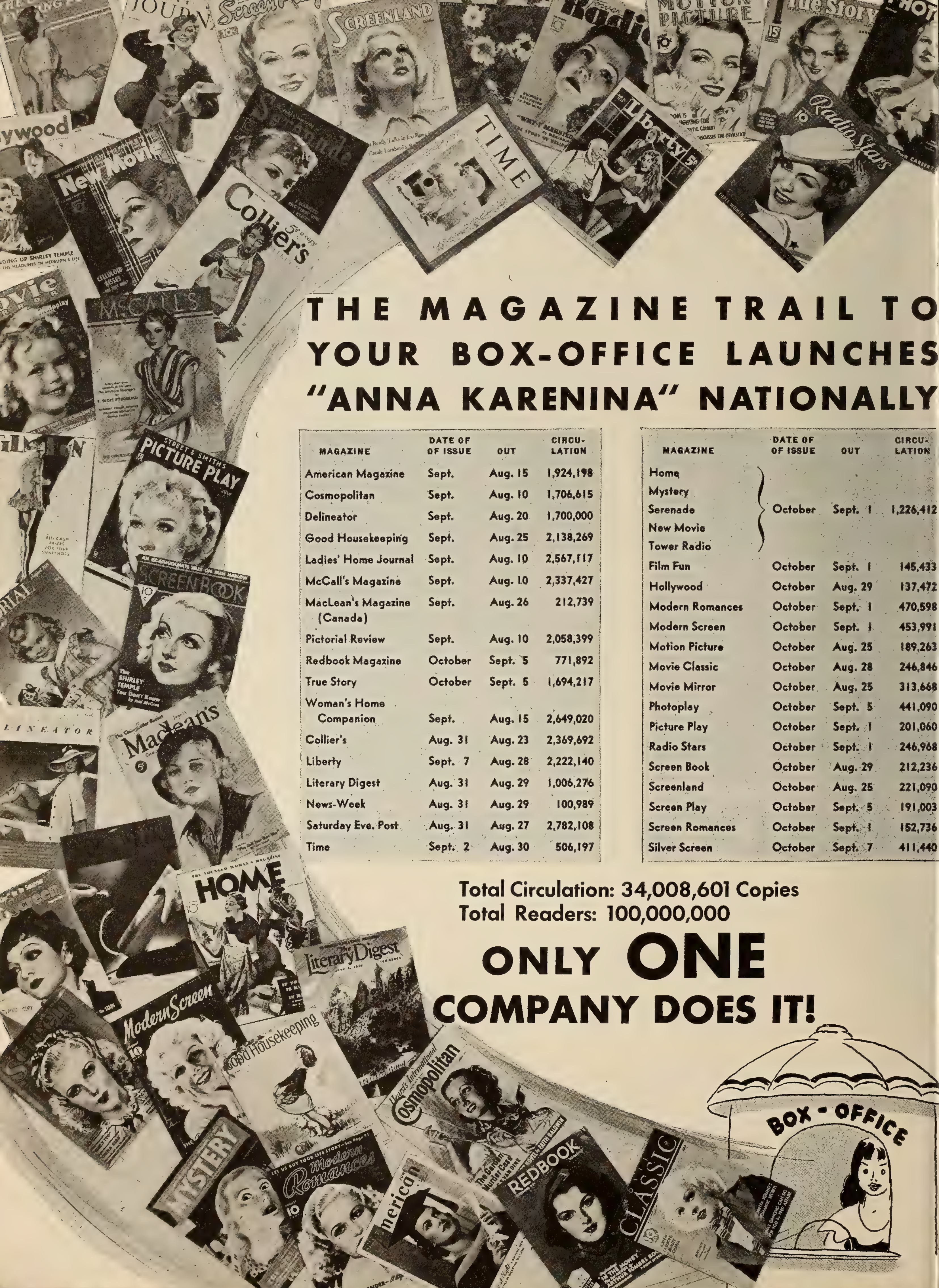
ANNA KARENINA

The heart of a man called to the listening heart of a woman. "We love", it said, "and love is all." Heart answered heart. With eyes open to what she was leaving forever behind her, she went where love called... to dark despair —or unimaginable bliss. "Anna Karenina" is an absorbing drama of deeply fundamental human emotions, of man and woman gripped by circumstance, moved by forces bigger than they—a great drama, portrayed by players of genius and produced with all the fidelity, insight and skill which made "David Copperfield" an unforgettable experience.

Metro-Goldwyn-Mayer Picture
roduced by DAVID O. SELZNICK
ith MAUREEN O'SULLIVAN
ay ROBSON · BASIL RATHBONE
A CLARENCE BROWN
RODUCTION

100,000,000 READERS!

(Facts and Figures on next page)


Screenland
Radio
Motion Picture
True Story
Radio Stars
Time
Liberty 5¢
New Movie
Collier's
McCall's
Picture Play
Screen Book
Maclean's
Home
Literary Digest
Modern Screen
Good Housekeeping
Cosmopolitan
Redbook
Classic
Mystery
Modern Romances
BOX-OFFICE

THE MAGAZINE TRAIL TO YOUR BOX-OFFICE LAUNCHES "ANNA KARENINA" NATIONALLY

MAGAZINE	DATE OF OF ISSUE	OUT	CIRCULATION
American Magazine	Sept.	Aug. 15	1,924,198
Cosmopolitan	Sept.	Aug. 10	1,706,615
Delineator	Sept.	Aug. 20	1,700,000
Good Housekeeping	Sept.	Aug. 25	2,138,269
Ladies' Home Journal	Sept.	Aug. 10	2,567,117
McCall's Magazine	Sept.	Aug. 10	2,337,427
MacLean's Magazine (Canada)	Sept.	Aug. 26	212,739
Pictorial Review	Sept.	Aug. 10	2,058,399
Redbook Magazine	October	Sept. 5	771,892
True Story	October	Sept. 5	1,694,217
Woman's Home Companion	Sept.	Aug. 15	2,649,020
Collier's	Aug. 31	Aug. 23	2,369,692
Liberty	Sept. 7	Aug. 28	2,222,140
Literary Digest	Aug. 31	Aug. 29	1,006,276
News-Week	Aug. 31	Aug. 29	100,989
Saturday Eve. Post	Aug. 31	Aug. 27	2,782,108
Time	Sept. 2	Aug. 30	506,197

MAGAZINE	DATE OF OF ISSUE	OUT	CIRCULATION
Home Mystery Serenade New Movie Tower Radio	October	Sept. 1	1,226,412
Film Fun	October	Sept. 1	145,433
Hollywood	October	Aug. 29	137,472
Modern Romances	October	Sept. 1	470,598
Modern Screen	October	Sept. 1	453,991
Motion Picture	October	Aug. 25	189,263
Movie Classic	October	Aug. 28	246,846
Movie Mirror	October	Aug. 25	313,668
Photoplay	October	Sept. 5	441,090
Picture Play	October	Sept. 1	201,060
Radio Stars	October	Sept. 1	246,968
Screen Book	October	Aug. 29	212,236
Screenland	October	Aug. 25	221,090
Screen Play	October	Sept. 5	191,003
Screen Romances	October	Sept. 1	152,736
Silver Screen	October	Sept. 7	411,440

Total Circulation: 34,008,601 Copies
Total Readers: 100,000,000

ONLY ONE COMPANY DOES IT!

More K. C. Theatres Go for Zoning Plan

(*Continued from page* 1)

but are expected to sign. J. W. Cotter, who operates the Bijou, is the only one who has refused to sign the petition.

In distribution circles it is regarded unlikely that distributors can grant independents the schedule submitted on Aug. 16 because Fox Midwest is not a party to the setup.

The Fox Midwest circuit, which represents, it is said, around one-half of the business in this territory, can dictate its own terms, and that Elmer C. Rhoden, president, is buying in zones few can be found to deny.

If independent exhibitors do not get their clearance schedule, shrewd observers expect chaotic conditions to develop this season with their judgment based on past experience and present factors. For one thing, there probably will be little control of premiums.

"Top Hat" Terrific In Music Hall Start

(*Continued from page* 1)

six days. On Wednesday, $5,602.55 was checked in at the box-office, indicating that the picture would wind up the first week with slightly under $48,000. According to the management, a new attendance record was established with "Diamond Jim." SRO was the order every evening.

"The Crusades" in the first six days at the Astor at two-a-day was slightly, but not seriously, disappointing at $10,500. The picture is building daily and the second week's gross bids fair to better results.

At the Paramount, "Annapolis Farewell" garnered approximately $20,000, including the preview last night of "Two for Tonight." "We're in the Money" at the Strand ended a week's run at $10,750, while "Call of the Wild" was good for $21,000 for the second week at the Rivoli.

Loew-RKO Proposed Jersey Pooling Off

(*Continued from page* 1)

Fox, not including Twentieth Century, for the Metropolitan, which will adopt duals in a month. "China Seas" opens in the Brooklyn Loew house today for a two-week run, to be followed by "Anna Karenina." On Sept. 20, the Lou Holtz, Belle Baker, Block & Sully show starts a week run, following which duals will make their bow on a split week policy.

Bank Night Crowds Put in Parking Lot

(*Continued from page* 1)

seats 3,200, put in a requisition for 125 police to handle a crowd that was expected to reach 20,000 by the time of the award.

The Englewood police station was able to send over only 50 of the 125 requisitioned officers. The other 75 were discovered already on the scene—and holding tickets.

Buxton Plans Circuit

London, Aug. 29.—Harry Buxton is reported negotiating for a new circuit.

Admissions to Stay As Is, Early Survey Data Reveal

New England Standing Pat

(*Continued from page* 1)

no such move in the near future is contemplated. E. M. Loew Theatres, the largest independent chain in New England, has not raised admissions and does not intend doing so. Exchange managers and bookers, operators of lesser chains, exhibitor organization heads, and theatre managers combined in the opinion that there is no move at present to jog up admissions in this territory and that such a move might well be suicidal.

The sole instance of a potential price raise in Boston is in the case of the RKO Boston, first-run situation, which today lifted its scale from 25 and 40 cents to 35 and 65 cents. This is because the house will drop one feature at this time and add stage shows.

New England is leaning toward premiums, rather than toward admission charges, to attract its audiences. M. and P.-Publix, for instance, is now negotiating for Bank Night for some of its Maine houses. This is in addition to the extensive use of dishware and other giveaways throughout the circuit. The fact that some of $30,000,000 have been wagered here on horse and dog runnings indicates that it's not money that's keeping folks from the shows. Yet the fact that they are staying away, in some districts at least, is amply shown by the checkup that only approximately 75 people were in a Boston first-run house at 8:30 one night the third week in August.

The belief is that admission prices are not the solution.

Little Change in Washington

Washington, Aug. 29.—No widespread increases in admission prices in the Washington exchange territory is indicated by a survey completed today by Motion Picture Daily. The only definite case of an increase is in southwest Virginia.

Last month Roanoke's American and Grandin and Salem's Salem Theatre upped their night prices from 25 to 35 cents. Prior policy of the three houses was 25 cents at all times.

Persistent rumor points to Baltimore as the next point where a price change may be made. While Carter T. Barron, Loew's division manager, freely admitted that there was "something in the wind," he refrained from committing himself as to the location or the nature of contemplated change.

From Dominion Theatres comes the information that other than reinstating the usual fall-and-winter price scale from the current summer prices now in vogue, no additional increases in tariffs are contemplated.

Exchanges and theatremen look for no general price boosting in this territory, although they do admit that in certain situations the price scale is somewhat under what it should be.

"Alice Adams" Strong

Portland, Aug. 29.—"Alice Adams" got off to a strong start at the Orpheum with an $1,800 gross, topping previous Hepburn pictures by 10 per cent.

Kansas Prices Not Hiked

(*Continued from page* 1)

ita and Topeka get 40 cents top for outstanding pictures. Semi-key cities get 35 cents, while smaller towns are content with a 25-cent top, 15 cents and 10 cents for family nights. This is the observation of Gus Diamond, office manager for Warners.

Clarence A. Schultz, Commonwealth Theatre Enterprises, Inc., which operates 21 houses in Missouri, Kansas and Iowa, asserts there are none of his situations in which prices have been raised and he knows of no others in the area where this is true.

W. R. Humston, Consolidated Film Distributors: "There aren't any increases in admission prices in the territory, so far as I know. With premiums and so on, actually admissions can be said to have decreased."

No Change in Bridgeport

Bridgeport, Aug. 29.—Price scales in first runs in this territory have remained practically unchanged during the last year. Neighborhoods here clipped off a nickel with the advent of warm weather and, in most cases, expect admissions to return to normal on Labor Day. Several neighborhood houses advertised "summer prices," but no actual change was made.

The Globe was only downtown house to cut prices, the slash coming with the dropping of vaudeville. Plans are now uncertain as to whether or not house will continue to present low rate during fall.

Albany Reports No Shift

Albany, Aug. 29.—A general pickup in admissions over a year ago is reported by all of the leading Albany theatres. Exact figures are not available, but more people are attending theatres.

Leading exhibitors and exchange managers attribute this to two reasons: first, the League of Decency is not functioning the way it was a year ago; secondly, the general tone and character of the pictures has improved over a year ago.

Admission prices remain about the same as a year ago. The first run houses all show at 25 cents up until 6 P. M. and after that, 40 cents top.

Four Are Taken on Film Theft Charge

New Brunswick, Aug. 29.—Four arrests have been made on the coast, according to word received here, in connection with the theft of a large quantity of raw film stock from the Du Pont plant at Parlin, N. J. Those held are Joseph L. Doren and his wife, Elizabeth, and Walter T. Toner and his wife, Alice.

The film was stolen last October. Since that time 180,000 feet has been recovered in a Bronx garage and 300,000 feet was found in a houseboat near here.

Bell Gets U. A. Post

St. John, Can., Aug. 29. — R. S. ("Chick") Bell, former general manager of the First National Canadian exchanges, has been named manager of the United Artists office here. He succeeds Gerald M. Hoyt.

American Internat'l Plans 24 Features

(*Continued from page* 1)

head. Allied with it is the American International Pictures Corp., organized by Ralph Gordon Fear to finance producers for release through A.I.D.

The first year's lineup, producing contributors to which neither Fear nor Weisfeldt was ready to divulge yesterday, will be composed of six Vogues, six Signals and 12 Tip-Tops, but for the season starting July 1, 1936, the plan is to step up the Vogues to 12, the Signals to a like number and the Tip-Tops to 24.

"Pictures," they explained, "will be furnished to their franchise distributors on a certified cost basis and no padded budgets allowed. This will permit earlier split figures or overages from the exchanges. Overages are the only profits and these will be split 50-50 with the exchange and A.I.D.

The producer, if he makes them good, is rewarded with the lion's share of the A.I.D. overages, the distributing company being paid a percentage out of the producer's share.

The producing company, according to Fear, is to be comprised of a group of producers and directors "associated for their mutual protection and strength." He added they will use their own exclusive studio, owned by one of their members; their own laboratory, owned by another member, and their own sound and camera equipment.

Fear, following engineering posts with Universal, returned to the business in 1920 at Paramount. Later he joined Mitchell Camera Co. and in 1928 formed his own company, Fearless Camera, which he continues to operate today. In 1930, he sold out to General Theatre Equipment, Inc., and acquired his company again two years later. This is his first direct effort in production.

Weisfeldt is an old hand at distribution, for years having been associated with FBO as a district manager. Since then, he has been in business for himself, chiefly under the name of Picture Classics. In 1926 he was western sales manager of FBO and later, together with Frank R. Wilson and Daniel E. Pomeroy, organized Talking Picture Epics, Inc.

Cecil Maberry, one time general sales manager of Columbia, has acquired the Greater New York franchise and plans to have his exchange established by Nov. 1. For years, he was a special representative for M-G-M and P.D.C. and also has been operator of his own theatres in Oklahoma.

Weisfeldt will remain here for several weeks closing distribution deals. Fear plans to return to the coast via Atlanta, on Sunday to launch production.

Bernhard Denies Pool

Emphatic denial that Warners were pooling its theatres in Albany, N. Y., with Si Fabian, was made by Joseph Bernhard, managing director of the Warner circuit. The story was published elsewhere.

Comedian Reported Ill

Hollywood, Aug. 29. — George J. ("Slim") Summerville, Universal comedian, was reported critically ill with a heart ailment at a local hospital today. Summerville is 35 years old.

Variety Club

Des Moines

Des Moines, Aug. 29.—Variety Club's first annual outing at Riverview park and the Hyperion Club had a full attendance of members and several guests from over the state. In the golf tournament, the championship flight was won by Leo Wolcott of the Grand at Eldora, also head of the Allied Theatre Owners of Iowa. L. E. Gaines of Fairfield was runnerup. E. E. Morris of the Princess at Eagle Grove won the second flight, with Jess Collins of Midwest runnerup. Bill Tony, manager, National Theatre Supply Co., won third flight, with L. E. Judd, Midwest branch manager runner-up. Fourth flight—A. W. Riegelman, Fox salesman, first; Mark Raymond, RKO, runnerup; and consolation, Bill Finter of the liquor commission, first, and Harry Herman, Vitagraph, runner-up.

The bathing beauty contest resulted in a tie between Elizabeth Carberry as "Miss Vitagraph" and Maxine Kliff as "Miss Central States." Both received a prize.

A "kangaroo court" was the feature of the Riverview outing. A police patrol manned by Harry Gottlieb, Fox, and Clyde Pratt, Vitagraph, appeared on the scene to take off various members of the industry in the patrol and hale them into court, where W. C. Eddy of Indianola as judge passed sentence.

Other events in the field of sports were: a soft ball game won by Vitagraph 25 to 3 against a team of combined exchanges; footrace won by Chet Houser of Vitagraph, Inc.; slipper kicking, Mrs. A. W. Riegelmann; Carrie Geis of Fox, the women's 50-yard dash; film salesmen's race, by Frank Thomas of Paramount; and the tug-of-war, won by distributors against the exhibitors. Significant, perhaps.

Kansas City

Kansas City, Aug. 29. — Chief Barker George Baker has named Finton Jones chairman of the carnival committee. Other members are L. J. McCarthy and F. E. Ritter. The committee met Aug. 26 at Variety Club headquarters to discuss preliminary plans for the event.

On the New Year's Eve committee are Frank Hensler, Harry Taylor, Edward Shanberg and Beverly Miller.

Sept. 9 the club will return to regular programs with kings for a day.

The summer policy—informal buffet lunch without a set program—has been fairly successful considering the hot weather and has attracted regular, if small, crowds.

Washington

Washington, Aug. 29.—Another quiet get-to-gether was spent in the club rooms, when George Gill and Archie Engel presided over the semimonthly smoker as the kings for a day.

Supplementing the pastiming customarily available at headquarters, the kings raffled off a dozen different articles to holders of lucky numbers.

Ampa Resumes Sept. 12

The Ampa will resume its regular Thursday meetings beginning Sept. 12. Jack Dempsey's is the new rendezvous.

Looking 'Em Over

"The Dark Angel"

(Goldwyn-U. A.)

There is something about this picture that reminds one of the playing of a master violinist who varies a simple central theme with such infinite tenderness that the listener is transported into a new emotional world. Four strings, a feeling for deft shadings, the tender sensibilities of an artist can work wonders.

It is that way in "The Dark Angel." The theme is simple—the lifelong longing of a woman for one man. The variations, the chords that lend it movement and depth, are founded on the love of two men for the girl, a love so deep that each is willing to sacrifice his hopes to the other, while the mother of one watches the drama of life unfold with sympathetic restraint.

Both men go away to war. One is blinded and prefers to let his family think he is dead rather than be an object of sympathy.

Merle Oberon is the girl. She has dropped her siren attributes, appears as an unaffected girl of the English rural aristocracy and is gorgeous. Women are going to do some weeping just watching her control her emotions.

Fredric March and Herbert Marshall are magnificent as the brothers, and Janet Beecher is going to wring mothers' hearts with the fine restraint and finesse with which she presents her role.

Sidney Franklin has supplied a master's touch in the direction and Gregg Toland has done a camera job that is a delight.

It's a woman's picture, one of those exceptional productions that by sheer artistry and concentration upon an objective make themselves memorable. It's an axiom of the show business that women love to cry and men like to watch them because they can swallow their emotions and feel superior. This one does all that. It ought to be big at the box-office.

Running time, 110 minutes. "G."

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Two for Tonight"

(Paramount)

Hollywood, Aug. 29.—In a shiny, surface story of a playwright, Bing Crosby, in search of exciting situations, scores a personal hit, his popularity and singing being the main attractions of the film. As a satire of how plays are written it pokes fun rather than has fun. Goofy cracks dominate while smooth continuity and cohesive action are underemphasized.

The story is a glossing over of the formula where a boy and a girl meet, separate and then unite.

The casting of Joan Bennett as a secretary, Mary Boland as Crosby's much-married mother, Lynn Overman as a play producer, Thelma Todd as his sweety and Ernest Cossart as his butler are good selections but the screen play affords only average expression for their talents.

The Mack Gordon and Harry Revel songs warbled by Crosby in his likable, crooning manner are interesting but none stands out. A seltzer bottle sequence is grand hokum burlesque.

Frank Tuttle's direction is good. The photography is painstaking and artistic. All the physical values are good but the picture seldom pierces the emotions or packs a sympathetic wallop. Depending on Crosby's name, fame and singing it will draw but the film is of average stature.

Production Code Seal No. 1,107. Running time, 61 minutes. "G."

Benefit for Sandler

A midnight performance for the benefit of the widow and children of Harry Sandler, an employe of the Randforce Circuit in Brooklyn who died recently will be held at the Savoy, Sept. 14. The entire proceeds will go to the survivors. Local 306 is donating its services.

DeMille at Des Moines

Des Moines, Aug. 29.—Cecil B. DeMille talked on "The Crusades" and "Samson and Delilah" at the three-day convention of Tri-States Theatres Corp. which closed here yesterday. With him were Barney Balaban, Harold Lamb, author, and William Pine, studio publicity head for Paramount.

Short Subjects

"Everybody Loves Music"

(Van Beuren-Radio)

Donald Novis, Irene Taylor, Shemp Howard, Mrs. Pennyfeather and Meyer Davis and his band are all at a party Mrs. Pennyfeather is giving for a visiting potentate. Howard is a private detective and his antics will probably have audiences in stitches. He's funnier here than in months. Novis and Miss Taylor sing and Davis presents several musical numbers in novel form. Grand entertainment. Highly recommended. Reviewed without production code seal. Running time, 16 mins. "G."

"Turbulent Timbers"

(Wonder Pictures)

The lumber industry of Roumania is covered here in a thorough and most interesting manner. The camera goes up into the mountains, where much of Europe's lumber supply is found, and catches the native lumbermen at their tasks. Their methods of felling and stripping the trees are shown, but it is the manner in which they get the giant timbers down the mountain that will interest and thrill audiences. The scene then shifts to the saw mill and storage yards. This one-reeler should please. Running time, 10 mins. "G."

"You Gotta Be a Football Hero"

(Paramount)

Popeye, the Sailor, joins a football team because Olive seems to prefer Bluto since the latter started playing the game. The antics of the three, once the game gets under way, are very funny and should have audiences roaring, particularly those who like this series. It is one of the funnier Popeye cartoons of this season. Recommended. Production Code Seal, No. 0534. Running time, 5 mins. "G."

"A Quiet Fourth"

(Radio)

Woven around the secret marriage of Betty Grable to Earl Blackwell and the efforts of her mother, Margaret Armstrong, to marry her off to rich Jack Rice, this short has many a laugh. Everything happens on the Fourth of July, including the bombardment of a park by the U. S. Army, and the finish is good. Where slapstick comedy gets over this should be highly successful. Recommended. Production Code Seal, No. 794. Running time, 14 mins. "G."

Quebec Exhibitors To Honor Bouchard

Montreal, Aug. 29.—The Quebec Exhibitors' Ass'n will tender its president, H. L. Bouchard, a testimonial dinner at the Mount Royal Hotel here next Tuesday night in recognition of his recent appointment as Cabinet Minister for the provincial government of Quebec. Bouchard, who operates theatres at Three Rivers, Que., has been an officer of the exhibitor organization for a number of years.

Industry representatives from many sections of Canada and the U. S. have been invited to attend the dinner.

Flood of New Enterprises Hits Industry

Albany, Aug. 29.—The 743 Grand St. Amusement Corp., New York, and the Smith Chain Theatres, Inc., Syracuse, have filed certificates of incorporation here at the office of the Secretary of State. The former lists capital of 100 shares of non par value stock and its incorporators are Sidney Uram, Marcus Schwartz and Edith Rosenberg. The latter has a capital of $150,000, consisting of 12,000 shares of $10 par value and 300 shares, par value $100. The incorporators are George E. Smith, Clayton M. Vanzandt, Hubert P. Wallace, John M. Wall and Harry C. Copeland. Both companies were formed to exhibit pictures.

Charter Three Companies

Albany, Aug. 29.—Billy Rose's Jumbo, Inc., has been formed here by Julian T. Abeles, William Lieber and Yale Wilner.

Play Producing Syndicates, Inc., has been incorporated by Mary E. Hanlon, Genevieve Paul and Matthew Jacobs.

L. & G. Radio Prod., Inc., has been formed by Pauline Pfefferbaum, Frederick Heller and Edward Goodell.

Form Four Companies

Albany, Aug. 29.—Rego Operating Corp., an exhibition company, has been chartered by Maurice Reisner, Ange Dumas and Henrietta Heller.

Soundview Amusement Corp. has been formed by Leo Karp, Hyman Blum and Maurice Scharle. The same incorporators also have formed Corral Amusement Corp. and Shell Amusement Corp.

Three in Delaware

Dover, Del., Aug. 29.—Western Massachusetts Theatres, Olympic Corp. and Steroplane Process Pictures Co. have been incorporated here.

Western Massachusetts Theatres was formed to operate theatres and other places of amusement, listing its capital stock at 1,000 shares of no par value with C. S. Peabbles, B. R. Jones and W. T. Hobson as incorporators.

Steroplane Process Pictures was organized to produce pictures, listing a capital of $100,000. Incorporators are D. B. and R. M. Hilliard and J. A. Towmey.

Olympic Pictures was formed to distribute, listing its capital at 100 shares of no par value stock. The incorporators are B. R. Jones, C. S. Peabbles and W. T. Hobson.

Acquire in Providence

Bridgeport, Aug. 29.—The A. and W. Amusement Co., has been incorporated here, headed by Louis J. Anger, operator of the Barnum. The company will operate the Metropolitan, Providence, with Joseph W. Walsh of Hartford as manager. Anger is president, Walsh, vice-president and Dorothy DeLacy of Bridgeport, secretary.

Metropolitan Chartered

Albany, Aug. 29.—Incorporation papers for three new companies in New York City have been filed here. They are: Metropolitan Circuit, Inc., capital $1,000 in $5 shares, to exhibit motion pictures. Incorporators are Ruth Blundell, Catherine R. Muench and Veronica Harvey. The Globe Export Corp., capital $10,000 in $5 shares to deal in motion pictures. Incorporators E. K. Hessberg, M. Gordon and M. Haveman. Stan Mar Prod. Inc., capital $20,000. Standish O'Neill, Paul De Maria and Marc Hermelin are the incorporators..

New Louisiana Company

New Orleans, Aug. 29.—A charter has been filed at Baton Rouge with the secretary of State by W. W. Page, Jr., L. W. Jacobs, Jr., and G. R. Green for the Palmette Amusement Co., to operate theatres. Capital stock is $2,500.

Grenvil Incorporates

Albany, Aug. 29.—Grenvil Theatre Corp., New York City, capital 100 shares non par value stock, has been formed. Emanuel Dominitz, Helen Haupt, Sander Feingold are incorporators. Papers were filed by Albany Service Co., New York City.

Perry Theatres Organized

Albany, Aug. 29.—The Perry Theatre Corp., Gloversville, has been formed here to exhibit. The capital is listed as 10 shares of no par value stock and the incorporators are Howard A. Antevil, Georgette Levy and Hannah Fahrer.

Honors Oscar Oldknow

Atlanta, Aug. 29.—Oscar S. Oldknow, district sales manager of National Theatre Supply Co., who has been residing in Los Angeles, but whose home is here, has been named a member of the board of trustees of the Georgia Military Academy, from which he graduated before entering Georgia Tech to become at outstanding football player.

Oldknow will resume his residence here in September and will enter his young son, Billy, in the academy.

Deitz Now Distributing

St. Louis, Aug. 29.—Andy Deitz, formerly with Majestic Pictures, is now distributing independent pictures on his own account. He has the Louis-Levinsky fight pictures and also "Idol of Millions," a three-real biography of Jack Dempsey.

Berney McCarthy, formerly of Des Moines, has succeeded Lou Ellman as manager of the local RKO office. Ellman, who was manager here for two years, takes a similar position at Des Moines.

Burns Warden Salesman

Chicago, Aug. 29.—Burns Warden, formerly advertising sales manager for Paramount here, goes on the road as a film salesman. Warden will have the southeastern Illinois and Indiana territory. Louis Aurelio is being transferred from the Milwaukee office to the job of advertising sales manager here.

Longo New DiPesa Aide

Boston, Aug. 29.—Joseph DiPesa, publicity manager for Loew theatres, has appointed Joseph Longo as assistant in charge of exploitation. Longo replaces Jack Granara, now publicity chief for RKO theatres in this territory.

Frames Disappear

M-G-M has a new problem on its hands. It can't keep admirers from stealing its accessories.

Halsey Raines says so, and he submits documentary evidence from an exhibitor in Detroit to prove it. The accessories are miniature 24-sheet boards for insertion of cards. W. James Olson had 20 of them, he wrote to G. L. Becker at the Detroit exchange, and when he went out to insert cards for "Reckless" he could locate only seven. Some merchants wanted to buy them.

He tried screwing them down, but they continued to disappear.

Canadian Theatres Cut Capital Stock

Toronto, Aug. 29.—Capital stock of five Allen Theatres, under lease to Famous Players Canadian Corp. for years, has been reduced under Ontario Government sanction and, simultaneously, goodwill entries in the respective balance sheets have been proportionately sliced. The theatres concerned are at Kingston, St. Catharine and Kitchener and the Parkdale and St. Clair in Toronto.

Reductions were effected by cutting the par value of common stock, that for the Kingston theatre being cut from $100 to $1; Parkdale common from $100 to $13; St. Catharine from $100 to $7; St. Clair from $100 to $50 and the Kitchener from $25 to $1.

The deflation means the removal of the last link with the once-exciting boom days.

Berkowitz Far West Lineup Is Finished

Los Angeles, Aug. 29.—By the acquisition of rights to "100,000 People Missing," Sam Berkowitz, president of Far West Exchanges, has his program for the coming season completed. He will distribute 52 features. including the five Mascots to be released, before product of that studio goes to Republic.

The pictures will include eight to be produced by the Halperin brothers, eight Peter B. Kynes, eight James Oliver Curwoods to be produced by Maurice Conn, eight Hoot Gibsons to be produced by Walter Futter, and, in addition, he will get his pick of 12 pictures from those produced by Max Weisenfeld. In addition, he will release "Hong Kong Nights," produced by Futter.

Rumania Levies Fund For Nat'l Industry

Washington, Aug. 29.—The Rumanian Cinematograph Fund which was launched in May, 1934, through establishment of a tax of 10 lei, has grown to approximately $116,666 according to reports to the Dep't. of Commerce by Consul General Harold D. Clum in Bucharest. No official figures have been released, however.

Although strong attacks have been directed against this fund in the press, its abolition appears unlikely, states the consul.

Four Federal Suits Up in Dallas Soon

Dallas, Aug. 29.—Four or more suits, any one of which might prove of major importance are in the offing for the fall terms of U. S. district courts.

Among those being prepared at this time is a revival in Federal action of the so-called Glass-Hoblitzelle 25-cent case, lost by the complainants in state actions; an appeal of the Fuller-R. & R. case at Palestine; institution by Ruben Frels of action in his complaint against Jefferson Amusement Co., and a probable similar action by Cole & Lilly of Greenville, also against Jefferson, and by F. M. Baker, Hillsboro, against R. & R.

Plans are being made to bring these actions in more than one district court, to the end that more than one Federal judge will be included and diverse jury action be recorded.

Ontario Concession Found to Be Limited

Toronto, Aug. 29.—Premier M. F. Hepburn extended a concession to exhibitors of Ontario by amending the drastic Amusements Tax Act to exempt children under 16 when the price of admission does not exceed 25 cents, but it has been found that they must continue to make complete returns on the non-taxable attendance.

Further, exhibitors have been warned that the exemption applies only when the total admission for a child does not exceed 25 cents. If the price is above that limit, the tax must be paid on the whole ticket and not on the portion above 25 cents only.

Immediately the amendment came into effect, exhibitors throughout the Province dropped the juvenile charge to the extent of the levy. In most cases it meant a reduction from 17 to 15 cents. As soon as the news of the tax change was wired to theatres, announcement was made from stage and screen and notices were posted in lobbies with the almost immediate result that juvenile patronage pulled up.

Dogs to Resume at N. O.

New Orleans, Aug. 29.—Dog racing will be resumed hereabouts Aug. 31 by the Arabi Greyhound Ass'n in St. Bernard parish. Seven years ago the sport was banished by the legislature. Before the legislative ban races were run in the evening after 6 o'clock. Now it is proposed to run Saturdays, Sundays and Mondays. While afternoon races on a Monday will not hurt theatres, the Saturday and Sunday events will pull heavily from matinee attendance.

Shift Chicago Managers

Chicago, Aug. 29.—Several changes have been made in the Warner theatre setup here. Joe Corrigan, manager of the Capitol, will join the Chicago police force. He will be replaced by Richard Barry, his assistant.

H. Andrew Kenney, leaves the local publicity office to take the assistant manager's job at the Parthenon in Hammond, Ind. Walter Estrupp, who held that position, will be assistant manager at the Capitol.

Operator Wage Scales Talks Resume Today

(*Continued from page* 1)

last five years in comparison with other theatres throughout the country. They also claim that for years they have been paying top scales while competitive houses continue to use the same union's men at half the scale.

The theatremen hold that in all parts of the country the number of men in the booth and scales are reduced when stage shows are eliminated and runs are changed, but that this is not the case here. In New York, second runs are paying the same scales as first run units, it is stated.

Charles L. O'Reilly, a member of the NRA fact-finding committee, was the author of a formula for gauging scales according to seating capacity and runs, but this plan faded into oblivion with the expiration of the NRA.

The circuits also are demanding long-term agreements so that they do not have to negotiate contracts from year to year. Throughout the country, theatre heads say, operators' pacts run from two, three and four years. Original circuit demands were for a 10-year contract, but it is understood they will compromise at a five-year agreement.

Union officials yesterday pointed out that most of their card men are working on a 20-hour week. They said that the new administration was trying to improve conditions within the organization and that valiant efforts were being made to sign up all independent houses in this area. Local 306 is demanding $2 an hour as the minimum. Allied M. P. Operators is said to be charging $1.25.

Several of the circuit men who had planned to leave town for the Labor Day week-end may be detained for the resumed conferences which are expected to last a few more days.

Commenting on the numerous actions filed against Local 306 and Joseph D. Basson by Harry Brandt for alleged damages totaling $700,000, the union president yesterday stated he regards them "as nuisance suits."

Basson said that "if Brandt wants to collect, he will have to serve every member individually." Milton C. Weisman is attorney for Brandt.

K. C. Pacts Renewed

KANSAS CITY, Aug. 29.—Loew's Midland, RKO Mainstreet, B. & K. Newman, Tower and Fox Uptown have renewed contracts with stagehands to replace those which expire Aug. 31. The contracts are the same as those in effect during the past year, according to Felix Snow, IATSE representative.

Operators' contracts also expire Aug. 31 and are expected to be renewed on the same basis.

No demands for an increase were made by the union, according to Snow, and will not be made in the case of operators.

The working agreement with subsequent runs, which expires in October, has not been discussed. This does not involve contracts between theatres and the union, but "an agreement" to which all subsequent runs are a party.

Agree in Detroit

DETROIT, Aug. 29.—Present wage agreement between operators' union No. 199 and subsequent run theatres will be continued for two years from Sept. 1, an agreement having been reached this week.

This scale calls for a minimum of $50.28 per week in houses of 500 seats or under giving continuous Saturday and Sunday matinees, and is topped with a wage of $85 in the larger houses.

It is understood that a similar agreement has been reached with first runs.

Transfer of Salem Theatres Completed

SALEM, Aug. 29.—The deal has been consummated by which the Salem Realty Co., headed by John A. Deery, takes over a string of Salem theatres which have been operated by M. & P. Theatres Corp. for Publix. Philip Bloomberg, manager of the local Paramount for many years, has resigned to become city manager of the group.

Considerable activity is evident here. The Plaza, long an active competitor of the Paramount units, has been taken over by the Salem Realty Co., from Joseph Morency, an independent. The Federal is being stripped in preparation for use by a sports concern for boxing, wrestling, etc. The Salem, another antiquated location, has been disposed of to a furniture concern for use as a showroom and warehouse. The Empire, closed for many years, is being remodeled and renovated. The deluxe Paramount has been equipped with Wide Range sound.

Rosenzweig Adds House

Dave Rosenzweig, who operates a number of Brooklyn theatres, will take over the Alpine at Dyckman St. and Broadway on Sept. 15.

Take Over Park Lane

Harry Brandt, in association with Jack W. Springer, has taken over the Park Lane on a 15-year lease from Isle Theatres, Harry Shiffman, president. The house changed hands yesterday.

This deal has been in work several weeks and does not necessarily indicate another breach between Springer and Sam Cocalis.

Louisville House Reopens

LOUISVILLE, Aug. 29.—The National, closed for some time for the installation of an air conditioning system, new RCA sound and other improvements, opened today with "Brewster's Millions" and a stage revue, "Tons of Fun." B. Everett Thompson from Nashville is manager.

Boston Union Still Against Long Reels

BOSTON, Aug. 29.—The local operators' union is standing pat on its recent determination against 2,000-foot reels. Queried by MOTION PICTURE DAILY as to any change in the policy as the result of negotiations in New York, Business Manager James Burke motioned to a notice on the bulletin board that states that any member caught using more than a 1,000-foot reel will be fined $50.

"It still goes," Burke said.

However, a number of Boston's larger houses are splicing and using 2,000-foot reels as a regular thing. There is also talk of orders for equipment to fit the longer reels. The union is closing its eyes to any infringements of its rule at present, one member said, and will accede to circuit orders for the longer reel. Such orders will be forthcoming soon, this informant believed.

Fox Intermountain Meets, Sets Policy

COLORADO SPRINGS, Aug. 29.—New season policies were the principal topics under discussion at the annual Fox Intermountain convention at the Broadmoor. About 30 managers from the Denver and Salt Lake territories, as well as members of the office forces at these two cities, were present. Rick Ricketson, division manager, arranged the convention, and presided.

Subjects discussed included "1935 Showmanship and Its Fundamentals," such as proper policy, admission prices, booking, house operation, advertising, business stimulators and theatre trends.

Several outside speakers addressed the opening session. They included Albert J. Gould, attorney for Fox Intermountain, who spoke on "Public Relations"; Fred Soeers, *Denver Post* critic, "Theatre Publicity"; J. Don Alexander, "Screen Advertising," and Duke Dunbar, former code secretary, on the Hays organization.

About 200 guests were entertained at luncheon, at which Governor Johnson of Colorado was guest of honor.

Several pictures were previewed, and for the first time, the wives of the managers were guests.

Chaplin Files Piracy Suit in New York

Charging the unlicensed exhibition of "The Kid" and "Shoulder Arms," Charlie Chaplin instituted suit yesterday in Federal court here against Mogull Bros., Inc., a Bronx firm, through Nathan Burkan. The comedian accuses the firm of "duping" and circulating prints of the two films with profits of millions realized by Charles, Leo and Peter Mogull, the members of the company.

J. F. Jasper Is Dead

HOLLYWOOD, Aug. 29.—John Frederick Jasper, a pioneer in the industry, recently Pathe coast representative and a partner in the Davidge Film Laboratory, died here in his sleep early today. He had suffered a stroke a short time ago, and his wife won a court appeal to be appointed his guardian. He was 59 years old and started his film career in his native New Jersey, at Fort Lee.

Report Erickson a Suicide

HOLLYWOOD, Aug. 29.—Carl Erickson, a writer under contract to Warners, committed suicide Tuesday on a hilltop near here, police reported today. Domestic trouble is believed to have been responsible. He was 27 years old and had started at Warners as a reader seven years ago. He had been an assistant story editor and recently wrote the scripts of "Black Fury" and "Doctor Socrates."

Frank Biere Succumbs

ST. LOUIS, Aug. 29.—Frank Biere, 68 years old, a projectionist, dropped dead in the bathroom of his home at 2314 Dodier St. He had been under a physician's care for about two weeks. A son and a daughter survive.

Ascap Begins Move to Fight Georgia Taxes

(*Continued from page* 1)

made except in Georgia. The test in that state is expected to have a bearing on the enforceability of the legislation elsewhere through establishing a precedent in the event of the necessity of appeals to the U. S. Supreme Court, Mills said.

The Georgia action will be a defense of the refusal of the Ascap branch operating in that state to pay the tax imposed. Suits involving the test have already been filed and may be brought to trial as early as next week. The action is regarded as Ascap's first defensive move in the legislative and court campaigns which are being waged against the society on a national front by exhibitors, radio and hotel interests.

Enjoined in Washington

In addition to the heavy state tax legislation aimed at Ascap in the states mentioned, the society was recently enjoined from operating in the state of Washington pending proof to the courts there that its price fixing methods were not arbitrary and illegal. In addition, a Federal anti-trust suit, brought by the government, is pending against the organization here.

Mills arrived from Hollywood by plane yesterday, ending his month's trip in the organization's interests. He declined to comment on the possibility of a healing of the indicated breach between the society and the Warner music publishing interests, stating that the organization has not been notified that Warners do not intend to renew membership contracts with Ascap which expire next Dec. 31. Until this is done Mills said he could make no official comment.

Warners are reported to be dissatisfied with the annual $300,000 return on its music catalogue which it receives from Ascap, and are said to be demanding a minimum annual return in the neighborhood of $1,000,000. Ascap's attitude is reported unofficially to be that it cannot triple Warners' return except by increasing its music licensing fees threefold.

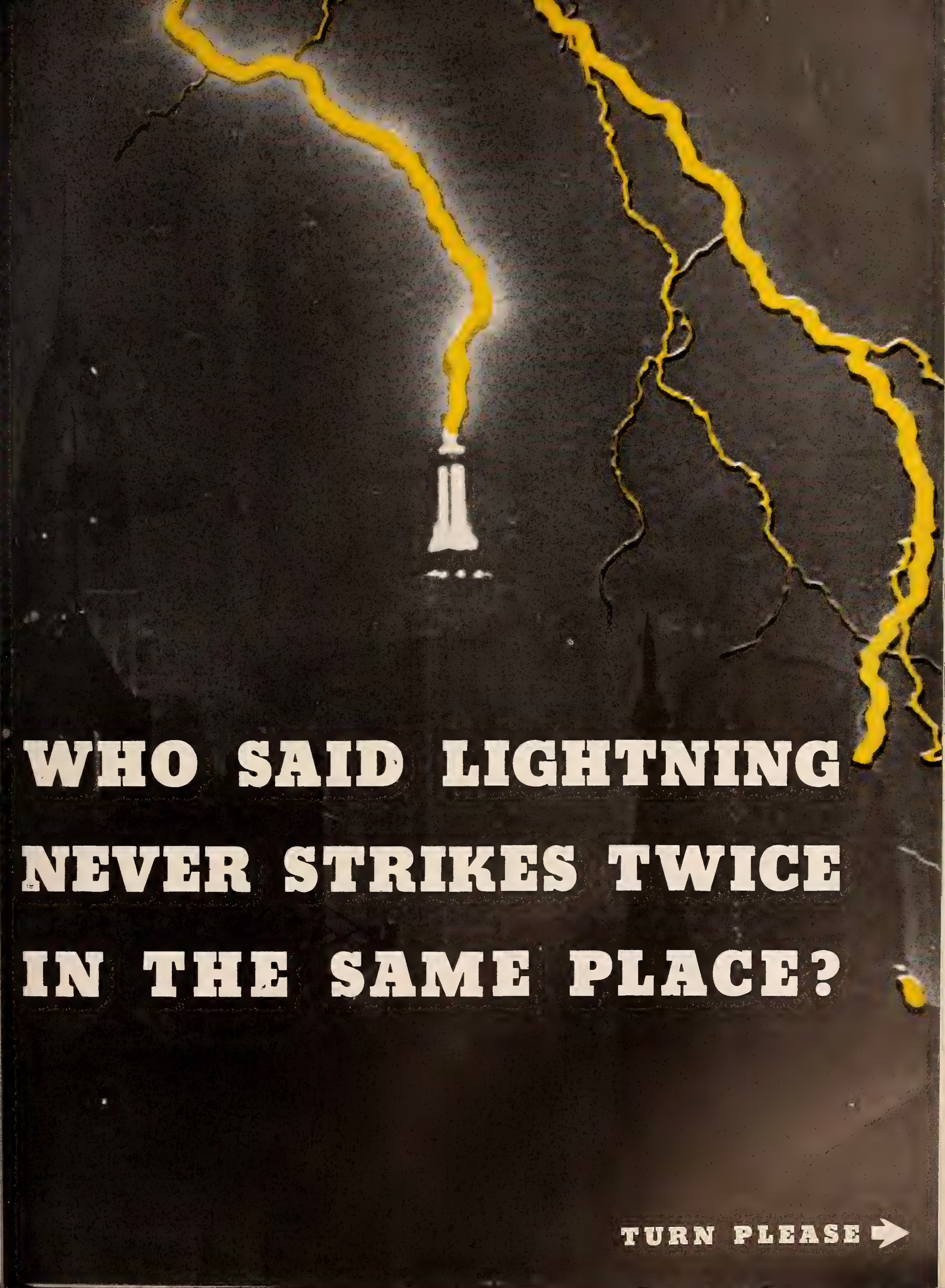
Providence Showmen Await End of Races

PROVIDENCE, Aug. 29.—Exhibitors here look to the closing of the present horse racing at Narragansett to give box-offices a considerable boost. Matinees have fallen off during the summer because many women patrons have turned into railbirds and the Discoveries and Cavalcades have transcended in pull value the Gables and Garbos—for the moment.

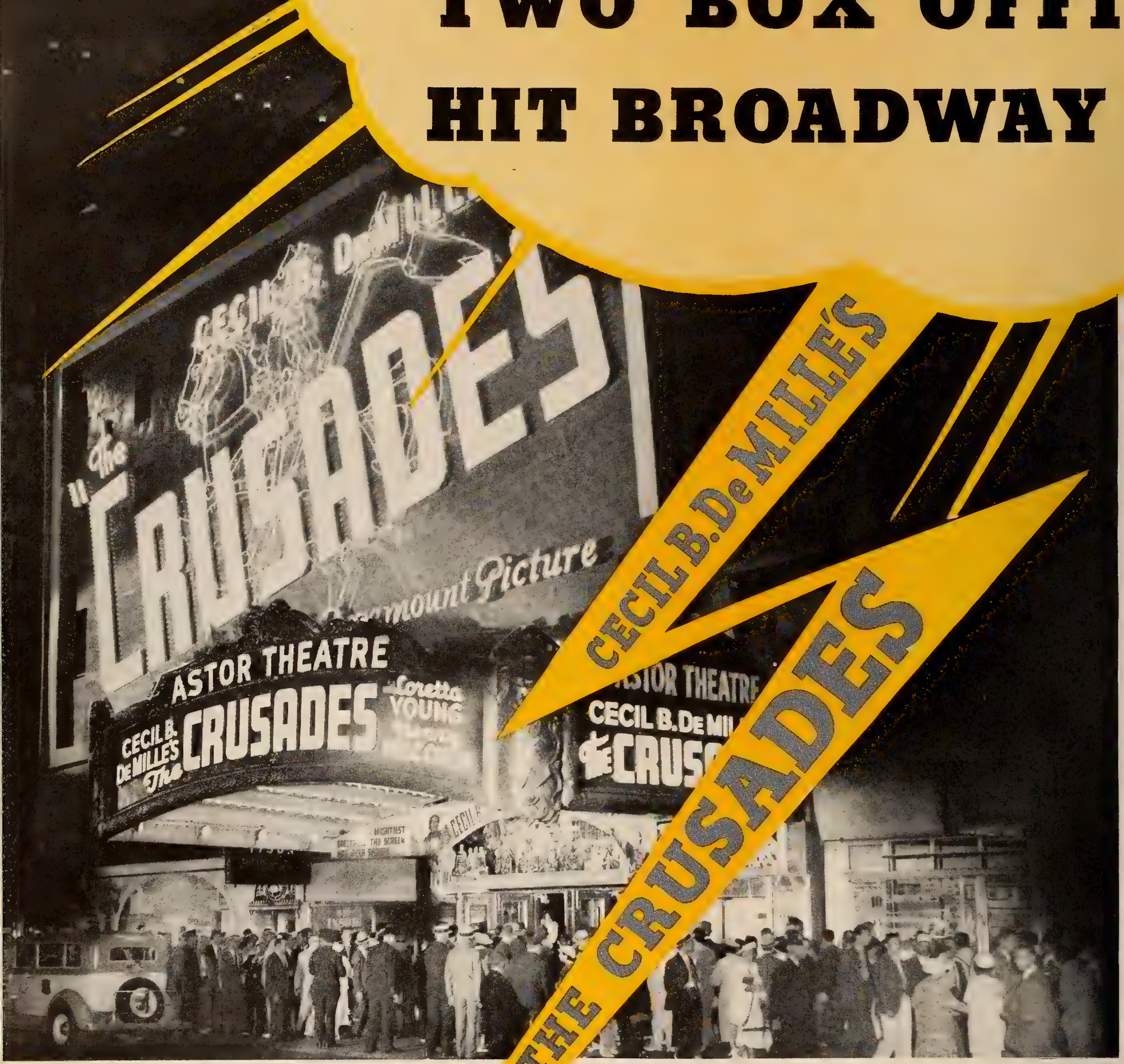
The Little Theatres at Newport and Matunuck, which have been successful, fold Saturday.

Mrs. Rogers Sole Heir

Under the terms of Will Rogers' will, Mrs. Rogers receives the entire estate. One of its big assets is a Lloyd's insurance payment of $2,500,000. It is unofficially estimated that the estate will total $5,000,000.

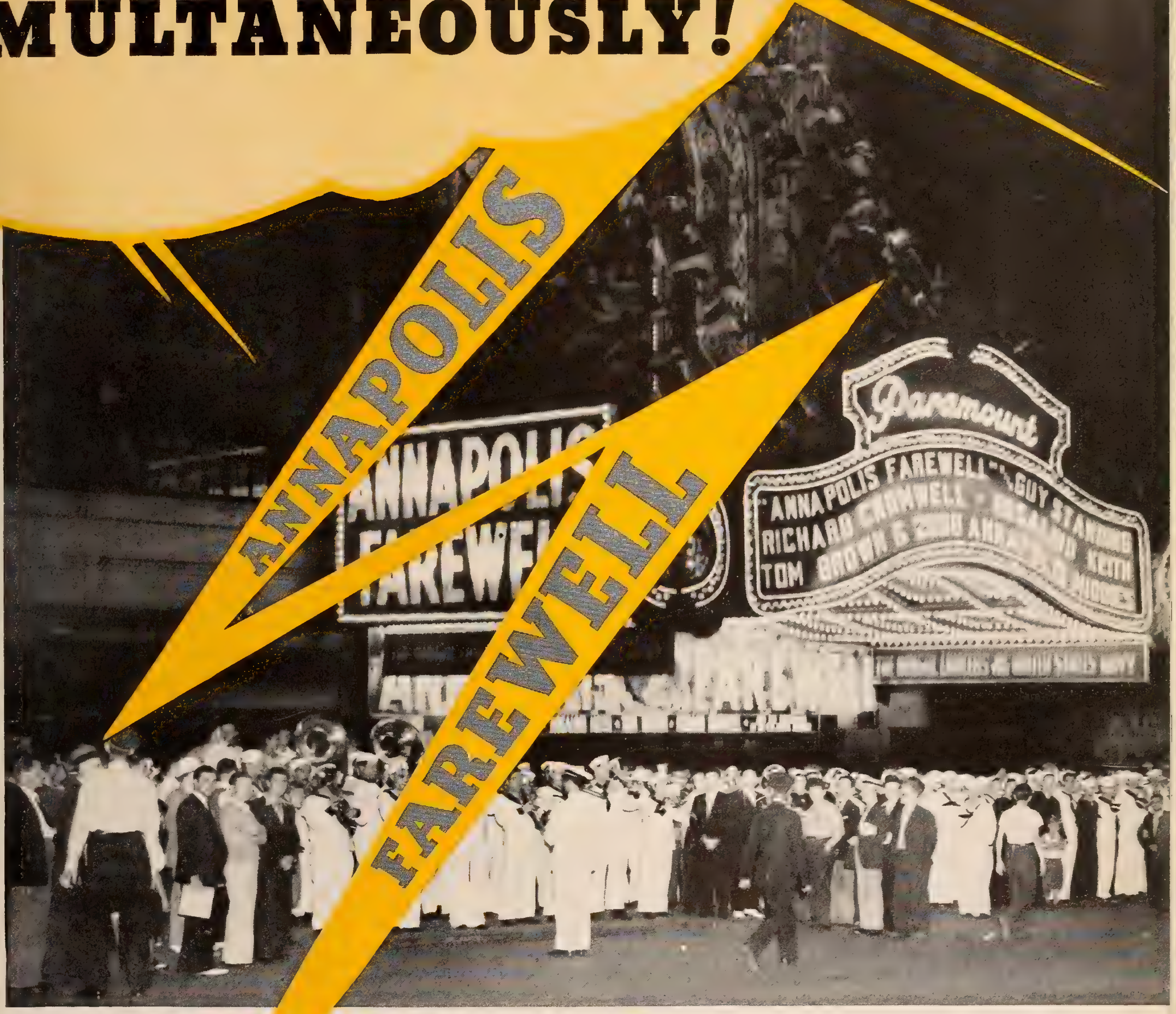

WHO SAID LIGHTNING NEVER STRIKES TWICE IN THE SAME PLACE?
TURN PLEASE ➡

TWO BOX OFFIC
HIT BROADWAY S


CECIL B. DeMILLE'S
THE CRUSADES
CECIL B. DeMILLE
The CRUSADES
Paramount Picture
ASTOR THEATRE
CECIL B. DeMILLE'S The CRUSADES
Loretta YOUNG
ASTOR THEATRE
CECIL B. DeMIL
The CRUS

August 21st—The Astor Theatre jammed to the doors. Hundreds mobbing the box office... thousands mobbing the lobby... cops battling to keep Broadway traffic from going completely haywire . . . the biggest Manhattan first night since boom days . . . a kick in the teeth for Old Man Depression . . . New York's own tremendous tribute to the mightiest picture of the mightiest picture maker... Cecil De Mille's THE CRUSADES ... a glorious triumph for DeMille . . . a glorious triumph for Paramount . . . glorious news for all of you who impatiently wait your chance to screen THE CRUSADES.

E THUNDERBOLTS
IMULTANEOUSLY!


ANNAPOLIS
FAREWELL
ANNAPOLIS FAREWELL
Paramount
ANNAPOLIS FAREWELL GUY STANDING
RICHARD CROMWELL
TOM BROWN
KEITH

August 22nd—One night later, Paramount again has New York on its ear as crowds collect to get their first look at that grand and glorious picture of America's midshipmen . . . ANNAPOLIS FAREWELL . . . for the second time in 24 hours, a Paramount picture has Broadway traffic in a dither... the huge lobby of the Paramount Theatre packed with people... a box office line that makes a World Series gate look like a flop... the biggest popular price screen opening in months . . . another triumph for Paramount . . another triumph for you when you screen ANNAPOLIS FAREWELL.

CECIL B. DeMILLE'S

"THE CRUSADES"

"The epic maker has lost none of his skill. 'The Crusades' is a grand show. It is rich in the kind of excitement that pulls an audience irresistably to the edge of its seat." —*Andre Sennwald, New York Times.*

"DeMille spared neither money, horses nor extras in creating this ambitious and exciting historical spectacle. He made a mighty picture, gigantic in size, dramatic in theme, rousing in it's lusty activity. All the elements of lively entertainment are in 'The Crusades'."
—*Bland Johaneson, New York Daily Mirror.*

"'The Crusades', with the possible exception of his 'Ten Commandments', is Cecil B. DeMille's finest picture. It is great entertainment from every angle and for every kind of audience, and will enjoy a long and prosperous life at the box office." —*Daily Variety.*

"Cecil B. DeMille, master showman, in creating this, his greatest picture, gives exhibitors super de luxe entertainment, intriguing the eye with spectacle, thrill; assailing the heart with tender romance and exalting the moral senses with religious passion."—*Motion Picture Daily.*

"This is one of the best DeMille pictures. The battle scenes are among the most thrilling made since the inception of talking pictures." —*The Film Daily.*

"ANNAPOLIS FAREWELL"

"Built on frankly sentimental lines, to bolster the heart throb, and well produced in every respect, 'ANNAPOLIS FAREWELL' has the formula for a better than average grosser." —*Daily Variety*

"First honors for the new season in Academy pictures are won by Paramount. 'ANNAPOLIS FAREWELL' should be easy to sell and a box-office hit, due to a swell new angle on patriotism, plus a gorgeous performance by Sir Guy Standing." —*Hollywood Reporter*

"I sat next to the Assistant Secretary of the Navy, Henry Roosevelt. Informally and off the record he thought 'Annapolis Farewell' was good. That's what I thought." —*Nelson B. Bell, Washington Post.*

"'Annapolis Farewell' opened to tremendous crowds. Line of patrons four abreast stretched a block and a half. Sure general public will iterate praise given by Navy Department and Annapolis midshipmen."
—*John J. Payette, Manager Earl Theatre, Washington*

"Opening day best Friday in years. Picture has built each day. Great comedy sequences among biggest howls in months and finale a real tear jerker."—*Gerald Gallagher, Manager, Fox Theatre, San Diego, Cal.*

it's a PARAMOUNT PICTURE it's the best show in tow

Getting Set For Fall in The Midwest

CHICAGO, Aug. 29.—Plans for fall openings are well under way in several downstate houses. Extensive remodeling and in some cases the building of new houses has been in progress during the summer and September finds theatres ready for use.

In Decatur the A-I theatre has been remodeled and renovated at a cost of $35,000 by Gus Conston. In Urbana the Alger Brothers are preparing for the influx of college students and are opening the Albro, formerly the Colonial, which has been done over after being dark for the past 10 years.

A. L. Hainline, owner of the Illinois in Macomb, has spent $30,000 remodeling his house, and with a new front, seats and balcony it becomes one of the finest theatres in that part of the state. Opening is set for early in September.

Fred Anderson, indie circuit operator, opens his Naper in Naperville after a refurnishing job. Anderson is also building a house in Macomb which is set to open Oct. 5. He also plans to build a house in DeKalb which he expects to open this fall.

Compete in Alameda

ALAMEDA, Calif., Aug. 29.—I. and O. Theatres Corp., composed of A. E. Levin and George Oppen, will build a new house here to be called the Vogue which will be in direct opposition to the Alameda, operated by Nasser Bros.

The Vogue will seat a trifle under 1,000 and will mark the return to exhibition of Oppen, long retired. Louis Lurie, San Francisco realtor who is interested with Sol Lesser in the George O'Brien westerns released through Fox, is said to be one of the financial backers. With completion of the new house, Levin will withdraw from the 'Frisco circuit in which he is now interested with his brother, Sam H.

As a counter move, the Nassers plan to reopen the Strand here.

Changes in Michigan

DETROIT, Aug. 29.—Changes in ownership of several theatres are reported here. William Thick, operator of the Garden, Marshall, has taken over the Coliseum, Bronson, from Gail Warner.

The Gem, Colon, has been sold by P. J. Hanson to Conrad Meyers of St. Joseph and Homer Cox has taken over the Our, Quincy. The Gem, Cassopolis, formerly operated by Robert Hupp, has been sold to Russell Huff.

Three houses of the Komer circuit, the Redford, Royal Oak and Whittier, are now being booked by Co-Operative.

Alliance House to Reopen

ALLIANCE, O., Aug. 29.—The Columbia, shuttered for the summer, will be relighted Sept. 1. Ray Wallace, who operates the Strand and Morrison here, again will manage.

N. E. Shifts Continuing

BOSTON, Aug. 29.—Theatre shifts are still very much in evidence in the New England territory. The Colonial in Nashua, N. H., recently acquired from the Shea circuit by F. E. Lieberman, has been transferred to the Morse and Rothenberg group.

Assorted Fare

Chicago, Aug. 29.—Out of a group of 111 neighborhood houses playing second and third runs, 26 were playing "Let 'Em Have It," 21 "Oil For the Lamps of China" and 17 "Doubting Thomas." This was the booking for one day, recently. In 169 theatres outside the "loop" a choice of only 31 pictures was available to theatre patrons.

The Community in Dedham, recently acquired by Ralph Snider, another independent circuit owner, from M. Spero, has gone to the Stanley Sumner group.

Remodel Dallas House

DALLAS, Aug. 29.—Interstate has closed the Capitol for overhaul. The house will be air-cooled, acoustically treated, relighted inside and out and redecorated. It is next door to the new Rialto which is now under reconstruction. Both houses will be cooled from a common plant and will generate electric juice for all purposes for both houses from gas engines burning Texas natural gas.

Two Install New Sound

KANSAS CITY, Aug. 29.—Maurie S. Cohen's Grand at Council Bluffs, Kan., a Fox Midwest affiliate, and Benjamin Harding's Liberty at Council Bluffs, Kan., have installed new wide-range sound.

Take Circleville House

CIRCLEVILLE, O., Aug. 29.—Richard Simkins and Hazel Clifton have taken over the Cliftonia here from Harry Clifton.

Fine to Build Another

CLEVELAND, Aug. 29.—Myer Fine, head of Associated Theatres now operating more than 20 houses in the Greater Cleveland area, is head of the Shaker Theatre Co., which will immediately start construction of a theatre and office building at Lee and Kinsman Roads, Shaker Heights.

Coliseum to Reopen

SAN FRANCISCO, Aug. 29.—A Saturday matinee on Sept. 14 will see the re-opening of the Coliseum which was badly gutted by a $25,000 fire. The Levins are expending $100,000 on remodeling and refurnishing. Bob Harvey will direct publicity.

To Open Portland Oriental

PORTLAND, Aug. 29.—After having been closed for the past three months, the Oriental has reopened under the management of the Evergreen Theatres. Ronald Harrington will manage.

Buys South St. Louis House

ST. LOUIS, Aug. 29.—The Roxy Theatre Corp. has purchased the Roxy theatre building in South St. Louis. It has been using the theatre under a lease during the past five years. The house seats 700 and was acquired from the William S. Drozda Realty Co.

Pantages Scales to Go Up

HOLLYWOOD, Aug. 29.—When the Pantages starts playing day and date with the Hillstreet on Sept. 1 prices will be raised to correspond with those of the downtown house, going from 25c in the afternoon to 35c. All seats will be 40c at night. Balcony seats formerly were 25c. The first feature will be "Top Hat."

Leases Rockville House

ROCKVILLE, Conn., Aug. 29.—The S. A. Amusement Co. has leased the Princess from Frank Mann. The house will reopen following alterations and installation of sound equipment.

Georgia House Remodeled

LAWRENCEVILLE, Ga., Aug. 29.—E. T Hopkins, owner and manager of the Colonial, has completed remodeling the house and will reopen shortly.

Hub Awaits Ruling In Bank Night Suit

BOSTON, Aug. 29.—Decision on the bank night-gold mine case, heard before Special Master Arthur L. Stevenson for Federal Court here, is still awaited. This case is expected not only to establish whether the latter cash giveaway is an infringement of the bank night idea, but also to decide whether or not bank night comes under lottery laws.

In New Hampshire, where a friendly test suit is pending against Attorney General F. W. Johnson to determine whether or not the ban against bank night on grounds that it is a lottery, a declaratory judgment is not expected for more than two months.

Ohio House Uses Screeno

TIFFIN, O., Aug. 29.—The Ritz, independent, operated by Sol Silverman, Toledo, is using screeno, being one of the few spots in Ohio to install and continue the stunt without interference.

Iowa Hits Bank Night

DES MOINES, Aug. 29.—The state attorney general's office today ordered county attorneys and sheriffs throughout the state to take steps toward ending bank night.

M. & P.-RKO Split Fox

BOSTON, Aug. 29.—M. & P.-Publix and RKO will again divide Fox product among their five local first run situations. M. & P.-Publix, which controls three of these stands, will take two-thirds of the lineup. The entrance of Twentieth Century into the Fox picture does not change local distribution, inasmuch as the two Loew first runs will again screen the Twentieth Century list.

Mexican Strike Delayed

MEXICO CITY, Aug. 29.—The strike of employes of local American company offices originally set for tomorrow has been postponed until Sept. 7 in order to allow the Federal Labor Department to examine the workers' demands. They are asking increases ranging from 10 to 25 per cent.

Selznick Signs Tucker

Sophie Tucker has been signed by David O. Selznick for one picture. The deal was closed at the Piping Rock Club in Saratoga where Miss Tucker is now appearing. She will complete a tour of the RKO circuit before reporting to Hollywood, however.

Richey Warns Of Danger of New Mergers

DETROIT, Aug. 29.—A bulletin issued by H. M. Richey to members of Allied of Michigan urges all exhibitors in the state to give local independent exchanges all possible support as insurance against mergers among major producers, which Allied predicts will eventually leave but three large companies in the production field.

The bulletin says in part: "Fox-Twentieth Century, bank control of Paramount and RKO, with actual possibility of a merger between the two, makes the whispered statement that soon the production and distribution of pictures will be concentrated into three sources, more than a mere supposition.

"Then what? For the past few years we have seen such radical curtailment of product that an exhibitor in a double-billing situation is forced to make many unfavorable and costly film deals to secure proper product.

"Exhibitors in small towns haven't yet felt the situation so keenly, but when the time comes that three sources control the production, distribution and sales policies of pictures, then the axe will really fall.

"It behooves exhibitors to look to the future and preserve in the business the independent companies, if for no other purpose than as an insurance policy against complete domination of the industry by the banking interests. It's time for the ninth and tenth major companies now. Better buy a couple of insurance policies this year."

Way Open to Avoid Sp'c'l Kansas Session

KANSAS CITY, Aug. 29.—If Kansas officials can find a way to enable counties to set up funds to participate in the Federal social security plan, which they are now attempting to do, the special legislative session which has been threatened and at which it is feared an amusement tax may be introduced will not materialize, it is understood.

Under such circumstances there would be no meeting of the Kansas legislature until 1937, inasmuch as sessions are held regularly every odd year.

It is understood that Gov. Alf M. Landon is very desirous of not calling a session unless it is absolutely necessary.

To Picket Coast House

HOLLYWOOD, Aug. 29. — Following their failure to negotiate successfully with Harry Popkin for over a three-week period, representatives of musicians' Local 47 and projectionists' Local 150 will start picketing his Million Dollar tomorrow. The picketing is in protest at the Popkin wage scale, now 60 per cent under the union regulation, according to union leaders.

The two locals recently picketed T. L. Talley's Criterion, forcing that house to close its doors.

Jarrett Coming Over

LONDON, Aug. 29.—Arthur Jarrett, booking chief for G.B. theatres, leaves on Sept. 4 for a holiday in Hollywood.

ARIZONA
SOUTH DAKOTA
MAINE
OKLAHOMA
INDIANA

PAINT THE TOWN RED

FOR THE NATION'S MOST RADIANT

**From Fox Movietone City comes anothe
frolicsome redheads . . . the choicest fro
whirly-girly whirlwind of glamorou
ing, gladdening dancing. It's a ballyho**

ALABAMA
MONTANA
NEVADA
DELAWARE
WISCONSIN

REDHEADS

A JESSE L. LASKY PRODUCTION with

JOHN BOLES

DIXIE LEE
RAYMOND WALBURN
JACK HALEY
ALAN DINEHART

MARYLAND
MASSACHUSETTS
MINNESOTA
KENTUCKY
ARKANSAS
WASHINGTON
WEST VIRGINIA
IDAHO
SOUTH CAROL
MISSISSIPPI
FLORIDA
CALIFORNIA
ILLINOIS
NORTH DAKOTA
NEW JERSE

YOU HAVEN'T

NEBRASKA
MISSOURI
OREGON
NORTH CAROLINA
NEW YORK
TEXAS
RHODE ISLAND
UTAH
KANSAS
OHIO
PENNSYLVANIA
COLORADO
GEORGIA
TENNESSEE
NEW HAMPSHIRE
NEW MEXICO
VERMONT
MICHIGAN
LOUISIANA
CONNECTICUT
IOWA
WYOMING
VIRGINIA
GAY DECEPTION

REDHEADS!

reat for showmen. 48
every state . . . in a
romance, glorious sing-
bonanza!

ON PARADE

Directed by Norman McLeod
Screen play by Don Hartman and Rian James
Story by Gertrude Purcell, Jay Gorney and Don Hartman
Music and lyrics: Jay Gorney and Don Hartman

P.S.
"Gay Deception"
sensational in Hollywood preview! Audience reaction tremendous! Reviews grand! More news later!

N'T NOW WITHOUT FOX

"TOP HAT" IS IN
RADIO
RADIO CITY

TOWN!
RADIO CITY
AND GINGER ROGERS
MUSIC HALL

ALL PHOTOS TAKEN BETWEEN 9 A. M. AND NOON OPENING DAY AT RADIO CITY MUSIC HALL

◂ Purely Personal ▸

M. H. AYLESWORTH, Ned Depinet and Sam Dembow ambling down 6th Ave. from "21" decided to step into the Music Hall at 4 P. M. yesterday to take a peak at the business "Top Hat" was doing.

•

Phil Baker yesterday held a double celebration at his home in Mamaroneck. One of the reasons was that he has been given the radio spot formerly starring Will Rogers. The second reason: It was his birthday.

•

John E. Otterson and R. E. Anderson moved into their completely redecorated and refurnished offices on the ninth floor of the Paramount Bldg. yesterday, only a few minutes after the painters departed.

•

Harry M. Goetz, Joe Moskowitz, Bob Goldstein, Colvin Brown, James A. FitzPatrick, Ben Atwell and Emil Jensen were among those whom a quick glance disclosed at the Tavern yesterday.

•

Oscar Hammerstein, II, leaves soon for the Paramount studios where he will work on the first Jan Kiepura film with E. W. Korngold.

•

Al Lichtman and William Philips arm-and-armed it as they walked from Radio City to U. A. headquarters yesterday.

•

Moe Streimer, New York state district manager for U. A., is rapidly recovering at home from a recent illness.

•

Dave Loew denies all reports linking him with new producing companies.

Herman Robbins, Milton C. Weisman, Louis Frisch, Sam Rinzler, Melvin Albert, Henry Randel, Robert Gillham, Jack Pegler, Frank Damis, Morris Kutinsky and Lou K. Sidney were among industry representatives gathered at the Astor during yesterday's lunch session.

•

Fred Quimby hopes to leave for the coast in two or three weeks. He has been trying to get away for the past month.

•

Lou Kaufman of the Warner legal department has returned from two weeks in Cleveland. It wasn't a vacation.

•

Tom Connors is in Memphis and will make a number of other southern cities before returning.

•

E. C. Mills of Ascap left last night to spend the Labor Day week-end at his Shelter Island home.

•

C. C. Pettijohn is recuperating from a recent illness at his Winsted, Conn., place.

•

William B. Frank has been added to the local Paramount sales force, handling Manhattan territory.

•

Dorothy Spero of the local Fox exchange had a birthday yesterday.

•

Mort Singer likes his cigars big.

Eddie Dowling's next stage effort will be "Agatha Calling" by Rosemary Casey. Louis Calhern, who has his quota of Hollywood roles, is being considered for a lead along with Gertrude Flynn and Raymond Bramley.

•

Bob Collier is doing a swell job on the special campaigns for Cosmopolitan pictures at Warners home office.

•

Fred Metzler says the first column he reads in Motion Picture Daily is the Purely Personals.

•

Henry Randel says he bet on four of six winners at Saratoga over the week-end.

•

Paul Gulick left yesterday for parts unknown and a five-day vacation.

•

Robert Benjamin, associate of Louis Nizer, may take a trip to Boston today.

•

Sam Dembow, Jr., is intrigued no end by a new dance called the "Four Hundred."

•

Helen Hayes and Norma Shearer lunching at the Colony.

•

Budd Rogers leaves today for Boston. He will return next Tuesday.

Clare Kummer and Marc Connelly, playwrights both and both in Hollywood, are completing plays which Max Gordon expects to produce in New York this fall.

•

. . . Denver

Ben Fish, of United Artists, after spending several days here, went to Cheyenne, Wyo., where he met Mrs. Fish. They went on to the coast where they will make their home.

Bill Rosenfeldt, manager of the Amity exchange, is through "batching." Mrs. Rosenfeldt and son Edward have returned from Hollywood. While gone Edward missed out on a chance to play in "Post Road" with the Elitch stock company here.

Out-of-town exhibitors seen on the row the past week: E. J. Touey and L. M. Teller of Madrid, Neb.; Jack Ward, Douglas, Wyo.; and Ross Labart, Creede, Colo.

•

. . . Pittsburgh

Harold W. Cohen, picture editor and critic of the *Post-Gazette*, is vacationing in Atlantic City.

Sam Stern, Warner artist, is back on the job again after a cruise to Bermuda.

Helen Donnelly, former press agent at the Pitt, is doing publicity work for the Golden Rod Show Boat.

Harry Feinstein wants a buck a week from C. J. Latta to keep the latter's first name a secret.

Victor McGovern, local playwright, has submitted a play to Max Gordon.

No wedding date has been set yet by Harold Lund, head of the Ross Federal Service here.

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The Birth of a New Major Producing Company
AMERICAN INTERNATIONAL PICTURES INC.
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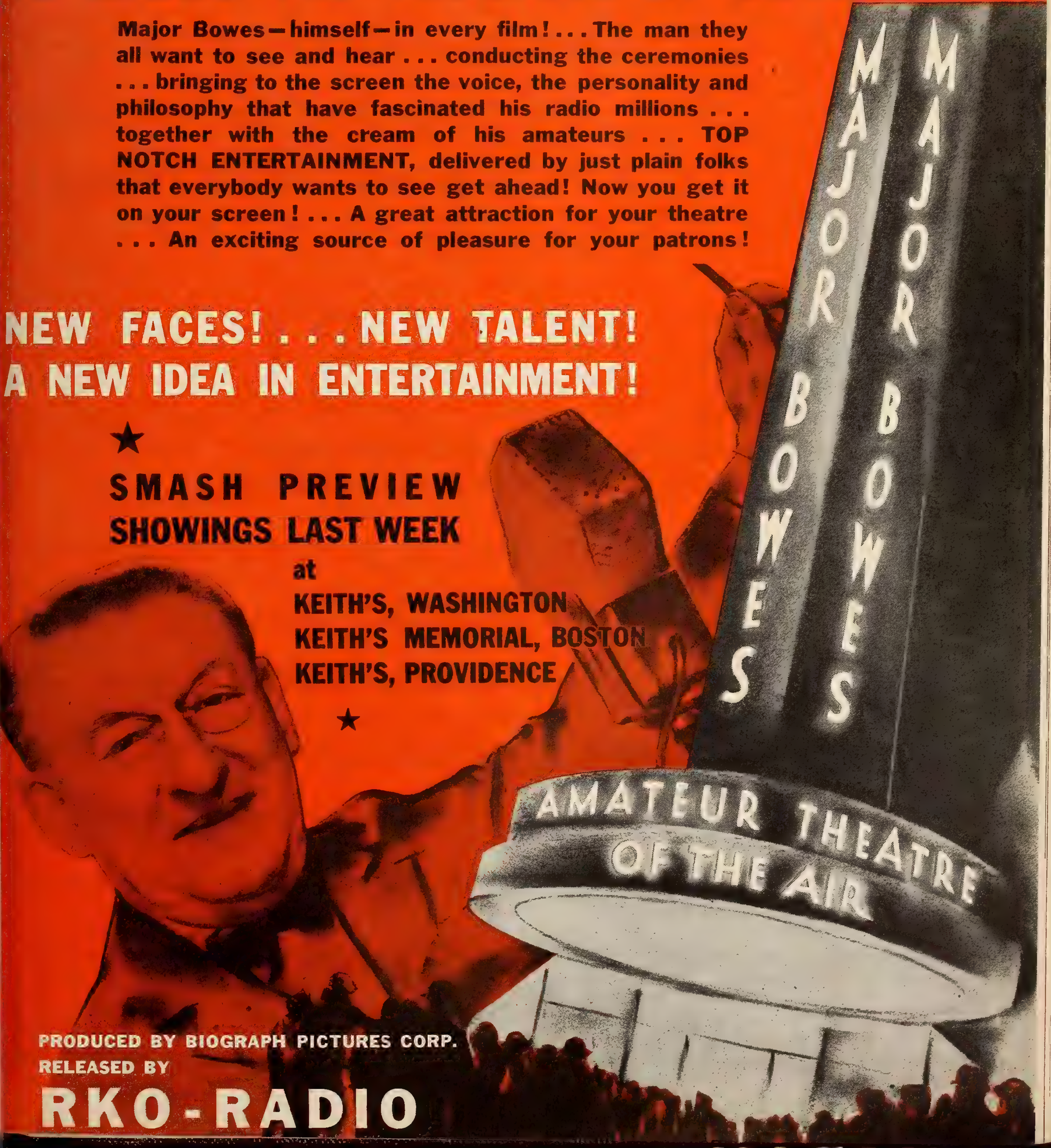
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AMATEUR THEATRE OF THE AIR

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★

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at

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KEITH'S MEMORIAL, BOSTON
KEITH'S, PROVIDENCE

★

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The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 53 NEW YORK, SATURDAY, AUGUST 31, 1935 TEN CENTS

No Admission Raises Seen For Chicago

View Is Business Gain Doesn't Warrant Hike

This is the second installment of a national survey on the trend in admission prices.

CHICAGO, Aug. 30.—With grosses gradually on the upgrade and most of the receipt figures on the black side of the ledger, Chicago operators are not interested in any admission price changes at the present time.

General opinion seems to be that, as long as a profit can be made at present figures, to change them would be extremely unwise. Both independent and circuit managers predict that business this fall will be the heaviest in many years and that one way to

(*Continued on page 2*)

Film Attacks Fail In Massachusetts

BOSTON, Aug. 30.—Bills affecting the industry were foremost in the some 3,000 measures acted upon this year by the Massachusetts Legislature that has just closed after a record of 225 days. The business emerges completely unscathed. But it cannot relax, as many of the unfavorable bills will be brought back at the session which begins Jan. 2.

The bill of Representative Thomas A. Dorgan of Dorchester, seeking to ban children under 14 from all theatres

(*Continued on page 4*)

Fox Met Filing Fee Totals to $16,664

ALBANY, Aug. 30.—Filing fees of $16,664 were paid to the Secretary of State here for the incorporation of Metropolitan Playhouses, Inc., the reorganized Fox Met company, with 332,288 shares of non par value stock. Also incorporated were the new company's 18 operating subsidiaries which have been numerically named, beginning with Number One Theatre, Inc.

(*Continued on page 2*)

'Top Hat' Tops

"Top Hat," by official check yesterday, had the biggest first day at the Music Hall in the theatre's history except for a holiday opening.

'Jim' Sets 5-Yr. Attendance, 3-Yr. Gross High at Roxy

Chalking up the best attendance record in five years and the highest gross in almost three years, exactly 133,507 patrons paid $47,000 to see "Diamond Jim" for the week ending Thursday night at the Roxy.

Topping this intake was "Call Her Savage," which played to the tune of $58,000 for the week ending Dec. 1, 1932. Clara Bow made a personal appearance that week and admissions were scaled at 35 cents to $1.10 in comparison with the current 25-55 cents.

Under the present scale, "Diamond Jim" tops all past attractions. "Imitation of Life," which garnered $44,000 for the week ending Nov. 29, 1934, is second to it.

Next in line is "Invisible Man," which did $42,500 for the seven-day period ending Nov. 23, 1933. This gives Universal the first three ratings for high grosses under current box-office conditions. "The Bride of Frankenstein" also was in the big money class at the Roxy. It got $38,000 for the stanza ending May 16, last.

"Universals are the money making pictures for the Roxy," an executive of the theatre stated yesterday.

Union's Wage Parleys Reach New Deadlock

Unable to reach a common basic figure for a wage formula in local theatres, circuit and Local 306 representatives yesterday were deadlocked for a second time this week.

The impasse is not regarded as serious by either side. Negotiations are expected to be continued either today or after Labor Day. Meanwhile Local 306 operators are sticking to their posts, keeping in daily contact with union headquarters on latest developments.

About 25 pickets arrested two weeks ago were to have been arraigned yesterday before Magistrate Capshaw, but the judge withdrew from the cases, postponing them until Sept. 14 when another magistrate will sit. No Local 306 pickets were arrested during the last week, it was stated at the union's headquarters yesterday. Allied M.P. Operators has reduced the number of men parading the circuit houses to one.

Weisman Seeks Stay To Get "China Seas"

Milton C. Weisman, attorney for the Gotham Amusement Corp., operating the Gotham, yesterday filed an application in the N. Y. Supreme Court for an injunction against M-G-M, seeking to restrain the exhibitor from delivering "China Seas" to the Dorset, competitor to the Gotham.

Hearing on the application will come up today before Judge Steuer.

(*Continued on page 2*)

No Flying Ban Contemplated By Producers

HOLLYWOOD, Aug. 30.—Although most producers have had a standing rule for some months prohibiting players from flying during production, executives here are not contemplating changes in the rule whereby talent would be prohibited from commuting by air entirely, according to a survey of the studios.

Most companies require talent under contract to obtain special permission to fly and recently a major studio tried to restrain Ruth Chatterton from flying her own plane, but without success. Cecil B. DeMille, Harold Lamb, William Pine and Herbert Wilcoxon recently flew to New York and back from here to attend the opening of "The Crusades," and Miss Chatterton led a group of flyers from here to Cleveland in a special race for which she had donated a trophy. DeMille, Pine, Lamb and Wilcoxon, however, had permission of Paramount to fly.

(*Continued on page 4*)

Selznick Financing Finished, Is Report

David O. Selznick is understood to have completed finances for his new company with Wall Street banking and brokerage houses. He will leave for the coast Tuesday to prepare "Little Lord Fauntleroy" with Freddie Bartholomew, his first for United Artists release. For the present, he will produce on the U. A. lot, now 100 per cent owned by Samuel Goldwyn. Later, Selznick anticipates making one picture in England.

RKO Follows Loew to Dual Billing Here

Albee to Be First, with Others Soon After

RKO yesterday started its first move toward dual features in all local houses, following plans announced by Loew's to twin bill at the Valencia, Paradise, Orpheum, Boulevard and Metropolitan.

The Albee, which has been playing vaudeville for many years, yesterday put on its initial two-ply picture program. "Dante's Inferno" and "Orchids to You," two Fox films, comprised the program. Other RKO units will add second features within the next few days. Prices will be reduced all along the line.

Local independent exhibitors are evincing signs of uneasiness as the two major circuits continue to eliminate single features.

The combination of "China Seas" and "Bright Lights" at thirty-nine Loew houses for a week's stand is expected to devastate subsequent runs, independents declared yesterday.

Paramount Denies St. Louis Charge

ST. LOUIS, Aug. 30.—Denial of any conspiracy to withhold films from the Ambassador, Missouri and Grand Central is made by Paramount Pictures Distributing Corp. and Paramount Pictures Distributing Co., Inc., in an answer filed today in Federal Court in the Government's anti-trust suit.

The court is asked to dissolve the order to show cause scheduled for a hearing before Federal Judge George

(*Continued on page 4*)

Pickford and Lasky Organize New Firm

HOLLYWOOD, Aug. 30.—The formation of a new company known as Pickford-Lasky Prod. was announced today by Mary Pickford and Jesse L.

(*Continued on page 2*)

No Paper Monday

***Motion Picture Daily* will not publish on Monday, Sept. 2, which is Labor Day and a legal holiday.**

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Famous Players Men End Canadian Meet

TORONTO, Aug. 30.—The annual Famous Players Canadian convention closed here today with N. L. Nathanson, president, rushing from a New York train after returning from a European vacation, to address the gathering.

The meeting yesterday concerned itself chiefly with regional conferences and the screening of new product from various companies. The speakers at the general meeting today at the King Edward Hotel were Clarence Hobson, eastern supervisor of theatres; T. J. Bragg, secretary and treasurer, and A. W. Bolstad, comptroller.

Bragg declared there were more people now employed in Canada than in 1926 and that prosperous conditions were evident once more although theatres are adversely affected by iniquitous amusement taxes in Ontario.

Skirballs Gaining In Penn. Hospital

Joe, Grace and Mildred Skirball, who were seriously injured in an automobile crash at Sewickley, Pa., on Aug. 11 when Mrs. Sarah Skirball, their mother, was killed, are making encouraging gains in recovery, declared Jack Skirball, their brother and Educational sales manager, yesterday.

Mildred's gains, however, are less pronounced than those of the others. All three are still confined to the Valley Hospital in the Pennsylvania town.

Purely Personal

LILLIAN HELLMAN arrived in New York from Hollywood yesterday and expects to attend the premiere of "The Dark Angel" at the Rivoli next Thursday. MERLE OBERON and FREDRIC MARCH, two of the leads, are due here next week and will also be among those present. MISS HELLMAN did the script with MORDAUNT SHAIR.

•

JAMES R. GRAINGER, NEIL AGNEW, DAVID LOEW, LEO ABRAMS, JOHN W. HICKS, SAM RINZLER and his son, HAROLD, JOHN C. FLINN, TOM GERETY, TOBY GRUEN, MILTON C. WEISMAN, LOUIS PHILLIPS, ARTHUR SEIGEL and DAVE LEVY spotted at the Astor during the mid-day repast yesterday.

•

PAUL LAZARUS is all set to take to a fishing boat at Bay Shore today and spend the week-end with his family on the water, away from those annoying telephones.

•

ED LEVY, M. P. T. O. A. secretary, in town yesterday from New Haven wearing an elastic vest purchased after the arrival, early this week, of CHARLES JOSEPH LEVY.

•

LAUDY LAWRENCE is going to New Haven today to report at the General Hospital for a final checkup before he sails next week for England.

•

RALPH G. FEAR and M. J. WEISFELDT are spending the week-end at the Longshore Club at Westport, Conn., as guests of P. A. POWERS.

•

BING CROSBY and MRS. CROSBY (DIXIE LEE) left yesterday by train for the coast. They have been at Saratoga for a month.

•

SYDNEY BUCHMAN arrives today from France on the *Champlain.* He's on his way to the coast after a short European vacation.

•

OSCAR HAMMERSTEIN, II, departs for the coast tomorrow. Paramount studios are his destination.

•

JOSEPH V. and MRS. CONNOLLY and FLOYD GIBBONS sail for Europe today on the *Rex.*

•

JOHN E. OTTERSON almost ruined his straw hat walking in the rain yesterday.

•

MRS. FRANK BORZAGE is stopping at the Warwick. She arrived yesterday.

•

SIG WITTMAN returns from a week's tour of Universal exchanges today.

•

HENRY WILCOXON sailed last night on the *Bremen* for England.

•

FRANK BUCK is due in New York Tuesday.

Githens on Theatres

W. French Githens, for the past year managing editor of Pathe News, has been given leave of absence by Courtland Smith, to take active charge of promotion and expansion of Newsreel Theatres, Inc., operators of the Embassy, New York, and Newsreel Theatre, Newark, N. J.

Wall Street

Small Gains Mark Big Board

	High	Low	Close	Net Change
Columbia	69¾	67⅜	69¾	+1⅞
Consolidated	4½	4⅛	4½	+ ⅜
Cons., pfd.	17	16⅛	16¾	+ ⅝
Eastman Kodak	147	147	147	+ ½
Fox Film "A"	16¾	16¼	16¼	— ⅜
Loew's, Inc.	41⅜	41⅝	41⅜	+ ½
Paramount Publix	9½	8⅛	9⅜	+ ⅞
Paramount, pfd.	87½	85	87½	+1½
Paramount 2 pfd.	11	9⅝	11	+1⅛
Pathe Exchange	⅝	½	½	.....
Pathe Film	5½	5	5⅜	— ½
RKO	2⅝	2⅜	2⅝	+ ¼
20th Century-Fox	15¼	15¼	15¼	+ ¾
20th Century pfd.	26	25½	26	+ ½
Warner Bros.	5½	5	5½	+ ½
Warner Bros., pfd	40⅛	37½	40	+4

Little Change on Curb

	High	Low	Close	Net Change
Sonotone	2	2	2	.....
Technicolor	20¾	20¼	20¼	— ⅝

Slight Bond Activity

	High	Low	Close	Net Change
General Theatre 6s '40	15⅜	14⅞	14⅞	.....
General Theatre 6s '40 ctf.	15¼	14⅞	15	+ ¼
Paramount Pictures 6s '55	93⅞	93¼	93½	.....
Paramount F. L. 6s '47	102½	102½	102½	s7
Paramount Publix 5½s '50	105	104	105	.....
Warner Bros. 6s '39 wd	78	76⅜	77¾	+ ¾

(Quotations at close of Aug. 30)

Fox Met Filing Fee Totals to $16,664

(*Continued from page* 1)

Each is capitalized with 100 shares of non par value stock.

The incorporators are Joseph M. Schenck, president and chairman of the board; Milton C. Weisman, vice-president and secretary; William P. Philips, vice-president and treasurer; Herbert B. Swope, director; Melvin A. Albert and Herbert S. Keller.

Attorneys and committees who served in the reorganization of Fox Met will file applications for fees for their services shortly after the return from Europe next week of Federal Judge Julian W. Mack, who has jurisdiction over the reorganization. The reorganization plan provided for the setting aside of $500,000 for the fees.

Jefferson Gets "U" List

J. R. Grainger, general sales manager of Universal, has closed a deal with the Jefferson Amusement Co. of Beaumont for the entire 1935-36 Universal lineup. This places the "U" product in 59 houses in eastern Texas. Joseph and Tom Clemens acted for Jefferson in the deal and Harry Graham and Edward Olsmith with Grainger.

Moss to Operate

B. S. Moss yesterday denied that he had no intention of operating the 1,800-seat theatre planned on the site of the Criterion and Loew's New York. MOTION PICTURE DAILY reported yesterday he was dickering with Paramount.

G. B. Closes with W. & V.

George W. Weeks, general sales manager of G. B., has sold his company's entire 1935-36 lineup to the Wilmer & Vincent Circuit for their theatres in Pennsylvania and Virginia.

No Admission Raises Seen For Chicago

(*Continued from page* 1)

help insure such a condition would be to leave prices at the present scale.

If plans called for a raise in admissions here it would have to meet with unanimous approval by all exhibitors in order not to upset present booking arrangements which are based on the various price levels. Prices, as they now stand, generally are considered to leave a fair margin of profit and outside of giveaway nights, which are used in some form or other by practically all houses, no price cutting practices are used.

Exhibitors who predict the waning of interest in Screeno, Bank Night and other such devices before very long are of the opinion that the coming of the new season's product will offset the loss of these games and keep the grosses at a good figure.

Pickford and Lasky Organize New Firm

(*Continued from page* 1)

Lasky. Headquarters will be at United Artists, which will release. The deal was signed at Pickfair. Lasky will be president and Miss Pickford vice-president.

The company, which will make five films annually, will be independently financed, according to Lasky, and will function as an independent unit. Writers, directors and composers will share profits. The first to be signed are Nino Martini, Francis Lederer and Ernestine Schumann-Heink. The first two will make two yearly, while Mme. Schumann-Heink will make one, with production starting Oct. 15. Lederer will make one musical.

In outlining the program, Lasky suggested the possibility of developing Mme. Schumann-Heink into a Marie Dressler.

Samuel Goldwyn, Abraham Lehr, Lloyd Wright and Lederer witnessed the signing.

A congratulatory wire from Al Lichtman was read by Lasky, who leaves Monday for England, where he will make one film. Later Miss Pickford may join him there.

Weisman Seeks Stay To Get "China Seas"

(*Continued from page* 1)

Weisman, in his application, alleges that the Gotham bought "China Seas" on a 1934-35 contract, but plans to date the picture into the Dorset sometime next week under a 1935-36 pact. Weisman contends that the Gotham contractually has the first right to the film and that M-G-M refuses to deliver it to his client.

Skouras Now Has 47

Addition of the Englewood, Englewood, today gives Skouras Theatres 47 for the circuit. The house was to have been taken from Walter Reade yesterday, but, due to delay in signing of the papers, the theatre does not change management until this morning.

SENSATION

EASTMAN Super X Film was originally designed for rephotographing projected backgrounds. Yet because of its great speed it also won fame as the negative extraordinary for tough newsreel shots. And now it is being widely used for regular feature production, as well. Offering not only extra speed but generally improved photographic quality, Super X is unquestionably the sensation of the year in 35-millimeter raw film. Eastman Kodak Company. (J. E. Brulatour, Inc., Distributors, New York, Chicago, Hollywood.)

EASTMAN *SUPER X*

PANCHROMATIC NEGATIVE

No Flying Ban Contemplated By Producers

(Continued from page 1)

Other than prohibiting their players from taking to the air during production, the studios have no rules governing their use of common carriers and transport ships. Warners, however, while prohibiting players from flying their own ships, have no objection to their using regular air lines at any time.

James Dunn, now free-lancing but until recently under contract to Fox, was entered in the "Chatterton Air-Derby" but withdrew at the last minute. Director Henry King, Wallace Beery, Howard Hughes and Hal Roach are all licensed transport pilots flying their own ships and use them at all times for traveling and the general feeling is that they would refuse to abandon that means of transportation if requested.

Bishop Bergan Lauds Film Uplift Results

DES MOINES, Aug. 30.—Most. Rev. Gerald T. Bergan, bishop of Des Moines, extolled producers as "having set a censorship on themselves with the result that 80 per cent are producing decent films" at the banquet of Tri-State Theatres Corp., Aug. 27.

The bishop had sent letters throughout the diocese during the Legion of Decency campaign asking non-attendance at indecent films. A laugh greeted his remark that he was going to attend the showing of "The Crusades" after the banquet in person, but that he was glad it wasn't DeMille's "Cleopatra."

"I hope the average American citizen will show appreciation by patronizing those theatres where proper pictures are shown," the bishop declared.

Helen Jepson Returns

HOLLYWOOD, Aug. 30.—Helen Jepson, Metropolitan Opera star, who arrived here on Monday, returned to New York by plane Wednesday afternoon. She advised Paramount, to whom she is under contract, that she will await a call, and will meanwhile continue her broadcasts. The studio has no story ready for her at present. Miss Jepson sang at the Hollywood Bowl on Tuesday night, but turned down an offer to sing there again next week.

Grainger to Do Four

HOLLYWOOD, Aug. 30.—Edmund Grainger, Universal associate producer who recently completed "Diamond Jim," is scheduled to put four pictures into work during the next month. They are "The Great Impersonation," starring Edmund Lowe; "Fast and Furious," "Spinster Dinner," starring Carol Lombard, and "Sutter's Gold."

Bomb Audubon Entrance

The St. Nicholas Ave. entrance to the Audubon was bombed yesterday while a policeman was on guard at the Broadway entrance. Police say it is another phase of union rivalry.

Paramount Denies St. Louis Charge

(Continued from page 1)

H. Moore on Sept. 10 and is also requested to dismiss the injunction.

Reviewing the first run situation here, the answer states that franchises for exhibition of Paramount pictures in the three theatres were canceled by Paramount-Publix because the Skouras Super Theatres Corp., franchise owner, had breached its terms through inability to comply therewith. Denial was made that Warners caused this cancellation. The answer further states that contracts entered into with Warner subsidiaries a year ago to show Paramount films at the Shubert and Orpheum were signed without agreement or consultation with any other defendant corporation except the company with which the contracts were signed.

Judge Moore, at the request of Government counsel, has issued subpoenas for witnesses here and in New York to produce books, records and correspondence.

Phila. Musician Row Still Far from End

PHILADELPHIA, Aug. 30.—Musicians here are still far from an agreement with the Earle and Fox. Both houses opened with new shows today with all-film bills. The Fox started big with "Steamboat 'Round the Bend." The Earle also started with big business, with "Bright Lights" the picture.

Musicians are asking for two bands of 20 men each for the Fox and two bands of 15 each for the Earle. The union has signed up the Carman, with an additional man in the pit. It is asking neighborhoods to increase the number of vaudeville days from one to three each week. Fay's will reopen with negro shows, and negotiations are now on with the negro local of the musicians' union.

Musicians and managers will have another conference after the Labor Day holiday.

John Thorn Passes

HARRISBURG, Aug. 30.—Death has claimed John Thorn, veteran screen and stage actor, in a sanitarium in Mercer, Pa. He was 55 years old and had suffered a long illness. He appeared in silent films and afterward went on the stage. He was a native of Leesburg, Pa., and was educated in the Mercer public schools. He is survived by an uncle, Frank Thorn, of New Castle, Pa.

Alfred F. Wolfson Dead

KANSAS CITY, Aug. 30.—Alfred F. Wolfson, 63, father of Fred J. Wolfson, recently impartial code board member and attorney who has represented many in the industry here, died in Chicago Aug. 26. His home was at Pilot Grove, Mo.

Scatter Long's Ashes

LOS ANGELES, Aug. 30.—Ray Long's ashes were scattered on the Pacific yesterday by Peter B. Kyne, Roy Howard, newspaper publisher, and Ray Long, Jr.

$11,000 in Two Days

"Page Miss Glory" grossed $11,000 Wednesday and Thursday, its first two days, at the Strand, according to Warners. The picture holds over.

Plan Disney Hour

One solid hour of Walt Disney product will be shown in many of the Loew key houses on Sept. 28 in celebration of Mickey Mouse's seventh birthday. Every house in the circuit will have a number of Disney shorts on its program on that day.

Many other circuits throughout the country will take part in the celebration.

The Rivoli here will put on a special Walt Disney revue in observance of the event.

Fox Midwest Ending Grubel Bros. Deal

Fox Midwest is dissolving its partnership arrangement Oct. 1 with Grubel Bros. in Kansas City, Elmer C. Rhoden, operating head of the circuit, stated yesterday prior to his departure after several weeks here conferring with Spyros Skouras on a five-year contract.

Fox Midwest on Oct. 1 will resume operation of the Granada while Grubel Bros. will take back the Electra. The joint operation has been in effect a number of years.

Discussing the new season, Rhoden said:

"We are expecting a bulge of business this fall. This year we have had the smallest wheat crop in years, but theatre conditions this past season have been lots better than last year."

Final FWC Hearing Scheduled Sept. 18

LOS ANGELES, Aug. 30.—Sept. 18 has been set as the date for the final hearing on the discharge of Fox West Coast Theatres from bankruptcy by Samuel W. McNab, Federal referee.

The final report on the administration of the company's business was submitted yesterday. William H. Moore, Jr., trustee in bankruptcy, said all the affairs of the circuit had been liquidated with full payment allowed to every creditor on approved claims.

When the bankruptcy was filed in 1932 the report showed the operating loss at $25,000 weekly, but the theatres are now operating at a profit, it is said.

Randforce Extends Lease

Randforce yesterday extended its lease on the Utica, Brooklyn, for 10 years. The house was acquired from RKO a few months ago.

Within the next week, Randforce will increase its Brooklyn circuit to 51 theatres. The unit now has 47 houses and expects to add four more in the next few days.

'Time' Resuming Sept. 20

The sixth issue of "The March of Time" is now being edited for release Sept. 20, according to Ralph Rolan. After a lapse during July and August the reel will be released monthly through Radio.

Korda Names Another

Alexander Korda, now visiting from London, said yesterday he has scheduled "Lions Die in Naples." Jacques Feyder, French director, will make it.

Film Attacks Fail In Massachusetts

(Continued from page 1)

except those approved by a politically appointed board and to recall all licenses of distributors handling any film not found suitable for youngsters, will be reframed and presented.

Billboard and pari-mutuel matters are sure to hold the limelight again, political observers say. Dog pari-mutuels go before the people again in referendum form at the next state election. The billboard matter, also a hot political issue, seems bound to arise again in view of the strenuous efforts of the Administration to shove it across.

Senator Scanlon sought to convert local licensing authorities into censorship groups, each required to pass on any film to be exhibited to anyone under the age of 21. The bill also had a provision that no one under 14 should attend any film show after 7 p.m. unless accompanied by an adult. Although beaten, the matter does not appear finished.

Other bills defeated included the effort of Representative Dorgan to bar minors from theatres located in buildings where liquor is sold. An attempt to establish a state NRA, with control of film financing, distributing, etc., was snowed under. A petition, evidently designed to insure more stringent enforcement of the Sunday censorship law, was declared unnecessary.

Among the tax bills, those especially pertaining to the industry were killed. In addition to a number of sales tax measures, these included an attempt to levy a tax of five cents on all theatre admissions with an additional excise of 10 per cent on admissions above 50 cents.

So-called public safety measures, mostly backed by unions, were beaten.

All branches of the industry here are frank in crediting Joseph H. Brennan, former Loew's State manager serving his first few months as business manager for the local M.P.T.O.A. branch, with being mainly responsible for the record chalked up by film forces.

Capitol Ridicules Prospect of Duals

Reports that the Capitol would shortly embark on a dual feature policy were scouted at Loew headquarters yesterday when an executive stated the theatre has enough two-week attractions lined up to last until January.

"'Anna Karenina' yesterday opened to a better gross than 'China Seas'," it was declared. "By 1 o'clock the Garbo picture was $500 ahead of 'China Seas.'

"While the booking schedule has not been set, attractions following 'Anna Karenina' will include 'Broadway Melody of 1936,' 'Mutiny on the Bounty,' 'Tale of Two Cities' and others which are now being completed."

Flash Previews

Charlie Chan in Shanghai— . . . high in the series for entertainment value. . . .

Hi, Gaucho— . . . adapted for second spots on duals. . . .

These films will be reviewed in full in a later issue of MOTION PICTURE DAILY.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 54 NEW YORK, TUESDAY, SEPTEMBER 3, 1935 TEN CENTS

ITOA, Allied For Showdown On Columbia

Oppose Sales Policy—Seeking Action

Members of the I. T. O. A. and Allied of New Jersey are preparing for a showdown on Columbia's sales policy. Concerted action is planned at future meetings for both organizations, it was indicated over the week-end by a number of theatre owners who say they have grievances against the distributing company.

From time to time, Columbia's selling plans have been criticized at closed meetings. Although some exhibitors have demanded action at times, resolutions have been put off because of the intervention of one or two pro-Columbian accounts. However, this picture is reported to have changed as a result of experiences last season. Even the so-called pro-Columbia exhibitors now are apparently in a fighting mood.

One of them, who will not be quoted for the time being, said over the week-end:

"The rank and file of independent exhibitors in this territory have been treated very badly by Columbia."

This theatre operator is the head of

(*Continued on page 8*)

Pool in Pittsburgh To Run for a Year

Loew's pooling arrangement with Warners in Pittsburgh is for one year, retroactive to Aug. 16. Stage shows will be continued at both Loew's Penn and Warners' Stanley. Product arrangements are now being worked out.

Although Loew's recently terminated an eight-year operating agreement with Wilmer & Vincent in Richmond, both circuits will have a half interest in the new 600-seat theatre now being completed on Grace St. The new house is expected to be ready in a few weeks and will cost approximately $30,000.

RKO-Pantages Pool On Coast in Effect

Los Angeles, Sept. 2.—Pooling of the RKO Hillstreet and Pantages, Hollywood, went into effect Sunday. The Pantages replaces the Warners' Hollywood with RKO. Under the deal, both houses will play Universal product day and date with the exception of from 10 to 12 pictures which will be dated for full weeks without accompanying features.

Milwaukee Level Unchanged; Fall May See an Increase

Milwaukee, Sept. 2.—Admission prices here have remained steady for the past eight months. An increase was sought early this summer by the Independent Theatres' Protective Ass'n of Wisconsin and Upper Michigan, but it failed to materialize due primarily to lack of co-operation from circuit operators.

Indications point to a price hike here this fall. Two reasons are given, namely, an up in wages undoubtedly to be asked by the projectionists in their new wage contracts and the continuance of dual features, which has added to exhibitors' costs. If these issues become a certainty, it will be almost impossible even for the circuits to sidestep a hike in admission prices.

Pittsburghers Not Inclined Toward Raises

This is the third installment in a national survey on the trend of admission prices.

Pittsburgh, Sept. 2.—Admission scales in the Pittsburgh territory have remained fairly stationary the last few years and a survey here reveals no hint of a rise, at least this season. In fact, prices here are lower than they have been at any time during the past decade.

That is particularly true in the first-runs. Where previously a stage show and a picture used to bring 60 and 75 cents for loges, now all seats go for 55 cents, including tax. Where straight pictures are the policy, the scale is 40 cents against a former 50 cents.

Scales were sent to rock-bottom here last winter by a price war, with combination bills selling as low as 35 cents top with a 15-cent ticket at opening, but since then a new deal has been effected among the managers and prices are now being regulated by the newly-organized Managers' Association. Officers in the managers' group

(*Continued on page 8*)

Loew Board to Vote Dividend Tomorrow

Loew's directors will meet tomorrow to vote on the quarterly dividend of $745,047.50 which will be available to holders of the outstanding 1,490,095 common shares. The regular dividend is 50 cents and will be payable Sept. 30 to holders of record Sept. 13.

The new total of outstanding common includes the 27,890 shares picked up by various M-G-M and Loew executives who exercised their options last March.

Pathe Forms Holding Unit For Financing

First International Pictures, Inc., has been organized by Pathe as a holding company for its picture producing and distributing activities. The new company will own all of the stock of First Division, which is to be the principal operating subsidiary.

Robert W. Atkins, vice-president and director of Pathe, will be elected president of First International, probably on Thursday of this week. Harry H. Thomas will continue as president of First Division.

First International has been capitalized with issues of 3,000 shares of first preferred stock of $100 par value, 3,000 shares second preferred stock of $100 par value and 10,000 shares of common stock of non par value. Through Pathe support, in part, First International will supply all of the First Division financing, for both production and distribution here and abroad. The production financing, it is understood, will extend to Chesterfield and Invincible, which will release through First Division. Additional financing will be made available to First Division for extending

(*Continued on page 9*)

Formal Transfer of Fox Met Set Today

Formal transfer of the assets of Fox Metropolitan Playhouses to the reorganized company, Metropolitan Playhouses, Inc., will take place today at the downtown offices of Irving Trust Co., which has been trustee of Fox Met in reorganization.

The new Metropolitan Playhouses will begin operations with a total of 94 theatres, all in the metropolitan area, and is expected to acquire additional houses immediately. More than 100 houses will be in the fold

(*Continued on page 9*)

Warners-RKO Get Together On Film Buys

National in Scope and Covers N. Y. Area

Climaxing two weeks of negotiations, resumed after a short interval during which first runs were sold to A. H. Schwartz's Century circuit in three Long Island and Brooklyn spots and to four Springer & Cocalis units on Upper Broadway, RKO late last week finally got together with Warners on a national product deal. Major Leslie E. Thompson represented the circuit while A. W. Smith and Gradwell Sears acted for the distributor.

In addition to Greater New York, RKO theatres in New Orleans, Kansas City, Minneapolis, St. Paul, Omaha, Des Moines, Sioux City, Davenport, Cedar Rapids and other cities are included in the deal.

Four local RKO houses only are affected by two independent circuit deals with Warners. They are the Kenmore, Brooklyn; Tilyou, Coney Island; Alden, Jamaica; 81st St. on Broadway. The Kenmore is opposition to Century's Patio and Kingsway, the Alden to the Merrick, Jamaica, and Fantasy, Rockville Center, and the 81st St. to Riverside, Beacon,

(*Continued on page 9*)

Expect Quick Deal On Operator Wages

Circuit and Local 306 representatives are expected to reconvene today after a week-end lull on negotiations for a basic wage pact. It is understood that the union men are now working on a new but temporary basis of $1.60 an hour instead of $2.12½ with expectations that the new schedule will be completely worked out by the end of the week.

Late Friday night all RKO and Loew managers were held at their

(*Continued on page 2*)

Fitzgerald Predicts Wisconsin Expansion

Milwaukee, Sept. 2.—Expansion of the Fox circuit in Wisconsin was intimated by H. J. Fitzgerald, general manager, with the opening of the circuit's 10th anniversary in the state. Fitzgerald predicted that "Fox theatres of Wisconsin will be one of the major exhibiting companies of the entire country within another year."

The circuit now operates 44 houses. Recent acquisitions have been the Calumet, Calumet, Mich., and People, Laurin, Mich.

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Expect Quick Deal On Operator Wages

(*Continued from page* 1)

theatre posts until 2:45 A.M. Saturday when trouble with the unions was anticipated. The men after being relieved were then asked to report at their houses one hour earlier Saturday.

Inactivity over the week-end gave Mort Singer an opportunity to fly to his home in Chicago. He is due back today when the conferences are scheduled to resume.

Boston Distributes Will Rogers Photos

BOSTON, Sept. 2.—Ten thousand autographed photographs of the late Will Rogers were distributed by the management of the Fenway and the Paramount, local M. and P.-Publix first runs, during the first two days of "Steamboat Around the Bend." The giveaways were prominently advertised in the regular newspaper ads of the houses.

Fox Units Renamed

DOVER, Sept. 2.—Fox Central States Theatres Corp. has changed its name to Fox Midwest Theatres, Inc., New York, and Fox Midwest Theatres Corp. has changed its name to Fox Intermountain Theatres Corp.

This is one of the final details of the reorganization of the two units.

Insiders' Outlook

By RED KANN

ERPI has abandoned its idea of establishing an engineering service to cover all phases of theatre maintenance, for the time being at least. The reasons are interesting but, given to this department "off the record," cannot be aired at the moment. When Erpi disclosed early in the year that it was giving consideration to introducing the new engineering service, reports were broadcast that the company intended going into the equipment business. Not true then, and still not true, the reports, nevertheless, increased the opposition which Erpi's plans met. This, however, is not the reason why the idea is being shelved now. . . .

▼

Exhibitors and others who sought to harass Ascap—and did—by getting through their state legislatures measures imposing heavy taxes on the music licensing society's operations, may find the statutes a boomerang, or at least so E. C. Mills, general manager of Ascap, believes. If the states having such laws enforce them by collecting the taxes and Ascap is unsuccessful in having the tax measures declared unconstitutional, music licensing rates will be increased accordingly in those states, Mills says. In other words, the licensees, not Ascap, will pay the tax, if Mills is right. . . .

▼

William Fox may have to submit to examination to prove that he is as poor as he says he is which is that he is so poor he has had to accept a friend's offer of shelter and make his home in the limited quarters above that friend's boat house out on Long Island. Fox, some time ago, confessed to a $360,000 judgment as a result of a personal guarantee he had given on a San Francisco theatre lease subsequently defaulted. Efforts of the landlord to collect on the judgment resulted in bringing to light Fox's financial predicament. Skeptical attorneys, however, wanted Fox to submit to an examination and prove his poverty. They were unsuccessful for some time, however, in subpoenaing him. Finally, he was served at his boardwalk hotel in Atlantic City, where he is reported recuperating from an illness. Fox's attorneys protested that the service was invalid because Atlantic City is outside the 100-mile limit in which the legal action was brought. The Federal court is now pondering the question. If it decides the service was legal Fox will have to prove that he is having a struggle keeping off the relief rolls. . . .

GROPING for an adjective not hitherto used in her connection, this hapless column ends up with superb for lack of something better with which to comment on Greta Garbo's work in "Anna Karenina." The Tolstoi novel of Imperial Russia, containing as it does dramatic elements repeated time without end in many and far less distinguished pictures, makes a fitting vehicle for the screen's leading tragedienne. The care and the thought so typical of the more important M-G-M product are displayed on all sides here with results that register heavily. "Anna Karenina," slightly ponderous perhaps from the point of view of story content, is, nevertheless, an impressive and thoroughly worthwhile motion picture directed by Clarence Brown with pronounced ability and acted by Fredric March, Basil Rathbone and Freddie Bartholomew in Miss Garbo's support competently and well. Yet it is a tribute to her great talents, to point out now as has been done with other and not so fortunate vehicles of hers, that she stands far and away by herself, a lonely and beautiful and tragic figure. A generous segment of the Capitol audience hailed her first screen appearance on the opening night with applause. This, the morning after, prompts us to remark we wish we had joined. . . .

▼

Angles call for settlement and they will be, but the weekend developed facts enough to bear out this space's prediction that there will be no third first run chain in the metropolitan area. Warners have sold the RKO circuit and that's a sensible procedure, for it gives the seller something close to one million dollars in rentals and the buyer a major line of product which he sorely needs. To be settled is the situation arising out of Abe Schwartz's deal with Warners by which several of his theatres mature into the first run category. This blocks out the Warner lineup from a few RKO houses for the present, anyway. Possible and easily so is it for Schwartz to relinquish that contract in return for which will come concessions, principally protection, that will ease the strain on a couple of his much harassed and expensive theatre properties. Tying in with this indirectly but not so indirectly when you figure it out is Loew's giving up twenty Columbias to help out RKO. If this indicates nothing else, it demonstrates that the city's two principal circuits, often opposed on film buys, continue to recognize that there is more to be gained by playing with, not against, each other. . . .

Academy Gets Space At Mascot; Plan 12

HOLLYWOOD, Sept. 2.—Victor and Edward Halperin have leased space at Mascot Studios for their newly formed Academy Pictures, and are closing deals for release of 12 pictures in 1935-36.

The executive lineup, so far, is: Victor Halperin, president; Edward Halperin, vice-president and general manager; George Bertholon, formerly manager of Pathe Studios, production manager; Richard Carroll, story editor; John Hicks, comptroller and assistant production manager. Secretary and New York representative is Benjamin Solomon.

Pictures announced are: "Storm in Their Hearts," by Richard Carroll, directed by Victor Halperin, starting Sept. 9; "Revolt of the Zombies," by Eugene Wilson, Oct. 1; "International Crime," by Mervin Lennox; "Slave Ship," by Garnett Weston; "Murder in Chinatown," by Ward Johnson; "The Return of Dr. Jekyll," by Walt Reeves; "Mutiny on the Submarine," by Capt. George Duffield, and "The Secret of Scotland Yard," by Garnett Weston. This list may be expanded by four pictures.

Nominations Ready For Academy Voting

HOLLYWOOD, Sept. 2.—Nominations for the annual elections of a board and executive committees of the Academy of M. P. Arts and Sciences have been completed by the various branches of the organization and balloting will begin Sept. 7 and close Sept. 25.

Six nominations for the board and 16 for the executive committee have been made by the Actors' Branch; nine for the board and 24 for the executive committee by the Directors' Branch; 19 for the executive committee by the Assistant Directors' Branch; 15 for the board and 23 for the executive committee by the Producers' Branch; nine for the board and 21 for the executive committee by the Technicians' Branch, and 10 for the board and 17 for the executive committee by the Writers' Branch. Each branch elects three representatives to the board and seven to the branch's executive committee.

In addition to the listed nominations, any 15 or more members of a branch may nominate additional eligible candidates by writing in their names prior to Sept. 7.

Dr. A. H. Giannini Back

Dr. A. H. Giannini, with Mrs. Giannini, headed a group of film and stage notables who arrived yesterday on the *Normandie.* Among the other arrivals were: Jack Pearl, Eric Pommer, Eric Charell, Erick Wolheim and Marta Eggerth, recently signed by Universal.

Sunday Show Hopes Dim

Sunday legitimate show prospects in New York have practically disappeared for this season at least as a result of action of the stagehands' union in demanding double pay for Sunday work. This follows similar demands by Equity for performers.

AGAIN SPEAKING OF CANS....

UNIVERSAL ANNOUNCES TWO CANS FULL OF

THE BIGGEST TWO-REELER ON EARTH!

"CAMERA THRILLS"

ANOTHER SMASHING SPECIAL! AND MORE SENSATIONAL THAN "THE WORLD'S GREATEST THRILLS"

Close-ups of Death, through Fires, Storms, Riots, Revolutions, Floods, Hurricanes, Tornadoes, Crashing Planes, Catapulting Vehicles, Destruction, World Catastrophes! . . . A Panorama of Thrills never before seen. Filmed by hundreds of cameramen at the risk of their lives!

'GLORY'

Biggest opening night in the entire history of the Warner, Memphis!
Out-grosses ev
Smashes terrific 'G Men' mark at the Orpheum, St. Louis!
Way over record 'Devil Dogs' receipts at the Stanley, Baltimore!

hallelujah!

Yessir, GLORY's gone and done it!—just like we predicted!—raising merry hades with Marion's previous records!—sending the new season off to a glorious start for

WARNER BROS.

More money than any picture in the last 2 years at the Michigan, Detroit!

Flash premiere breaks every summer record at the Strand, New York!

ev traction in history in stunning world premiere at the Earle, Washington!

MARION DAVIES

Setting Records Everywhere in Her First Cosmopolitan Production for Warner Bros.

"PAGE MISS GLORY"

Supported by a 12-Star Cast Including

PAT O'BRIEN • DICK POWELL

Directed by Mervyn LeRoy • The song 'Page Miss Glory' by Warren & Dubin

Are Superlatives Necessary?

THE YEAR'S OUTSTANDING ROMANTIC COMEDY!

A perfect blending romance, action, suspense and uproarious fun!

It tops all romantic comedies ever produced with its daring theme, its timeliness, its unique story! It is bound to start a cycle of similar productions... so novel, so different is its idea!

Give yourself and family a treat! You'll laugh, you'll cry, you'll thrill as this picture unreels its gay, adventurous tale of two young lovers who ran away from trouble in a motor trailer but picked up more trouble along the way.

Its ever-increasing excitement, its fast moving tempo, make RED SALUTE a memorable screen achievement. You can't afford to miss

BARBARA STANWYCK in **"RED SALUTE"** with **ROBERT YOUNG**

Reproduced on these pages
two advertisements on "R
SALUTE." One, (on the left)
written because we really
that way about the picture
because a preview audience
istered a like enthusiasm. In it
honestly attempt to transmi
the public some of the pleasur
experienced while screenin

The advertisement on the r
makes no claims for the pict
It merely states that it is a roma
comedy and relies on the essen
quality of the production itsel
stimulate word-of-mouth sell

We feel, however, that you kn
your public best and are, th
fore, putting the problem up
you. The question is: Does a g
production need the supp
of superlatives in advertis
or can it sustain itself at
box-office on the basis of m
alone with the aid of sim
announcement advertisi

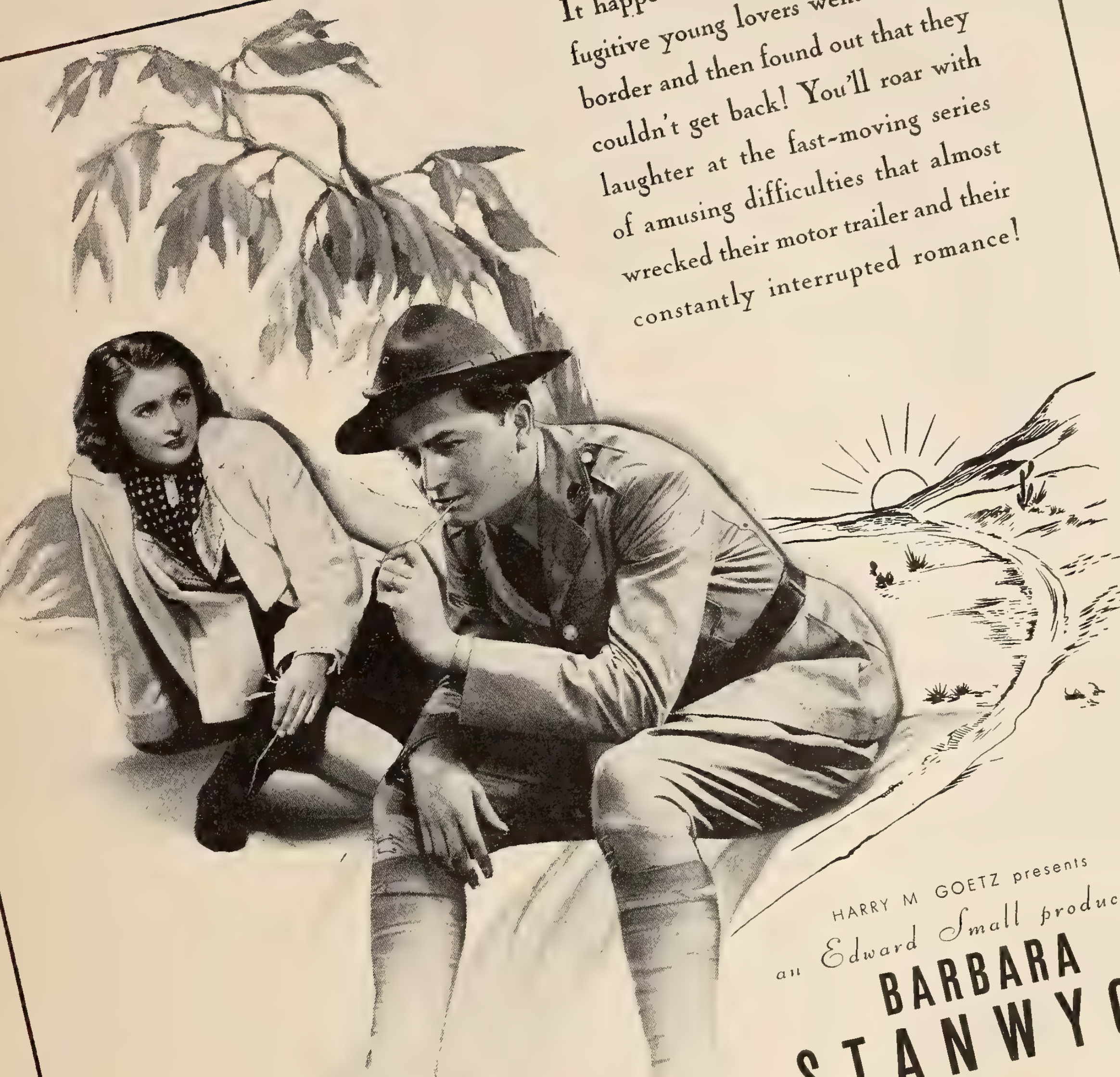
ONE HUNDRE DOLLAR

will be awarded to the exhibi
giving the soundest answer
this question!

Your answer must be postmarked not
than October 1st, 1935.

*Send your answers to the "R
Salute" Contest Editor. Uni
Artists Corporation, 729 Seve
Avenue, New York, N.*

It happened in Mexico when two fugitive young lovers went over the border and then found out that they couldn't get back! You'll roar with laughter at the fast-moving series of amusing difficulties that almost wrecked their motor trailer and their constantly interrupted romance!



HARRY M GOETZ presents

an Edward Small production

BARBARA STANWYCK

in

RED SALUTE

with

ROBERT YOUNG

HARDIE ALBRIGHT • RUTH DONNELLY
CLIFF EDWARDS • GORDON JONES
PAUL STANTON

A Reliance Picture

Directed by SIDNEY LANFIELD

The Judges who will decide on the winning answer are:

JACK ALICOATE	*Film Daily*
MAURICE KANN	*Motion Picture Daily*
TERRY RAMSAYE	*Motion Picture Herald*
EPES W. SARGENT	*Variety*

Released thru **UNITED ARTISTS**

ITOA, Allied For Showdown On Columbia

(Continued from page 1)

an independent circuit, is no "fly-by-night" and, in his business relations with other exchanges in this territory, rates favorably, a checkup with resident exchange managers proved.

"The treatment small exhibitors receive from this exchange is shameful," the circuit operator added. "Every year the company demands increases, when, as a matter of record, the greatest number of money-making pictures turned out in one year by Columbia totals four. Last year the distributor only had two pictures that made a profit in this territory."

This corroborates the statement made by Lou Rodner of the Broadway, Camden, N. J., at the Allied convention in Atlantic City recently.

"In 1933-34, Columbia sold six specials and 34 program pictures. The next season the distributor sold a like number of specials, but added four 'super specials' in addition to 30 programmers. This season, the company has something new. It's six 'super-super specials,' a half dozen specials and another six 'super specials,' plus 22 program releases."

In the weekly survey of exhibitors' new deals at the Atlantic City convention Columbia scored a zero, meaning that no one present had bought the new product. In the Philadelphia area 20 theatres have refused Columbia's demands for six pictures at 35 per cent and six at 30 per cent.

Hearings Due Soon On Lottery Charges

Hearings on chance games in Special Sessions will be held in a week or 10 days, Milton C. Weisman, attorney for the I.T.O.A. and screeno, stated yesterday.

Last Tuesday, Magistrate Eilpern in Brooklyn declared Lucky not in violation of the lottery laws. The decision was handed down when Howard Lesser of the Glenwood, Brooklyn, was brought up on charges preferred by the district attorney. Barr & Barr represented the theatre.

Ruben on "Riff-Raff"

HOLLYWOOD, Sept. 2.—M-G-M has assigned J. Walter Ruben to direct "Riff-Raff," which will be Irving Thalberg's next. Jean Harlow and Spencer Tracy will head the cast, which will include Mickey Rooney, Baby Jane Quigley, Victor Killian and George Givot.

Cole Back at Dallas

DALLAS, Sept. 2.—Col. H. A. Cole, Allied, has returned from South Texas where he placed bookings for 35 play dates for A. Sacks Film Co., picture the rental of which will go to the association. The deal involves commissions on other subjects sold.

Make Charge on Passes

DENVER, Sept. 2.—Fox Intermountain theatres are charging five cents each on all passes and the money is being used for the employes' relief fund.

Looking 'Em Over

"Peasants"

(Amkino)

There can be no denying that "Peasants," which shared first honors with "Chapayev" and "The Youth of Maxim" at the recent Russian film festival celebrating the 15th anniversary of the Soviet industry, is a powerful and gripping dramatic document. There can also be no denying that it reeks with propaganda from beginning to end. It advances the theory of collectivism frankly and unabashedly and at considerable length. Nothing, not even the fine playing of its cast and its effective photography, can save it from being a bit of a bore.

The story tells of the efforts of the enemies of Communism to undermine the collective farm system of the Soviets. A hog-raising farm is the scene of their operations. The villain of the piece (from the Soviet point of view, of course) is a former kulak who secretly conspires to ruin the collective farm where he enjoys high standing as a hog-raiser. The truth about him comes out after he has murdered his wife in a struggle following her discovery that he is an enemy of Communism. The man escapes arrest for murder by hanging the woman to a rafter to make it appear she has taken her own life.

Strangely enough, the most entertaining portion of the film is a comedy sequence showing the peasants at the festive board.

In the cast are E. Yunger, B. Poslavsky, A. Petrov and Nikolai Bugolyubov, among others. Friedrich Ermler, who recently visited America, directed.

No production code seal. Running time, 104 minutes. "G."

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Charlie Chan in Shanghai"

(Twentieth Century-Fox)

HOLLYWOOD, Sept. 2.—The admission of Keye Luke to the Chan firm as Warner Oland's son adds a human touch to this picture, placing it high in the series for entertainment value. Luke and Oland work in perfect harmony for comedy and drama.

The story concerns the rounding up of an international opium smuggling gang. Oland arrives in Shanghai for a vacation in his native land. At a banquet in his honor a British secret service man is shot and Oland himself attacked. The next day Oland and Luke are kidnapped but escape. Russell Hicks as an American agent, arrives on the scene and the trail of the gang leads to Charles Locher, secretary of the murdered British detective. With the aid of Irene Hervey, his sweetheart, Locher escapes and the trail is renewed. The final denouement at a waterfront hideout proves Locher and Miss Hervey to have been working with Chan throughout and the leader of the smugglers is Hicks, who has been impersonating an American G-man.

Director James Tinling, once started, carries through the plot elements interestingly and swiftly. Edward T. Lowe's screen play from Gerard Fairlie's original, baffles the solution of the crime, yet it plays fair with the audience.

In the supporting cast Halliwell Hobbes and Frederik Vogeding stand out.

The John Stone production is good and Charlie Chan fans should be well pleased with the effort.

No production code seal. Running time, 67 minutes. "G."

"Hi Gaucho"

(Radio)

HOLLYWOOD, Sept. 2.—John Carroll's voice and some rousing ballads are the chief attractions in "Hi Gaucho," a thin tale of horse thievery and romance in the Argentine. The film never does decide whether it is farce, melodrama or a western in a new locale. The whole cast uses elaborately broken English, presumably to emphasize the South American atmosphere with the result that the dialogue is difficult to understand at times. Some good riding helps.

Carroll is in love at first sight with Steffi Duna and discovers that she is the daughter of a rival cattle rancher. Miss Duna has been betrothed by letter to a Spanish noble, Tom Ricketts. Rod La Roque, bandit, captures Ricketts and poses in his place. After some serenading,

(Continued on page 9)

Pittsburghers Not Inclined Toward Raises

(Continued from page 1)

state flatly that there has been no talk at all of a possible price increase.

In the neighborhoods, too, prices are expected to remain the same. Thirty-five cents is the nominal top for the subsequent runs, although some key spots get as high as 40 cents and, since most of these houses are controlled by the circuits, their scale necessarily ranges down from the first-runs. Unless there is a raise downtown, there can be no tilt in the neighborhoods.

No Terre Haute Hike

TERRE HAUTE, Ind., Sept. 2.—There has been no advance in admission prices in any of the larger Terre Haute houses and, according to Shannon Katzenbach, general manager for the Fourth Avenue Amusement Co., operators of the Grand, Indiana, Liberty and American, there will be none so far as he knows. Katzenbach stated his prices have been in effect for four years. He also said he did not see how higher prices would aid, as in some of the larger cities they are "paying" people to attend.

Other local houses operating on the same price schedule, which has been in effect for years, are the Orpheum, operated by Ross Garver; the Savoy, owned and operated by Jack Van Boersum; the Fountain, operated by Mrs. A. Burnett; the Lyceum, operated by the Murdock family; the Swan and the Little Virginia. There are several dark houses here at present. They are the Rex, Victory, National and the Hippodrome; the latter is also under the operation of the Fourth Avenue company.

The major houses here operate on a 55-cent night admission policy. The matinee prices are 25 cents up to 6 P. M. The smaller houses' prices are 15 cents to 20 cents at all times.

Nebraska Trend Down

LINCOLN, Neb., Sept. 2.—The trend in this territory so far is down on admission prices, it is revealed in a MOTION PICTURE DAILY checkup. Here, two houses, the Orpheum and the Kiva, within the last two months have cut prices a nickel. The Orpheum, a Cooper house, went from 10-15-25 to 10-15-20; the Kiva, a Dent Westland house, dropped from 20 and 15 to straight 10 cents any time. The Varsity, one of the latter string, recently reopened and at 5 cents less on the previous two bit top.

Coincident with this move, since last January, when only the second run Sun was a dual biller, five houses are now double featuring. This is within two houses of being equal to the all time high on duals.

In the territory, such towns as Seward, York, Grand Island and Hastings, the smaller keys, are all sporting Bank Night and playing it heavily. Dishes and giveaways are common, the trend being more to bargain as show business goes than to get back to respectability and jack up admissions. There's some talk of revisions upward after the hot weather and people get used to the idea of indoor amusements again. That's to be seen.

Warners-RKO Get Together On Film Buys

(Continued from page 1)

Nemo and Stoddard, Springer & Cocalis and Skouras first runs.

Although Warners had sold to George Walsh at the Strand, Yonkers, in opposition to the Proctor, RKO made a deal with Walsh to extend for five years the operating pool which expired on Sept. 1. This deal was exclusively reported in MOTION PICTURE DAILY, as well as the situations sold away from RKO, last Thursday.

While it is not generally known, the Strand, Far Rockaway, an RKO unit, will play first run, despite the fact that the Fantasy, Rockville Center has tied up the Warner output. RKO and Schwartz spent several months before the local clearance and zoning board during the latter months of its existence in an effort to adjust Century's claim that the two situations were not in competition with each other.

The local board decided in favor of the independent circuit and the verdict was appealed to Code Authority. Because of the unexpected U. S. Supreme Court decision in connection with codes, Campi never handed down a verdict. However, Warners hold that the two houses never were competitive and that's the way the product has been sold.

"Page Miss Glory," which is current at the Strand and is slated to open at the Paramount, Brooklyn, on Sept. 6, will be the initial attraction available for RKO and the two independent circuits. Warners were dealing with a number of other independents when RKO intervened and resumed negotiations. Subsequent run deals will now be sold to the unaffiliated circuits which formerly held high hopes for a first run Warner contract.

Atlantic City Variety "Jubilee" on Today

ATLANTIC CITY, Sept. 2. — The Philadelphia Variety Club's "Showmen's Jubilee" opens its week of festivities here tomorrow, which will feature a national talent event for the selection of "Miss America 1935."

A full program of sports events and entertainment has been arranged for each day, culminating with the selection of "Miss America" on Saturday. Hundreds of Variety Club members from other cities will take part in the Jubilee.

Jersey Arrests Man In Film Theft Case

FAIRVIEW, N. J., Sept. 2.—John Martin, 33, is being held for investigation by Federal, Bergen and Middlesex county authorities in connection with the theft of 550,000 feet of raw film from the plant of the DuPont Film Mfg. Co. at Parlin, Middlesex County, March 2.

Martin is in the Bergen County jail, Hackensack, without bail, as a fugitive from justice pending return to Middlesex county.

This arrest follows the arrest in Hollywood of Walter Toneh and another man named Van Doren. The men are alleged to have tried to sell 125,000 feet of film to a subsidiary of the DuPont company. When the film was tested in the California company's laboratory, it was revealed that it was part of the stolen loot and the two men were placed under arrest.

With the arrest of Martin, all the film has been recovered, one man already is serving a 20-year prison term and two others arrested last March are detained in connection with the robbery.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Hi Gaucho"

(Continued from page 8)

leaping over walls and baffling comic police, Carroll exposes the bandit and gets the girl.

In the cast are Montagu Love, Ann Cordee and Paul Porcasi.

Adele Buffington did the screen play from an idea of Tommy Atkins', who directed under the supervision of John Burch. The music and lyrics by Albert Hay Malotte will be heard for the next few months.

The film is adapted for second spots on duals.

No production code seal. Running time, 59 minutes. "G."

"Storm Over the Andes"

(Universal)

HOLLYWOOD, Sept. 2.—Although the story is in the formula class there is enough action to make this acceptable.

Jack Holt, soldier of fortune, joins the Bolivian forces in the Gran Chaco war. Wounded, he is sent to a base hospital. While convalescing at a fiesta he meets Mona Barrie, wife of Antonio Moreno, his commanding officer. Unaware of her identity, he flirts, then falls seriously in love with her. Moreno, returning on leave, is outraged when he learns of the affair, particularly because of Holt's philandering reputation which has followed him from Shanghai to Paris.

Back at the front Moreno is forced down in the jungle, Holt saves him at great personal risk and man and wife are reunited as Holt is again left recovering from wounds. Interwoven in this thin thread are several remarkable airplane scenes showing air battles and some comedy furnished mostly by Gene Lockhart, as Holt's mechanic.

Christy Cabanne's direction is best in the action sequences. The photography by Charles Stumar, Harry Forbes and John Fulton is uniformly good. The production by Maurice Pivar is effective in the fiesta sequences. In the supporting cast Grant Withers, Barry Norton and Juanita Garfias are good. Al Demond, Commander Wead and Eve Green fashioned the screenplay from Eliot Gibbons' and Laclede Christy's original story.

The picture should be exploited as an action novelty.

No production code seal. Running time, 85 minutes. "G."

"Two Sinners"

(Republic)

HOLLYWOOD, Sept. 2.—Two people win understanding through suffering in this human interest film showing the difficulties confronting a sensitive man after his release from prison.

Otto Kruger serves 15 years for the murder of a man who stole his wife. To avoid the coldness of his old friends Kruger goes to Italy, where he falls in love with Martha Sleeper, governess of Minna Gombell's spoilt child, Cora Sue Collins. When Kruger tells Miss Sleeper his past she is momentarily shocked and runs away. Minna Gombell offers pretexts to avoid paying Miss Sleeper even when a cable announces that her mother is dying. Miss Sleeper takes money from Miss Gombell's purse in desperation, is arrested and sentenced to one year imprisonment. Cora Sue hunts and finds Kruger, who stands by.

Interesting characters, problems and the sympathetic handling of a family story register heart tugs. Cora Sue Collins is telling as the spoiled child. Minna Gombell stands out as unpleasant mama. Kruger gives a sympathetic portrayal and Miss Sleeper does a good character study of a shy governess. Others in the cast support competently. Arthur Lubin directed. The story is by Warwick Deeping, the screenplay was written by Jefferson Parker. Trem Carr produced.

Production Code Seal No. 1,140. Running time, 78 minutes. "G."

Charter Theatre Group

ALBANY, Sept. 2.—The Theatre Foundation of America, Inc., has been incorporated to engage in the theatrical business. It has a capital of 1,000 shares of non-par value stock. Aubrey Schenck, Hilda Pachman and Mary G. Monahan are incorporators and O'Brien, Driscoll & Rafferty, their attorneys.

Pathe Forms Holding Unit For Financing

(Continued from page 1)

its distribution facilities here and abroad.

For the new season, First Division will have an initial schedule of 30 features and 16 westerns. Chesterfield and Invincible will contribute 12 features, British International Pictures, six, and nine additional pictures are already completed and a final three are being readied for release.

Formal Transfer of Fox Met Set Today

(Continued from page 1)

before the end of the year, according to present estimates of the new management. At the outset, the operators, Skouras and Randforce, will each have 47 houses. The Randforce operations will acquire four additional houses this week, all of them in Brooklyn. A recent Randforce acquisition was the Utica, Brooklyn, taken over on a 10-year lease.

Metropolitan Playhouses will establish headquarters in the Paramount Bldg. on Sept. 25, adjacent to the Skouras offices. Sam Rinzler of Randforce may also open an office there.

Rhoden All Set on New Contract Terms

Elmer C. Rhoden, operating head of Fox Midwest, is all set on terms of his five-year contract with National Theatres, parent company. Rhoden left for Kansas City on Friday with his attorney, Leland Hazard, after settling details with Spyros Skouras.

Contracts are expected to be ready for signing within the next week or so. They will be mailed to Rhoden in Kansas City and returned with signatures affixed.

Charles Skouras, Fred Metzler and Charles Buckley are scheduled to return to Los Angeles the latter part of the week.

Union Cinemas Gets 32 More in England

By BRUCE ALLAN

LONDON, Aug. 22.—Union Cinemas, Ltd., has acquired 32 new houses, including the Southan Morris circuit of nine and a number of independent theatres, some of big capacity, in process of construction.

W. Southan Morris becomes general manager of Union, of which Fred Bernard is managing director. About £1,000,000 is declared to be involved in the deal, which increases the Union circuit to 80, with 100 within a year in view.

Samuelson to Call Special Meetings

Sidney Samuelson, president of Allied of New Jersey, will call a number of special committee meetings this week to discuss business taken up at the Atlantic City convention. No definite dates have been set.

No regular meeting will be held this week.

"BRINGS DOWN THE HOUSE" "A delightful picture . . . with Astaire and Rogers dancing to your heart's content . . . The Berlin melodies linger in the memory . . . Mr. Astaire is the tops . . . He has never done anything better than the dance he does to the music of the title song . . . He uses his stick most effectively in the taps and, when he turns it into a machine gun and shoots the male chorus, one by one, he brings down the house."
—Kate Cameron, N. Y. Daily News

"WORTH STANDING IN LINE FOR" "Fred Astaire, the dancing master, and Ginger Rogers, his ideal partner, bring all their joyous gifts to the new song and dance show at the Radio City Music Hall . . . 'Top Hat' is worth standing in line for. From the appearance of the lobby yesterday afternoon, you probably will have to."
—Andre Sennwald, N. Y. Times

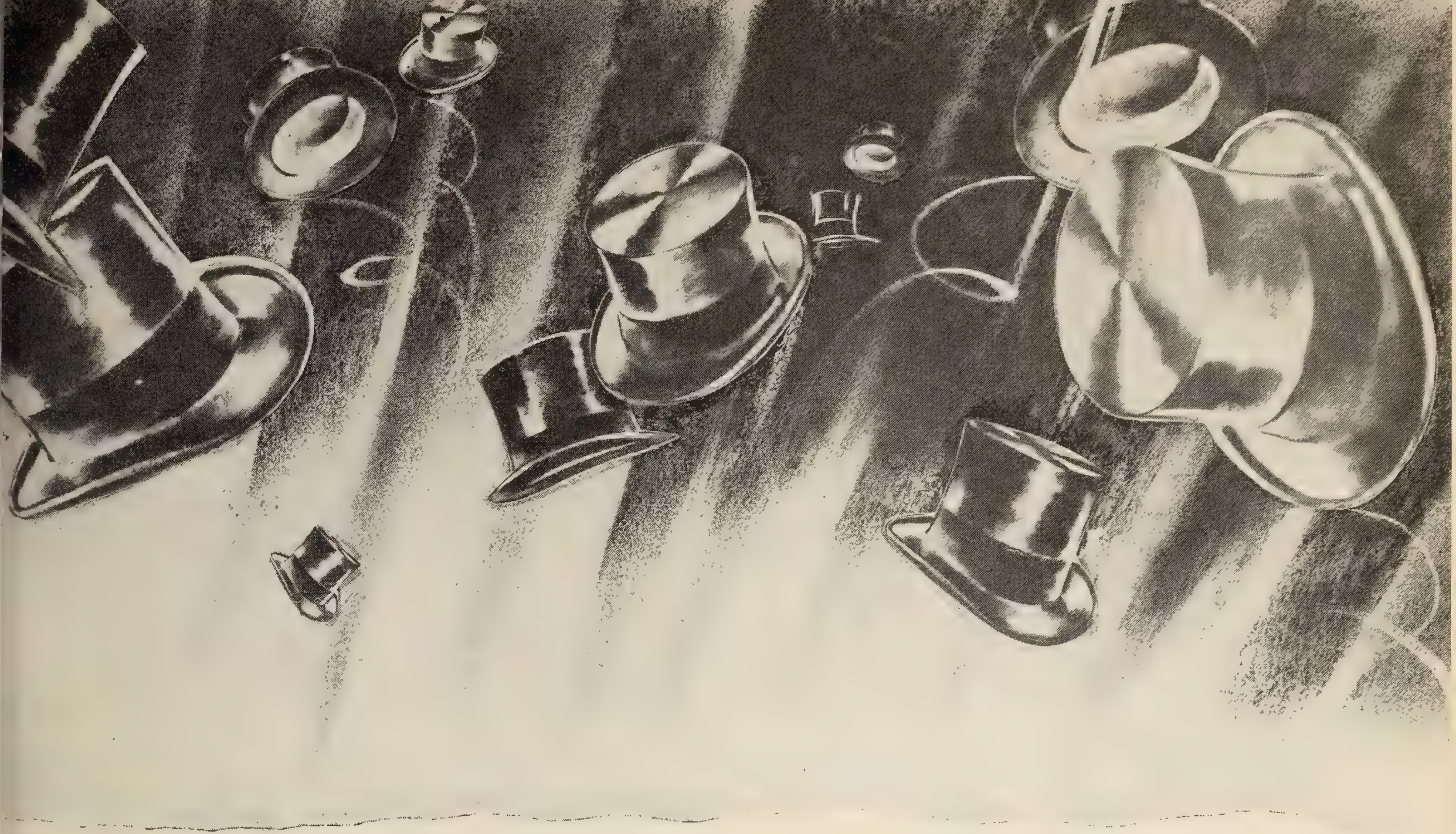
"BEATS 'ROBERTA'" "That matchless dancing team, Fred Astaire and Ginger Rogers, appear in a rollicking light comedy which beats their recent 'Roberta' . . . It is a handsome picture, lavishly produced and mounted, filled with infectious tunes and bright with laughs . . . The complete family will relish 'Top Hat' . . . a sparkling, tuneful, refreshing musical hit."
—Bland Johaneson, N. Y. Daily Mirror

"BEST ASTAIRE-ROGERS" "It is a plain fact that 'Top Hat' is the best of the Fred Astaire-Ginger Rogers vehicles, which is to say, it is the top in screen musicals . . . It ripples and flows from scene to scene, and it is not only a tonic for tired eyes but a fillip to appetites which have become jaded by the ordinary run of Hollywood musicals . . . The dialogue has more genuinely funny gags than all the rest of the screen musicals put together."
—Thornton Delehanty, N. Y. Post

FRED ASTAIRE · GINGER ROGERS

with Edward Everett Horton, Helen Broderick, Erik Rhodes, Eric Blore
Directed by Mark Sandrich . . . . . Pandro S. Berman Production

"TOP



"DELIGHTFULLY 'TOP HAT'" "Topping entertainment, replete with song and dance, ringing with merry quips, abounding in sly situations, well cast, handsomely produced, 'Top Hat' is tall tile and tails class musical comedy . . . All in all, 'Top Hat' is delightfully—well, delightfully 'Top Hat'."

—Regina Crewe, N. Y. American

"VASTLY ENGAGING" "The screen's number one musical comedy team is in admirable form at the Radio City Music Hall this week, and thereupon 'Top Hat' assisted by some attractive Irving Berlin songs, becomes vastly engaging entertainment."

—Richard Watts, Jr., N. Y. Herald-Tribune

"TOP ENTERTAINMENT" "'Top Hat' is top entertainment. It's even better than 'The Gay Divorcee' and 'Roberta' . . . The best thing one can do is call it the grandest screen musical in months and then go to see it again . . . You'll enjoy it tremendously."

—Rose Pelswick, N. Y. Evening Journal

"THE BEST YET" "'Top Hat' is the best musical that this charming twain has yet produced . . . Tuneful, rollicking, merry, it is a cheerfully fast and footloose film, one of the especial delights of the new season and one that will give you a very gay morning, afternoon or evening in the cinema. . . Consider 'Top Hat' something to shoot away the blues."

—William Boehnel, N. Y. World-Telegram

"TOPNOTCH MUSICAL" "Those dancing feet of Fred Astaire and Ginger Rogers have already done a good deal to make this world a gayer place. Now they again lighten the woes of the nation with a merry bit of fluff, 'Top Hat' . . . a typical Astaire-Rogers musical, light, frothy, funny, with plenty of songs and dances . . . A topnotch cast and a topnotch musical."

—Eileen Creelman, N. Y. Sun

HAT"

RKO-RADIO PICTURE
with music and lyrics by
IRVING BERLIN

Purely Personal

MARGARET CAMMACK, who goes where her sister TOOTSIE goes and in reverse as well, has opened a new gown shop at the Madison. This sounds like nothing at all to do with the picture business, yet it has. The girls are MRS. NED DEPINET'S sisters and widely known among the film fraternity, particularly that portion of it which resides on Westchester's broad acres.

•

MRS. CAROLYN CAGNEY and MISS JEANNE CAGNEY, mother and sister of JAMES, and WILLIAM J. O'CONNOR of the N. Y. Dock Department, with MRS. O'CONNOR, uncle and aunt of the actor, in on the *Virginia*.

•

ROBERT T. KANE sails Thursday on the *Berengaria* to make a quick survey of the English situation before SIDNEY R. KENT leaves for London.

•

EARLE SWEIGERT, president of the Philadelphia Variety Club, is all het up over the annual jubilee which is being held this week in Atlantic City.

•

MARTA EGGERTH, Universal's latest importation, will be the guest of honor at a cocktail party at the Pierre tomorrow.

•

HARRY M. GOETZ is impatiently awaiting arrival here of a print of "Red Salute."

•

JOE ABRAMSON is now business manager of the Filmack Trailer Co. with headquarters in Chicago.

•

MARILYN MILLER, NORMA SHEARER and IRVING THALBERG, LANNY ROSS and JACK FRAY on the St. Regis Roof.

•

HARRY C. ARTHUR has been spending the last five days at his Peekskill farm.

•

JESSE L. LASKY is en route from the coast with England his destination.

•

. . . St. Louis

CHARLOTTE KALMUS, billing clerk for Fox, will be married Sept. 15 to OSCAR MYER of Chicago.

CLARK RYAN will be manager of the Varsity in University City when it is completed.

TED LENDING of Kirkwood is back from a vacation trip to Mexico City.

T. W. DIXON, former Warner booker, really enjoyed his month's vacation in California, but admits he is glad to be back.

DAVE NELSON, Wellston Theatre master mind, spent his days off out in Colorado.

GEORGE KERESOTAS, operator of the Senate and Strand in Springfield, Ill., is loafing out in California. He motored there and plans to take about 30 days away from his houses.

HOBART CAVANAUGH
"PAGE MISS GLORY"
WILLIAM MORRIS OFFICE

Delay "China Seas" Pending Court Move

At a hearing before Supreme Court Justice Steuer Saturday on an application of the Gotham for a stay restraining M-G-M from delivering "China Seas" to the Dorset, a competitive house, the distributor promised not to book the film into the Dorset until Sept. 28, pending argument on the injunction move.

According to Milton C. Weisman, attorney for the Gotham Amusement Corp., M-G-M had planned to book the film into the Dorset this week under a 1935-1936 pact after the production had been contracted for by the Gotham on a 1934-1935 deal. It is charged the Gotham has first right to the picture and that M-G-M refuses to deliver it to the house.

M-G-M agreed to set back the booking of the film at the Dorset when Justice Steuer indicated he might grant the desired stay.

The motion for the stay will come up before Justice Steuer on Thursday.

Cleveland Reports Agreement on Music

CLEVELAND, Sept. 2.—It is reliably reported that first runs have come to an agreement with the musicians' union on terms of next year's scale. The scale remains the same as last year, with no guaranteed playing time. All engagements will be spot bookings. However, in the event of musicians playing 40 weeks at a house during the year, there will be a reduction in the scale of $5 per week per man.

Operators' and stage hands' scales are still in controversy. The stage hands are asking for a double crew in vaudeville houses and a $5 weekly increase over last year. Local theatre men are quoted as saying that there is nothing in the past year's business to justify these conditions. Operators are asking for a 15 per cent wage boost. In all probability, final settlement of stage hands' and operators' scales will have to made in New York.

Maryland Increases Its Censor Forces

BALTIMORE, Sept. 2.—Two additional inspectors are being added to the Maryland State Board of M. P. Censors, increasing the membership to seven.

The additions were believed necessary by Dr. Ben Paul Sandy, chairman, because of extra work now being done by the board. Funds for the retention of the new members were obtained by reducing salaries of the five now employed.

Mrs. Beery in Hospital

BALTIMORE, Sept. 2.—Mrs. Wallace Beery is under observation at Johns Hopkins Hospital as the patient of Dr. Louis P. Hamburger. Mrs. Beery returned Wednesday on the *Ile de France* from Europe. Dr. Hamburger was on the same boat and was called into consultation. Her condition is not serious, Dr. Hamburger said.

"Capa Observer" Out

CHICAGO, Sept. 2.—*Capa Observer*, official organ of the Chicago Amusement Publicists' Ass'n., has made its bow and will appear monthly hereafter. Duke Hickey is editor.

Wall Street

Paramount Issues Up on Big Board

	High	Low	Close	Net Change
Columbia	72½	70½	72	+2¼
Consolidated Film	4⅝	4⅜	4⅝	+ ⅛
Consolidated pfd..	17⅛	16½	16½	— ¼
Eastman Kodak..	148	148	148	+1
Fox Film "A"....	16⅞	16¼	16¾	+ ½
Loew's Inc.........	41¾	41¼	41¾	+ ⅜
Paramount	10½	9½	10½	+1⅛
Paramount pfd....	97	87½	92	+4½
Paramount 2 pfd..	12⅜	11¼	12	+1
Pathe Exchange..	⅝	½	½	.....
Pathe Film.......	6¾	5⅝	6¾	+1⅜
RKO	2¾	2½	2¾	+ ⅛
20th Century Fox.	16	16	16	+ ¾
20th Century pfd.	22½	22½	22½	+ ⅛
Warner Bros.....	5⅞	5½	5⅞	+ ⅜
Warner pfd.......	41½	39⅜	41½	+1½

Technicolor Only Curb Issue

	High	Low	Close	Net Change
Technicolor	20⅜	20⅜	20⅜	+ ⅛

Little Bond Activity

	High	Low	Close	Net Change
General Theatre Equip. 6s '40...	14½	14½	14½	— ⅜
Paramount F. L. 6s '47.............	103	103	103	+1
Paramount Pict. 6s '55.............	94	94	94	+ ½
Warner Bros. 6s '39 wd........	77¾	77½	77⅝	— ⅛

(Quotations at close of Aug. 31)

Tay Garnett Prod. Will Produce Three

HOLLYWOOD, Sept. 2.—Tay Garnett Prod., headed by the former M-G-M producer, has been formed here to make three pictures for new season release. Financing is believed to have been arranged through British sources and the London office of Garnett Prod., is headed by Louis Wiswill, London theatrical producer.

The new company's program will be comprised of "Singapore Bound," "Jinaveve" and "Man Laughs Back." Garnett, whose M-G-M contract has expired, will also make three pictures each for Twentieth Century-Fox and Columbia following a current year's leave of absence.

Enjoin St. Louis Job

ST. LOUIS, Sept. 2.—Circuit Judge Joynt has issued an injunction stopping the removal of the ruins of the Odeon, which was destroyed by fire Aug. 2. The restraining order was issued at the request of Paul Parks, who charged that Henri Chouteau, owner of the building, had refused to allow him to carry through an agreement to take down the remaining walls of the structure. He said he agreed to pay Chouteau $550 for the material in the building and on Aug. 21 paid $200 on account.

Universal Signs Guest

HOLLYWOOD, Sept. 2.—Carl Laemmle has signed Edward A. Guest, poet and philosopher, to a term contract, as actor and writer. Universal has been negotiating with Guest for some time, and John Le Roy Johnson, publicity head, and Dan Kelly, casting director, flew to Chicago last week to make screen tests.

Glett in Audio Post

Charles L. Glett has been made production manager of Audio Prod., Inc., by W. A. Bach, president. He will have charge of the trick photography and optical department, headed by Alex Gansell, and the cartoon animation department, headed by H. L. Roberts.

"Glory" Gets $21,500 for Detroit Start

DETROIT, Sept. 2. — "Page Miss Glory" got off to a flying start at the Michigan with a take of $21,500, over par by $1,500.

"China Seas" went through a second week with a take of $10,200, up by $200, at the United Artists. "Curly Top" held up to $3,600 in its fourth week at the Adams, and "The Farmer Takes a Wife" took a good $15,100 at the Fox.

Total first run business was $68,000. Average is $60,000.

Estimated takings for the week ending Aug. 29:

"CURLY TOP" (Fox)

ADAMS—(1,770), 10c-40c, 7 days, 4th week. **Gross:** $3,600. (Average, $5,000)

"FARMER TAKES A WIFE" (Fox)

FOX—(5,100), 15c-55c, 7 days. Stage: Five acts vaudeville. **Gross:** $15,100. (Average, $15,000)

"ALIBI IKE" (W.B.)
"SHANGHAI" (Para.)
(2nd Run)

FISHER—(2,975), 10c-40c, 7 days. **Gross:** $3,400. (Average, $5,000)

"PAGE MISS GLORY" (W.B.)

MICHIGAN—(4,100), 15c-55c, 7 days. Stage: Five acts of vaudeville. **Gross:** $21,500. (Average, $20,000)

"DR. JEKYLL AND MR. HYDE" (Para.)
"SMART GIRL" (Para.)

STATE—(3,000), 10c-40c, 7 days. **Gross:** $4,200. (Average, $5,000)

"CHINA SEAS" (M-G-M)

UNITED ARTISTS—(2,070), 15c-55c, 7 days, 2nd week. **Gross:** $10,200. (Average, $10,000)

Missouri's Tax Law Attacked as Invalid

KANSAS CITY, Sept. 2.—First test of the constitutionality of Missouri's sales tax law has been started here by Maxwell's, Inc., Joplin cafeteria, in the Cole County Circuit Court, Jefferson City.

The suit invokes a law which went into effect Aug. 27 and permits courts to pass on laws before a violation occurs, so that the case will not interfere with operation of the law while the case is pending.

Section 5 is the target of attorneys who point out that it makes absorption of the tax by the seller unlawful and requires the seller to pass the tax on to the buyer. It is claimed that this deprives buyer and seller of the right of contract. It is also claimed that the tax places an undue burden on the seller as an agent of the state without compensation, and because of the expense involved infringes upon the state constitutional provision against taking property without due process of law.

The petition asserts that the law is special in application and not in general and is unconstitutional for this reason. The case is expected to come before Judge Sevier during the October term.

"Deception" Preview

Twentieth Century-Fox will preview "The Gay Deception" in the grand ballroom of the Waldorf Thursday evening. Jesse L. Lasky produced.

Armstrong Bereaved

HOLLYWOOD, Sept. 2.—Robert Armstrong is mourning the loss of his mother, Mrs. Mina Armstrong, who died at the age of 65 last Friday.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 55 NEW YORK, WEDNESDAY, SEPTEMBER 4, 1935 TEN CENTS

Coast Trend Is Upward on Ticket Scales

Independents Following FWC on Increases

This is the fourth instalment in a national survey on the trend of admission prices.

Los Angeles, Sept. 3.—The trend of admissions in this territory since September, 1934, has been upward. On that date Fox West Coast started a general policy of raising admissions from five to ten cents in their neighborhood and outlying houses. The changes were continued until June, 1935, at which time a general scale of 30 to 40 cents was set up and has been maintained since with no immediate change contemplated. The deluxe houses of the circuit have maintained a scale of 50 to 75 cents for a number of years.

Independent theatres, following West Coast, also began a gradual raise in

(*Continued on page* 12)

Local 306 Seeking Independent Pacts

In a move to return all independents to its fold, Local 306 has sent out letters to 38 unaffiliated circuits in the local territory announcing it is ready to consider labor agreements. Negotiations will be conducted on an individual basis, the local informed exhibitors.

During the past few years Springer & Cocalis, Century, Consolidated and

(*Continued on page* 12)

No Early Moves to Hinder Fox Merger

No immediate further moves by Mrs. William Fox to hinder the progress of the Twentieth Century-Fox Film merger are in sight in advance of preparations for trial of the action brought by her and All-Continent Corp. against officers, directors and

(*Continued on page* 12)

Bank Night Goes to N. H. Supreme Court

Boston, Sept. 3.—It is up to the Supreme Court of New Hampshire to decide whether or not the ban against bank nights in that state, on grounds

(*Continued on page* 6)

New Season In With Rush; Box-Offices At Large Zoom

'Top Hat' to Set Music Hall High at $135,000-$140,000

Perfect theatre weather, the descent of hordes of visitors attracted to the Big Town by the extended Labor Day weekend, the drawing power of Fred Astaire and Ginger Rogers, excellent reviews of their latest, and the continued lure of the house itself are combining to send "Top Hat" to a new record for the world's largest theatre—the Music Hall.

In the five days to Monday night, the attraction did a phenomenal gross of $99,698 and the end is not yet in sight.

Here is the day-by-day tally:

Day	*Estimate*
Thursday	$17,100
Friday	17,600
Saturday	21,666
Sunday	21,666
Monday	21,666
Five-day total	$99,698

While individual grosses for Saturday, Sunday and Monday were not available last night, the three-day combination bulked $65,000. By 2 P. M. yesterday and despite the rain, the theatre was packed to the doors and a line waited along the 50th St. side of the house.

Yesterday's business was running at the rate of the opening day's take. With $17,000, therefore, forecast for Tuesday and a like figure for today and tonight, both the Music Hall management and Radio Pictures compute the attraction will reach $130,000 without any effort and may end its first week somewhere between

(*Continued on page* 7)

Heading for a record at the world's largest theatre.

In five days—Thursday and over the Labor Day weekend up to and including Monday night—this attraction grossed $99,698 and is skyrocketing toward the tops for the Music Hall. Anticipation last night was the picture will end at somewhere between $135,000 and $140,000.

Attendance Hits 1929 Peak—Takes Big in View of Scales

Theatre attendance over the Labor Day weekend touched the normal of pre-depression years in many sections of the country, circuit headquarters here reported yesterday. Attendance figures, it was said, reached proportions which had not been equalled in two and three years by national circuits.

Although grosses fell short of normal for the years immediately prior to 1933 due to lower scaled admissions, net will equal the old-time figures for comparable weekends because of uniformly lower operating costs, some circuit representatives believe.

In New York, aided by a cool weekend and threatening weather conditions on Labor Day, grosses shot to record proportions along Broadway. Other factors contributing to a heavy weekend attendance were the postponement of all major league baseball games scheduled for the city on Monday, and of other sports events. Three weeks of continued cool weather is also credited with having sent vacationists back to the city earlier than usual. Moreover, current film fare is, for the most part, of better-than-average box-office calibre.

With the Labor Day weekend accepted as marking the opening of the new season, home offices received the weekend attendance reports with more than usual interest and satisfaction.

(*Continued on page* 7)

Study Moves Here to Halt Double Bills

With announcements by Loew's and RKO of double features in practically all theatres in Greater New York, independent exhibitors are endeavoring to figure out what next is in store for them. But rather than wait for new events in the twin bill war between the two major circuits, a few of the important unaffiliated circuit operators are considering a plan to call a mass meeting of all interests in a

(*Continued on page* 12)

U. K., France Report Gains, Says Giannini

The British and French industries are making definite progress and the gains noted this year over 1934 are pronounced, declared Dr. A. H. Giannini, chairman of the executive committee of the Bank of America, N. A., yesterday. He returned from a five weeks' trip abroad on the *Normandie* Monday.

"I believe, however, that there is a fundamental wrong in the British film

(*Continued on page* 16)

K. C.'s Clearance Schedule Missing

A clearance and zoning schedule for Kansas City, drawn up by independent exhibitors there, seems to have disappeared somewhere between that city and New York.

Distributor and circuit headquarters

(*Continued on page* 12)

Warners, RKO Deny St. Louis Charges

St. Louis, Sept. 3.—Warners, with affiliates named as defendants, and RKO have followed Paramount in denying U. S. Government charges that they have conspired in restraint

(*Continued on page* 7)

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Texan Sues Majors Over Lack of Film

DALLAS, Sept. 3.—F. M. Baker, Hillsboro exhibitor, has filed suit for $43,000 triple damages under the Sherman anti-trust law and Clayton Act against Robb & Rowley and major distributors on the ground that he cannot get film.

Defendants named are: Robb & Rowley, United Artists Distributing Corp., Paramount Pictures Distributing Corp., Metro - Goldwyn - Mayer Distributing Corp., Fox Film Corp., Vitagraph, Inc., Universal Film Exchanges, Inc., Columbia Pictures Corp. and RKO Distributing Corp.

Baker alleges he is unable to get product as a result of agreements initiated by Robb & Rowley with the distributors.

Myrna Loy Returning Under Old Contract

Myrna Loy, who left over the week-end to resume work at M-G-M following a truce between her and the studio, has returned under the same terms as under her old contract, it was said yesterday by J. Robert Rubin, vice-president of M-G-M.

Ambitious Plans for Loy

HOLLYWOOD, Sept. 3.—Louis B. Mayer today said he had ambitious plans for Myrna Loy, with her first film under her new status probably titled "After the Thin Man," with William Powell under the direction of W. S. Van Dyke.

Buck in with Films, Animals and Stories

Frank Buck arrived from the coast yesterday prepared to spend the next two months cutting and editing "Fang and Claw," the temporary title to the picture he has just filmed in Asia. He spent nine months in the Far East.

Buck recounted some of the experiences for the benefit of the press at a breakfast at the Ambassador. He said he had shipped on the *Steel Navigator,* which arrives at Staten Island Saturday, 600 animals and 5,000 birds for his zoo in Amityville, L. I. The boat is bringing back a female Indian rhinoceros which was ordered by the Chicago zoo and a number of seladangs, called gaur buffaloes in this country, for the St. Louis zoo.

Discussing his latest film, Buck said it will be from seven to eight reels and along the same lines as his last two pictures where the explorer was shown getting a collection of wild animals and the vicissitudes he encounters. He does not plan to leave on another expedition until next May or June, he stated. He will probably make personal appearances at the Music Hall and other key centers with the opening of the picture, he said.

Fox Met Assets Are Given New Company

Formal transfer of the assets of Fox Metropolitan Playhouses, Inc., to the successor company, Metropolitan Playhouses, took place yesterday in the Woolworth Bldg. offices of Irving Trust Co., trustee in reorganization for Fox Met.

Discharge of the trustee and the filing of applications for fees by attorneys and committees that participated in the Fox Met reorganization will await the return of Federal Judge Julian W. Mack from a European vacation.

Report KRS in New Attack on Combines

LONDON, Sept. 3.—The Kinematograph Renters' Society today was reported planning extended action against booking combines, carrying with it implications of a probe of Paramount's theatre activities and possible action against that company.

Brandt to Add Three

Harry Brandt is expected to add at least three more theatres to his circuit before the month is gone. Having taken over the Park Lane from Isle Theatres in association with Jack W. Springer, Brandt is negotiating with Harry Schiffman, president of Isle, for two Long Island houses. He also has a deal pending with Morris Kutinsky for the Inwood, Forest Hills, which will be set shortly.

The Brandt circuit now comprises 42 and is expected to jump to 50 by the first of the year.

Levy, Paramount Split

Eugene Levy of the Ritz, Newburgh, has terminated his buying arrangement with Paramount, which operates the Broadway in the same town. Levy, who also has the Park, Newburgh, will not tie up with Paramount unless a pooling deal for the three houses is effected.

Wall Street

Trading Irregular on Big Board

	High	Low	Close	Net Change
Columbia	72½	71⅜	71⅝	— ⅜
Consolidated	4⅞	4⅝	4¾	+ ⅛
Consolidated, pfd	17⅜	16⅞	17	+ ½
Eastman	149¼	149	149¼	+1¼
Fox Film "A"	17¼	16¼	17	+ ¼
Loew's, Inc.	42⅜	41	41⅝	— ⅛
Paramount	10¾	9⅞	10⅛	— ¾
Paramount, pfd	93¾	90½	90¾	—1¼
Paramount, 2 pfd	12⅜	11½	11¾	— ¼
Pathe Film	7⅛	6½	6⅝	— ⅛
RKO	3⅛	2¾	3	+ ¼
20th Century-Fox	18¾	16¼	18¾	+2¾
20th Century pfd.	25¾	25	25	—1
Warner Bros.	6⅜	5⅝	6¼	+ ⅜
Warner, pfd	44	41⅝	43	+1½

Technicolor Up ½ on Curb

	High	Low	Close	Net Change
Sonotone	1⅞	1⅞	1⅞	— ⅛
Technicolor	20¾	20⅜	20⅝	+ ½
Trans-Lux	2¾	2⅝	2¾	+ ⅛

RKO Bonds Gain 6½ Points

	High	Low	Close	Net Change
General Theatre Equip. 6s '40	15⅛	14¾	14⅞	— ⅜
General Theatre Equip. 6s '40 ctf	15	14¾	14⅞	— ⅜
Loew's 6s '41 ww deb rights	104	104	104	.....
Paramount Pict. 6s '55	95½	94⅜	94⅜	.....
Paramount F. L. 6s '47	106	106	106	+1
Paramount Publix 5½s '50	107¾	107¾	107¾	+2¾
RKO 6s '41 pp.	57½	52	57½	+6½
Warner Bros. 6s '39 wd	79¾	78¾	79¼	+ ½

(Quotations at close of Sept. 3)

Resume 2,000-Foot Reel Talk Tomorrow

The committee of major company managers of exchange operations appointed to survey problems and advantages involved in the proposed adoption by the industry of a standard 2,000-foot reel will resume meetings at M. P. P. D. A. headquarters tomorrow. The committee has been gathering information on exchange equipment required to make the change-over and its costs and advantages to distribution.

Gordon S. Mitchell, manager of the research division of the Academy of M. P. Arts & Sciences, sponsor of the proposed change-over, is expected here next week to address a meeting of the committee and to supply additional information.

No decisive action on adoption of the 2,000-foot reel is expected to be taken by distributors for at least another month. The Academy has urged that the change-over be made effective next Jan. 1.

Lasky Starts Abroad

HOLLYWOOD, Sept. 3.—Jesse L. Lasky, head of the newly organized Pickford-Lasky Prod., left for Europe today with Mrs. Lasky and son, Jesse, Jr. The purpose of this trip is to complete arrangements for the production of one picture abroad for the new company and to search for talent.

Mary Pickford, the other half of the firm, may join Lasky abroad. They are expected to be back Oct. 15.

Before his departure Lasky revealed he had signed Phil Friedman as his executive assistant and Maurice Hanline as his story editor.

Max Parker, former art director for Fox and Lasky, has been made supervising art director, with Lincoln Quarberg appointed publicity director.

RCA Selling Staff Gathers at Camden

CAMDEN, Sept. 3.—Sales representatives of RCA Photophone begin a two-day meeting here today. Forty-five members of the sales force are due to attend. E. M. Harley, RCA sales manager, will be in charge.

E. T. Cunningham, president of RCA Manufacturing Co., of which Photophone is a division, is scheduled to deliver the opening address. Ted Wallerstein will talk on recording, John K. West will speak on 16 MM. sales, F. B. Ostman on servicing and Thomas F. Joyce on publicity. Other speakers will discuss engineering, commercial sound sales and a representative of Sonotone, the aid-for-hearing device, will talk of his product.

At the close of today's session a dinner will be held at the Tavistock Country Club near here.

Sheffield-Republic Get Mascot Product

SEATTLE, Sept. 3.—The J. T. Sheffield-Republic exchanges in both Seattle and Portland today closed arrangements for distribution of Mascot and Majestic pictures in the two cities, in addition to the Republic list. The schedule includes five features and three serials on last season's Mascot schedule.

Ed Walton, formerly head of Mascot Pictures in Seattle, moves to Sheffield's headquarters. Archie Holt will continue to distribute the same product in the Portland trade area, but will headquarter at Sheffield's Portland offices.

Farnsworth Obtains Higher Recovery Job

WASHINGTON, Sept. 3.—William P. Farnsworth, formerly deputy administrator in charge of the film code, today stepped up another notch in the skeletonized Recovery Administration.

Farnsworth succeeded Leighton Peebles as director of section five of the division of business cooperation, taking jurisdiction over all matters related to utilities, graphic arts, service trades, transportation and finance, as well as amusements. Peebles becomes deputy administrator for the entire division.

Frudenfeld Recuperates

CINCINNATI, Sept. 3.—Col. Arthur M. Frudenfeld, RKO division manager, who suffered a collapse in his office three weeks ago, has been taken from Christ Hospital to his suite in the Hotel Gibson. He will be compelled to remain in bed for a few weeks.

Lederer Coming East

HOLLYWOOD, Sept. 3.—Francis Lederer left by plane for New York today to appear at the Waldorf-Astoria at a preview of "The Gay Deception," scheduled for Thursday. He will return Saturday to fill a speaking engagement at the San Diego fair.

Start Australian Meet

MELBOURNE, Sept. 3.—Paramount's Australian sales force today started the first of a three-day annual sales convention here under the supervision of E. Kennebeck, managing director.

4 YEAR RECORD!

83,484 PAID ADMISSIONS AT CAPITOL, N.Y. FOR FIRST FOUR DAYS!

And all around the Nation, it's a box-office sensation!

"ANNA KARENINA"

IS GARBO's GREATEST!

All praise to them!
Greta Garbo, Fredric March, Freddie Bartholomew in Clarence Brown's production of "ANNA KARENINA". *With* Maureen O'Sullivan, May Robson, Basil Rathbone. Produced by David O. Selznick.

The 2nd Giant Hit of M-G-M's Mightiest Year!

EVERY DAY A

Friday
Satu
Monday
Tue

123,320

PAID ADMISSIONS IN 6 DAYS!

Each day the biggest in the history of the Roxy's management! And that's the story you'll be hearing from the rest of the theatres in the United States who play "DIAMOND JIM"!

NEW RECORD!

AND STILL GOING STRONG
AT THE N. Y. ROXY!

Sunday
Wednesday

"DIAMOND JIM"

UNIVERSAL'S TORNADO!

Bank Night Goes to N. H. Supreme Court

(*Continued from page 1*)

that they are a lottery, will hold or be dissolved. This circumstance is the result of the ruling of Justice Warren James of the Superior Court which transfers without decision the petition sponsored by bank night for a declaratory judgment as to whether the cash giveaway scheme comes under the New Hampshire lottery laws.

The petition was filed as the result of an order by Attorney General Johnson for theatres to stop bank night.

Increase Chicago Nights

Chicago, Sept. 3.—Abruptly changing their policy, bank night promoters here are now allowing the game to be used twice weekly if a theatre so desires. Theatres pay an additional license fee for an extra night.

It is possible that the bank night case before the Iowa courts today and the Cleveland situation are responsible for the new policy. It is felt that should the courts rule against the plan in those spots, the Chicago territory would be jeopardized.

The Sheridan, Essaness house, and the Century, B. & K. theatre, announced a dual policy today. Many others are expected to follow suit immediately.

Sweepstakes Win Court Test

Movie sweepstakes were adjudged not in violation of the New York lottery law yesterday in a decision handed down by Magistrate David Malbin in the Magistrate's Court for the 8th District, Brooklyn. The theatre in the case was the Oceana, Brighton Beach.

Magistrate Malbin held that the operation of Movie Sweepstakes was not illegal in that no admission fee was necessary to enter the competition and anyone was permitted to participate in or out of the theatre. Albert L. Green was the defendant and the attorney who successfully represented the theatre and the game was Jacob Schechter.

Neb. Bumps Bank Night

Lincoln, Neb., Sept. 3.—The first court ruling against bank night in this state has been made in Municipal Court here. A fine of $50 has been levied on Roy Headrich, operator of the Lyric, a suburban house. An appeal is to be taken.

Bank Night in Terre Haute

Terre Haute, Ind., Sept. 3.—Bank night is being featured at the Indiana. This is a new stunt here and is being tried by the Fourth Avenue Amusement Co.

Bridgeport Giveaways Gain

Bridgeport, Sept. 3.—Ten of the 19 theatres in this city are now using giveaways that range from money to fashion books. One first run house has tied up with a free ticket stunt.

Go for Bank Nights

Chicago, Sept. 3.—Warners have started "Bank Nights" in the Frolic, Metropole, Jeffrey and Symphony.

"Angel" Seal 1254

The Production Code Seal on "The Dark Angel," reviewed recently in Motion Picture Daily, is 1254.

Late August Breathes New Life Into Key City Takes

Late August breathed new life into grosses in 22 key cities of the country in spite of the heat and the fact that this is supposed to be one of the worst weeks of the summer slump. The total for the week ending Aug. 22-23 in 22 cities with 123 houses open was $1,210,965, a gain of $102,585 over the previous week. This was the best week since May 23-24.

Comparative grosses:

	Week Ending Aug. 22-23		*Week Ending Aug. 15-16*	
	No. Theatres	***Gross***	***No. Theatres***	***Gross***
Boston	7	$81,000	6	$56,500
Buffalo	5	36,500	5	35,600
Chicago	8	133,900	8	122,400
Cleveland	5	51,000	5	51,750
Denver	6	26,450	6	26,900
Detroit	6	58,800	6	57,900
Indianapolis	4	26,500	4	25,000
Kansas City	5	56,000	5	41,800
Los Angeles	9	82,090	9	79,030
Minneapolis	6	22,500	6	22,300
Montreal	3	22,000	3	21,500
New York	7	217,675	6	188,500
Oklahoma City	4	10,200	5	18,700
Omaha	3	17,200	3	23,550
Philadelphia	8	65,400	8	50,700
Pittsburgh	3	49,800	3	28,600
Portland	6	25,700	6	31,700
Providence	5	33,100	5	38,100
San Francisco	7	71,800	7	78,100
St. Paul	4	16,200	4	16,000
Seattle	6	31,750	6	27,150
Washington	6	75,400	6	66,600
	123	$1,210,965	122	$1,108,380

Comparative grosses for the last available periods:

Week Ending	*No. Theatres*	*Grosses*
Sept. 27-28	132	$1,419,815
Oct. 4-5	132	1,412,844
Oct. 11-12	132	1,344,137
Oct. 18-19	131	1,385,533
Oct. 25-26	133	1,386,935
Nov. 1-2	135	1,288,992
Nov. 8-9	134	1,386,736
Nov. 15-16	133	1,389,743
Nov. 22-23	136	1,305,450
Nov. 29-30	137	1,369,576
Dec. 6-7	136	1,401,989
Dec. 13-14	135	1,244,610
Dec. 20-21	135	1,070,800
Dec. 27-28	139	1,408,788
Jan. 3-4	141	1,719,887
Jan. 10-11	138	1,361,450
Jan. 17-18	138	1,251,130
Jan. 24-25	138	1,251,130
Jan. 31-Feb. 1	137	1,354,350
Feb. 7-8	135	1,332,415
Feb. 14-15	136	1,381,960
Feb. 21-22	137	1,318,630
Feb. 18-19	140	1,405,417
March 7-8	139	1,295,650
March 14-15	137	1,358,384
March 21-22	135	1,325,360
March 28-29	137	1,334,375
April 4-5	139	1,242,487
April 11-12	140	1,205,456
April 18-19	139	1,115,386
April 25-26	142	1,421,800
May 2-3	140	1,250,132
May 9-10	145	1,417,888
May 16-17	138	1,236,100
May 23-24	137	1,235,650
May 30-31	137	1,152,200
June 6-7	134	1,119,900
June 13-14	134	1,155,950
June 20-21	134	1,089,850
June 27-28	129	1,160,370
July 4-5	126	1,063,119
July 11-12	127	1,063,200
July 18-19	125	1,023,457
July 25-26	126	989,500
Aug. 1-2	122	1,051,219
Aug. 8-9	123	1,121,730
Aug. 15-16	122	1,108,380
Aug. 22-23	123	1,210,965

(*Copyright*, 1935, *Quigley Publications*)

Studios Sign Batch Of New Term Pacts

Hollywood, Sept. 3.—New contracts handed out by major studios include these at M-G-M:

To Freddie Bartholomew, whose last role was in "Anna Karenina" which is now at the Capitol, New York. It is a long-term pact.

To Robert Benchley, whose arrangement provides he is to have a six months' vacation annually to permit him to resume critical writing in New York.

To Nat Pendleton, whose first assignment is tentatively set as Sandow in "The Great Ziegfeld."

To Eadie Adams, radio singer. She hails from Illinois where she had been appearing in local night spots.

Radio has signed Tony Martin, San Francisco radio warbler. No assignment has been determined as yet.

Paramount has signed Grant Garret, Robert Miles and Paul Gerard Smith. Garret will work on comedy construction for "Coronado." Miles is assigned to the Zane Grey story, "Nevada," to be produced by Harold Hurley, and will serve as technical adviser in conjunction with his writing duties. Smith's assignment is "F Man," the Charles R. Rogers production in which Jack Haley is to be featured.

Cincinnati Business Gains Are Reported

Cincinnati, Sept. 3.—Average employment in 18 local industries for the first seven months of this year was 2,000 more than all of 1934 combined, and 2,000 greater than the corresponding period of last year, according to a report released by the Chamber of Commerce.

Employment in manufacturing lines has gained steadily since 1933. By March of this year it equaled March, 1929, while in May it was 5,000 in excess of May, 1929.

The aggregate of bank clearings for the first seven months was $1,406,646,945, a gain of almost $200,000,000 over a like period of 1934, while capitalization of new incorporations was $3,421,500, or more than $2,000,000 more than 1934.

Say One Reissue Given

Clarifying a settlement made with Louis Geller of the Palace, Jersey City, when the exhibitor refused to play "Affairs of Cellini," United Artists states that only one reissue was given Geller instead of two, as reported. The U. A. claim was on the arbitration calendar of the New York Film Board and after several postponements was withdrawn by agreement between both parties.

Moore Opens Sept. 9

Washington, Sept. 3.—Tom Moore returns to active exhibition Sept. 9 when his Rialto reopens here with "Harmony Lane" as the feature and the Southern-Aires, radio turn, heading the stage show. Wide Range sound is being installed.

Mrs. Mary Murphy Dead

Holyoke, Mass., Sept. 3.—Mrs. Mary Murphy, mother of Ralph Murphy, the director, died yesterday. Her son has come east by plane. Burial will be at Rockville, Conn.

New Season In With Rush; Business Up

(Continued from page 1)

Grosses for Broadway houses were, of course, aided materially by three consecutive days of advanced admission.

The Music Hall with Radio's "Top Hat" appeared to be headed for a new all-time record after the gross for five days passed the $99,698 mark and hold outs were still the rule despite an all-day rain yesterday. Officials of the theatre predicted a gross for the week of $135,000 to $140,000 which, if realized, would better the present record by about $25,000.

The RKO circuit reported excellent weekend business nationally. Boston, which is also playing "Top Hat," was cited as a particularly bright spot.

Warner theatres reported very big business nationally and totals well ahead of Labor Day last year. "Bright Lights" and "Page Miss Glory" were listed as the circuit's current best bets in the first runs and "The Irish in Us" in the subsequent runs. Locally, Warner officials predicted a $40,000 week for "Page Miss Glory" at the Strand. The picture needed to do only a $4,000 business yesterday and a repeat today to touch that figure.

Paramount circuit officials reported grosses ahead of last year's in many operating sections, with many key houses hitting an attendance volume equal to the normal for pre-depression years. The Skouras office, headquarters for Fox theatre operations, said that Labor Day business touched figures that had not been reached for the past two or three years.

"Diamond Jim" Sets Record

Breaking the all-time Sunday record for attendance, "Diamond Jim" on Sept. 1 established a new mark for future pictures to shoot at when 29,557 patrons passed through the Roxy portals. The day's attendance top was set by "The Cock-Eyed World" on a Friday six years ago. The day's checkup then showed 30,654 people were admitted.

Howard S. Cullman, trustee, yesterday decided to hold the Universal picture a third week. It is possible "Diamond Jim" may be held a fourth session, depending on the coming weekend performance. For the first four days of the second week, the film garnered $33,061.50, which is $2,400 more than the similar days of the first week. The second stanza may wind up with a tally of close to $45,000.

Loew's reported "tremendous" weekend business compared with that of a year ago. "Anna Karenina" with Garbo is playing the circuit's key houses and is credited with much of the improvement shown. "Chained," with Clark Gable and Joan Crawford, had the Labor Day bookings in the circuit last year and left a high standard of box-office comparison behind it. Locally, the circuit reported weekend business up 40 per cent over a year ago. Loew's officials predicted a $65,000 to $75,000 week for the Capitol, after $48,740 had been chalked up for the first four days. This is $1,000 more than "China Seas" did in its first four days there. "Karenina," already set for a second week at the Capitol, may be held for three or four weeks.

'Top Hat' to Set Music Hall High at $135,000-$140,000

(Continued from page 1)

$135,000 and $140,000. A second is definite now and a third already in sight.

Traffic in and around the Music Hall has been in a complete snarl since last Thursday when the picture started. The theatre has been opening at 9:30 A. M., or two hours ahead of its ordinary schedule, in order to get in an extra run. The experience, aside from the pleasant glow developing from the take itself, has been unique in many ways even for that theatre.

By 1 A. M. on Sunday, for instance, 10,000 people either had been in the theatre and had cleared out or were ensconced in its comfortable seats. For instance again, the line extending along the 50th St. side of the house has been the object of a massed attack, the eager patrons fighting not to get into the theatre itself on several occasions, but merely for a place inside the waiting line. An extra show at Saturday midnight, incidentally, found almost every seat occupied.

Hazel Flynn, who handles publicity for the Music Hall, thus found herself busy checking previous records. Her count tallied at five new ones before she finished. Her is her dopesheet:

"Thursday was the biggest in the history of the house.

"Friday broke all previous Friday records.

"Saturday completely shattered records of previous Saturdays and the same was true of Sunday.

Sets Holiday Record

"As for Monday, the picture not only played to more people than on any previous Monday in the Music Hall's two and one-half years' experience, but up until 5 P. M. it had already eclipsed the record of any previous holiday.

"Since Thursday there have been 24 performances, each to capacity and playing to an estimated total of 148,000 people. Police reserves were called Monday as a precautionary measure, but the crowds proved orderly and traffic was kept moving freely."

Motion Picture Daily then got busy on its own score and began to compare the sensational course of "Top Hat" with other topnotch grossers at the Music Hall. Its research unearthed, among other facts, these:

"Top Hat" definitely will reach $130,000 by Wednesday night when its first week closes. Disregarding the anticipated $135,000 to $140,000 gross as a figure which perhaps may not be reached and computing comparison on the basis of a $130,000 take, the Astaire-Rogers picture will outdistance "Little Minister," its closest competitor, by $20,000. The Hepburn picture played New Year's Week, had a midnight performance on New Year's Eve and grossed $110,000 for the week ending Jan. 2, 1935.

"Little Women," another Hepburn, now is about to slide into third position. That picture, in its first week of three, did $109,000 the week ending Nov. 22, 1933.

Fourth will now go to the first week of "Cavalcade," which for the seven days terminating April 12, 1933, garnered $107,761.

Other $100,000-and-over grossers at the Music Hall since the inception of its straight picture and presentation policy follow:

"Cavalcade," second week ending April 19, 1933—$105,986.

"One Night of Love," first week ending Sept. 12, 1934—$104,120.

Same picture second week ending Sept. 19, 1934—$103,793.

"One Man's Journey," week ending Sept. 6, 1933—$103,064.

"Private Life of Henry VIII," week ending Oct. 18, 1933—$103,000.

"Nana," week ending Feb. 7, 1934—$103,000.

"Cardinal Richelieu," week ending April 24, 1935—$103,000.

"Little Women," third week ending Dec. 6, 1933—$102,000.

"Morning Glory," week ending Aug. 23, 1933—$101,249.

"Topaze," week ending Feb. 15, 1933—$100,956.

"Love Me Forever," week ending July 3, 1935—$100,019.

"We Live Again," week ending Nov. 7, 1934—$100,000.

"Broadway Bill," week ending Dec. 5, 1934—$100,000.

Capitol 3-Week Sail On "Seas" $109,000

With a $27,000 gross for the third and last week, "China Seas" at the Capitol garnered a total of $109,000 during the three-week stay. This with no stage show, is big money for the Loew house.

For the first seven days the tally was $49,000. The second week's take dropped $16,000, to $33,000, and the third and last session wound up with a handsome profit. "Anna Karenina" is ahead of "China Seas" on the first weekend gross and may top the figures on the Gable-Harlow-Beery combination.

S.R.O. for "Steamboat"

Cincinnati, Sept. 3.—"Steamboat 'Round the Bend," which opened at the RKO Palace Wednesday, instead of the usual Friday opening, has been playing to S.R.O. since the first hour and promises to establish a summer record. The newspaper advertising space has been exceptionally modest as compared with the smash displays on other current pictures, while the text of the advertisement has consisted of little more than an announcement of the picture.

Warners, RKO Deny St. Louis Charges

(Continued from page 1)

of trade by refusing to sell films to the Ambassador, Missouri and New Grand Central theatres.

The denials, like that of Paramount, ask that U. S. District Judge George H. Moore dismiss an order to show cause on Sept. 10 why the Government's temporary injunction should not be dismissed. This injunction is aimed to prevent continuance of the alleged agreement.

Refusal to grant the denials is expected, as the court has just issued subpoenas for books and records bearing on the case.

Milt Arthur Gets Subpoena

Los Angeles, Sept. 3.—Milt Arthur, associated with Harry Arthur in the Cabart circuit, has been subpoenaed in the Government's St Louis anti-trust suit. The circuit has five houses in St. Louis. Arthur leaves here Saturday by plane.

Heavy Terre Haute Draw

Terre Haute, Sept. 3. — "Steamboat 'Round the Bend" opened at the Grand to capacity audiences. The picture had been spotted in for a later date.

"Farmer" Gets $7,500

"Farmer Takes a Wife" at the Palace last week was fair at $7,500. "Accent on Youth," currently showing, will probably wind up with about $9,000.

Vernon Scott Injured

Johnstown, Pa., Sept. 3.—Vernon Scott of the Ideal Amusement Co. of this city will be confined to the Mercy Hospital here for at least six weeks due to a fractured knee cap he sustained in an auto accident recently.

Boy at Silvermans

Altoona, Sept. 3. — It's a nine-pound boy at the I. Silvermans. Silverman manages the Strand here.

AIR CONDITIONING CHARTS

that represent standard practice in air conditioning for motion picture theatres. Practical advice on how to attain the best atmospheric conditions for your house winter and summer. Devised to be put on the wall for constant reference. Available until the supply is exhausted at 25 cents each, payment with order. Write direct to

QUIGLEY BOOKSHOP

1790 BROADWAY NEW YORK CITY

RAVE R

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EDITORIAL TRIBUTE

It is quite within the realm of probability that Mascot's "Harmony Lane" will open up a hitherto neglected field for picture material . . . portraying the lives and careers of great Americans in various fields of activities just as they were . . . true, we have had our Barnum on the screen . . . but he was essentially theatrical to begin with . . . but in the life of the immortal composer, Stephen Collins Foster, as limned so truly and beautifully in "Harmony Lane," there is really a great human document . . . done without theatricalism or glamour . . . it is Foster as he moved through the years of his tragic yet glorious career . . . presenting the story of his thwarted love and unhappy marriage in a manner that will grip the hearts and emotions of every girl and woman who sees it.

Here is dramatic screen material in its purest form . . . struggle, despair, a great love that is never fully possessed, a nagging, unsympathetic wife, the fight to express himself through his glorious songs, and eventual frustration . . . it is of such things that great dramas are written . . . and the wonder is that our producers have not turned to this fertile field long ago . . . the life of Stephen Foster on the screen has pointed the way to many others that but await intelligent and sympathetic treatment to turn into outstanding productions . . . which "Harmony Lane" most assuredly is. . . .

So, producers . . . and writers and directors . . . we leave this little hint in your keeping . . . after "Harmony Lane" has clicked decisively at the box offices of the nation . . . which we are convinced it will . . . you can then dig up a score of other True Portrayals of illustrious Americans . . . and reap great rewards . . . IF you present them with the sincerity, humanness and skill that the Mascot aggregation have employed in their selection . . . gawd knows, the public is getting awfully fed up on the sophisticated, smart, brilliantly empty flash material that represents so much of our big Hollywood product . . . let's get back to the simple human emotions and sincerity that marks "Harmony Lane" as one picture in a thousand. . . .

Film Daily

A MASCOT PICTURE

"Has been given careful preparation . . . unusual cast . . . theme handled delicately . . . emerges as one of the few genuine musical dramas given to the screen . . . understanding and sympathy given to the character of Stephen Foster due to the direction of Joseph Santley . . . Douglass Montgomery achieves more than his customary emotion . . . William Frawley gives color to the character of the famous minstrel."

L. A. Examiner

"Fine entertainment . . . should have universal appeal because of heart-warming quality of its music . . . story has so much pathos that on several occasions one is moved to tears . . . the love affair is charming . . . excellent for the family . . . class "A" in suitability as well as entertainment value."

Harrison's Reports

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"Lavishly produced with taste and feeling . . . should appeal to and satisfy immense audiences who know and love Foster songs which are cleverly introduced . . . whole cast is splendid . . . direction of Joseph Santley smooth and logical . . . this unusually ambitious film has numerous selling possibilities."

Motion Picture Daily

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VIEWS!

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"Picture is crammed with exploitation possibilities . . . will prove a paradise to those showmen who like to get their teeth into a production that gives them a chance to display their exploitation abilities . . . musical numbers are expertly supervised by Abe Meyer, with musical direction by Arthur Kay a highlight of the production . . . direction by Joseph Santley nicely dovetailed the dramatic sequences with the musical numbers . . . cast is well rounded out, with Montgomery giving a sincere performance . . ."

Variety

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Trade Review

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Hollywood Life

"Truly an outstanding production in the field of authentic biography . . . has been handled with consummate artistry and sympathetic understanding . . . will touch the heart of millions . . . beautiful artistry . . . will sway the emotions of all . . . Douglass Montgomery makes great composer a living, breathing character true to life, done with sincere and simple conviction . . . that is keynote of entire production - conviction . . . it rings true . . . get out and shout about this one . . . backed with the tremendous sentimental appeal of immortal songs that are part of the life of the people."

Film Daily

"One of the biggest made-to-order audiences a producer could desire is waiting for this picture . . . It should do stand-out business in every town, hamlet and neighborhood . . . A production that will mean evenings of solid enjoyment to millions of theatregoers . . . and plenty of box-office satisfaction to the country's showmen . . . the cast is of major calibre . . . Douglass Montgomery is convincing and vivid as the erratic musician . . . but to our mind first honors go to William Frawley . . . Adrienne Ames stood out brilliantly as the vixenish wife . . . in the double role of co-author and director, Joe Santley scores significantly . . . Arthur Kay, director of the Los Angeles Philharmonic, earns a special word of praise . ."

The Hollywood Reporter

"There are probably thousands who are eagerly awaiting this epochal film, few will be disappointed in the handling of it . . . retains the simplicity and tenderness of the man and his songs."

Hollywood Citizen News

★ ★ ★ ★
A
MASCOT
PICTURE

Y LANE"

DERE MISTER
SHOWMIN,

I AM A LITTLE GIRL 5 YEARS OLD AND I WANT TO BE A GREAT BIG MOVIE STAR SO I AM RITING YOU IF YOU WILL PLEASE HELP ME CAUSE I AM COMING TO YOUR MOVIE HOUSE SOON IN MY 1ST. HOLLYWOOD

PICTURE. IT IS CALLED "LITTLE BIG SHOT"! WARNER BROS. MADE IT SO IT IS A VERY GOOD PICTURE. MY DADDY SAYS SO. MY MUMMY SAYS SO, AND THOSE NICE TRADE PAPER MANS SAY SO. I HOPE YOU WILL SAY SO TOO, CAUSE MISS GLENDA FARRELL AND MISTER BOB ARMSTRONG AND MISTER EDDIE HORTON AND MISTER JACK LARUE ARE WONDERFUL IN IT. AND IT IS A VERY WONDERFUL STORY ABOUT A LITTLE GIRL WHO LIVES WITH TWO AWFUL ROUGH GENTILMEN AND I SING 'N DANCE 'N' EVERYTHING!

I THANK YOU.

YOUR LITTLE BIG SHOT

Sybil Jason

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Coast Trend Is Upward on Ticket Scales

(*Continued from page* 1)

September, 1934 and are still bolstering admissions throughout the territory.

Harry Vinnicof, newly-elected president of the I. T. O. A. of Southern California and Arizona, looks for the new season to prove one of the most constructive in the history of the business. Vinnicof, who operates the Strand theatres in Los Angeles and Long Beach and the Garfield in Alhambra, states his organization will fight harder than ever this season to sell shows by constructive showmanship.

Questioned as to what he means by "constructive showmanship," he replied:

"When theatres employ the use of giveaways and reduced admissions by means of service passes, that is destructive. I have known cases where theatre owners have jammed their houses to the doors through these devices and have lost money. What is worse, they knew before they started they would lose, but they adopted their policies in the hope of destroying their competitors. Our organization aims at constructive practice only. Shows can and must be sold by showmanship."

Calls Singles Exhibitor Need

Vinnicof also added that the organization would make a fight for single bills, which he described as a crying need for exhibitors in this territory. He declared that not only would a single bill policy aid the studios, but also that patrons themselves, as evidenced by letters received, were demanding one feature because of eyestrain, particularly on children and adolescents, involved in sitting through too long a program.

Underneath the remarks of independent operators and circuit owners seems to be the thought that "the racket and double bill evils" can best be corrected by distributors. Although none will be quoted, all agree that a clause should be inserted in every exhibition contract to the effect that a print is rented for showing at a certain price and that clause is violated if the exhibitor resorts to any subterfuge whether it be a giveway of cash or merchandise.

Lou Halper of Warners said that the Warner circuit would not put into effect any price changes. The company is switching Warners Hollywood and Downtown back to a day and date policy.

Providence Holds Fast

Providence, Sept. 3.—Despite race track competition exhibitors here intend to hold fast to current admission prices, at least as long as the other fellow doesn't try to steal a march. For the past two years 40 cents has been the top general admission at all theatres and there has been no effort to change. The only house in the business center to deviate is the little Victory, 1,600 seater, which gets a 25 cent top for a split-week showing some first runs, but mostly seconds and unusual features not shown at the other places.

Most of the neighboring houses scale their seats for a 25-cent top, but fluctuate when a big feature comes their way.

Birmingham Stays As Is

Birmingham, Ala., Sept. 3.—Local theatres have made no changes in admission prices for the past year.

M. S. Suggs, manager of the Alabama, reported that volume is up a bit but prices unchanged. The Alabama tariff is 30 cents in the balcony, 40 cents downstairs. This is the city's leading house.

N. H. Waters, president of the Waters Theatres, a suburban group, reported business hardly holding its own with last year. Admission prices are unchanged with him.

Local 306 Seeking Independent Pacts

(*Continued from page* 1)

Brandt circuits have split away from Local 306 and have signed with either Allied or Empire State unions.

Although no specific period is mentioned in the letter, it is learned Local 306 is anxious to sign independents on a two-year pact. The union also is offering major circuits the same time contract, although affiliated theatres are reported holding out for a five-year pact. Negotiations between circuit and union representatives were resumed yesterday and indications are that a deal may be struck by the end of the week. Local 306 operators are understood to be working under a temporary arrangement which provides for $1.60 an hour instead of the $2.12½ previously paid.

Face Judgment in Buffalo

Buffalo, Sept. 3.—Members of Local 233 of the operators' union are in a state of agitation over the refusal of Justice MacGregor to delay execution of a judgment for $12,079 obtained by Arthur Geddes, a former member.

The judgment was given by a lower court after Geddes had sued for damages on the ground of illegal expulsion from the union. Failure to satisfy the judgment resulted in the appointment of a receiver for the union.

Avoid Union Trouble

Chicago, Sept. 3.—Master Arts Studios have joined the painters' and decorators' union and thus have avoided pulling their displays out of local theatres.

Adams Get Another

Adams Brothers yesterday added a fourth New Jersey house to their circuit. With the U. S., Paterson; Paramount, Newark, and Park Lane, Palisades Park, already in the circuit, the brothers yesterday took over the Leonia, Leonia, from Julius Charnow. Charnow retains an interest in the theatre. Paramount owns a half interest in the Newark and Paterson units.

Frank Drew Celebrates

Cleveland, Sept. 3.—Frank Drew today celebrated his eighth anniversary as local M-G-M branch manager with the announcement that every Cleveland circuit and independent theatre had contracted for his company's new product. This is the earliest buying in the history of the exchange, it is said.

Singles Hit Low

Decision of Loew's and RKO to go for two-ply film programs in a big way will leave about 15 houses in Greater New York on a single feature policy.

Never in the history of show business has there been so small a number of theatres showing one picture. The majority of these houses will not have vaudeville or stage shows surrounding the film menus.

No Early Moves to Hinder Fox Merger

(*Continued from page* 1)

large stockholders of Fox Film involving charges growing out of the merger and reorganization, it was learned yesterday.

Murray W. Becker of Hirsh, Newman, Reass & Becker, William Fox's attorneys, is out of the city and will not return until next week at the earliest. Becker has been conducting the current litigation for Mrs. Fox and All-Continent. It was stated at his office last week that, with the merger consummated, moves were being considered to apply for injunctions to restrain the new company from paying the prescribed salaries to Sidney R. Kent, Joseph M. Schenck and Darryl Zanuck, and from taking other steps under the reorganization. This move is now seen as having been abandoned, and it is believed that Mrs. Fox's next step will be an effort to examine officers and directors of Fox before trial.

K. C.'s Clearance Schedule Missing

(*Continued from page* 1)

here, which would be interested in looking over any clearance and zoning schedule drawn up for Kansas City, report that they have received no copies of the document, and have not seen the schedule in any form. Elmer C. Rhoden, general manager of Fox Midwest, without whose participation a Kansas City clearance and zoning schedule could not be placed in effect, spent last week in New York without mentioning a schedule to Fox circuit headquarters here, according to that office.

New York executives, moreover, are at a loss for an explanation of why the schedule, if one actually exists, would be forwarded here in any event. They point out that if a schedule is drawn by Kansas City exhibitors and is satisfactory to them, New York would have nothing to say about it one way or another.

Knobel Gets New House

Ben Knobel, who operates two theatres in Mt. Vernon, one in Poughkeepsie and another in the Bronx, has leased a new theatre which is to be built at Greenwich Ave. and 12th St. Previously, it was reported Knobel had leased the Sheridan, which is operated by Loew's, but the latter circuit is not giving up the house.

Study Moves Here to Halt Double Bills

(*Continued from page* 1)

move to do away with multiple feature programs.

The major circuits contend that they have been forced to double feature in de luxe theatres because second and subsequent run exhibitors not only twin bill for 15 cents, which is from 40 to 60 cents below the prices charged by ace neighborhood houses, but also resort to booking of revivals on Friday and Saturday night, making three features on a single program without an increase in admission.

It is also pointed out by the circuit that in numerous spots all sorts of articles are given away to patrons in addition to playing chance games where money is distributed. Neither Loew nor RKO is in favor of this idea, although Loew tried Bank Night for a few weeks and dropped it. Skouras is very much pro-chance games and most of his theatres are using them in one form or another.

Loew's doesn't like the idea of twin billing and has on several occasions during the past few years participated in exhibitor meetings called for the purpose of eliminating duals. RKO, while attending the conferences, has never actually put its stamp of approval on the idea. With the decision to go dual features with the exception of the Capitol and the State, Loew will have 70 theatres showing two features on split weeks within the next few weeks. RKO will have about 42 houses, including the Albee, which started the new policy last Friday.

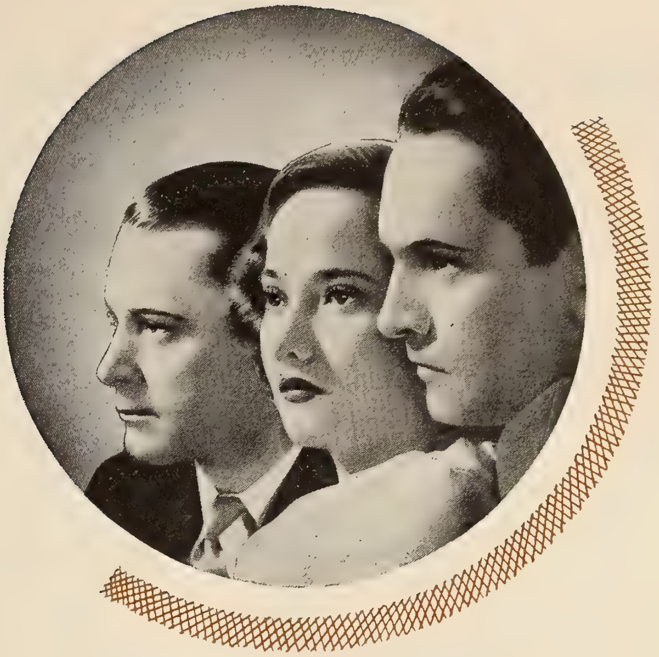
Independents cognizant of the first Loew dual bill, comprising "China Seas" and "Bright Lights," starting Sept. 6 for a week's stand, see this circuit dualing M-G-M's formidable array of specials, such as "Anna Karenina," "Mutiny on the Bounty" and "Broadway Melody of 1936" and "Tale of Two Cities" in addition to Joan Crawfords and Norma Shearers. Rather than wait until this happens, heads are being grouped together and the topic of conversation is "how about calling a mass meeting to end double features?"

Firestone Is Held Up

Toronto, Sept. 3.—Early this morning Samuel Firestone, owner of the Lyndhurst and Aster, and his son were held up in their home and robbed of $641 after they had been bound with wire. They broke loose and battled the holdup man on the street, securing his gun, but he broke away and disappeared with half of the cash.

Made Barcelona Manager

Jose Xaubet has been appointed manager of Paramount's exchange at Barcelona, succeeding E. Aguilar, resigned. Casimiro Bori, who has been managing the Coliseum in Barcelona, becomes assistant manager of the exchange while Sally Romano, ad sales and traffic head of the Spanish branch, has taken over Bori's former duties.



Tomorrow

the world premiere of the most eagerly awaited film success of the new season will take place at the Rivoli Theatre, N.Y. It is a love story so heart-stirring in its emotional power, so enchanting in its elusive beauty that it seems destined to win screen immortality as one of the ten best pictures of the year! *Samuel Goldwyn's finest achievement . . .*

FREDRIC MARCH
MERLE OBERON
HERBERT MARSHALL

in THE

DARK ANGEL

From the play by Guy Bolton Directed by SIDNEY FRANKLIN creator of "Smilin' Thru" and "The Barretts of Wimpole Street"

Released thru **UNITED ARTISTS**

"Inferno" Is Denver Draw With $7,000

DENVER, Sept. 3.—"Dante's Inferno" made an excellent showing at the Denver by getting $7,000, over par by $2,000.

Several other attractions were strong in a series of scrambled bookings. "China Seas" took $3,500 in four days at the Orpheum after a big week. Normal for seven days is $4,000. In the first three days "Alice Adams" took $4,000.

Total first run business was $29,350. Average is $19,500.

Estimated takings for the week ending Aug. 29:

"GIRL FRIEND" (Col.)
ALADDIN — (1,500), 25c-35c-50c-60c, 5 days. **Gross:** $800.

"LOVES OF A DICTATOR" (G.B.)
ALADDIN — (1,500), 25c-35c-50c-60c, 2 days, continuing into next week. **Gross:** $500. (Average for week, $2,000)

"FARMER TAKES A WIFE" (Fox)
BROADWAY—(1,500), 25c-40c, 3 days following week at the Denver. **Gross:** $800. (Average for week, $1,000) House closed for remainder of week. "Tobacco Road" on stage.

"ACCENT ON YOUTH" (Para.)
DENHAM—(1,500), 25c-35c-40c, 7 days. **Gross:** $6,000. (Average, $4,000)

"DANTE'S INFERNO" (Fox)
DENVER—(2,500), 25c-35c-50c, 7 days. Stage band. **Gross:** $7,000. (Average, $5,000)

"CHINA SEAS" (M-G-M)
ORPHEUM—(2,600), 25c-35c-40c, 4 days after big week. **Gross:** $3,500.

"ALICE ADAMS" (Radio)
ORPHEUM—(2,600), 25c-35c-40c, 3 days, but will run 4 next week. **Gross:** $4,000. (Average for week, $5,000)

"WELCOME HOME" (Fox)
PARAMOUNT—(2,000), 25c-40c 7 days. **Gross:** $2,750. (Average, $2,500)

Sales Heads Study New French Plan

Foreign sales managers in New York yesterday were displaying interest in cabled dispatches from Paris indicating that the French government had in preparation a new decree which would alter the current system of importation and sale of American pictures in France. It was reported that the government planned, by law, the creation of a central organization to collect rentals directly from French exhibitors, passing the proceeds on to distributors. American distributors under the plan, therefore, would not be permitted to collect rentals on their own product, and the same apparently would apply to French distributors.

As part of the proposed law, Paris cables also had it that the current level of import quota would be revised upward and would make it compulsory for French exhibitors to exhibit a greater percentage of French-made films.

$1,250,000 Expansion Planned by 20th-Fox

HOLLYWOOD, Sept. 3.—Joseph M. Schenck arrived here today with the announcement Twentieth Century-Fox would spend $1,250,000 in an expansion move to take care of augmented production plans. Five additional stages, new dressing-rooms, an air-conditioning plant at Westwood and general improvements to the Hollywood studio are contemplated.

"Steamboat" Leads Gains On the Loop

CHICAGO, Sept. 3.—Cool weather and big attractions sent Loop grosses upward, with "Steamboat 'Round the Bend" leading the race for a profit margin by getting $20,500 at the Roosevelt. This is sensational, as it is above par by $9,500.

"China Seas" also was in the big money with a gross of $23,600 at the United Artists, over the line by $6,600.

In spite of this heavy competition "Alice Adams" went to $23,200 at the Palace, topping normal by $4,200, "Curly Top" took $7,800 at the Garrick, and "Smart Girl" was strong at $15,500 at the Oriental.

Total first run business was $143,500. Average is $122,100.

Estimated takings:

Week Ending Aug. 29:

"EVERY NIGHT AT EIGHT" (Para.)
CHICAGO—(4,000), 35c-50c-68c, 7 days. Stage: Major Bowes Amateurs. **Gross:** $34,000. (Average, $34,600)

"SMART GIRL" (Para.)
ORIENTAL—(3,940), 25c-40c, 7 days. Stage: Conchita and "Hot Flashes of 1935." **Gross:** $15,500. (Average, $15,000)

"ALICE ADAMS" (Radio)
PALACE—(2,509), 25c-35c-50c, 2nd week, 7 days. Stage: Hal Kemp and Band with vaudeville revue. **Gross:** $23,200. (Average, $19,000)

"STEAMBOAT 'ROUND THE BEND" (Fox)
ROOSEVELT—(1,591), 30c-40c-60c, 6 days. **Gross:** $20,500. (Average, $11,000)

"CHINA SEAS" (Fox)
UNITED ARTISTS—(1,700), 30c-40c-60c, 7 days. **Gross:** $23,600. (Average, $17,000)

"ACCENT ON YOUTH" (Para.)
APOLLO—(1,400), 25c-35c-50c, 7 days. **Gross:** $6,000. (Average, $6,000)

"CURLY TOP" (Fox)
GARRICK—(900), 25c-35c-50c, 7 days. **Gross:** $7,800. (Average, $6,500)

Week Ending Aug. 30:

"MANHATTAN MOON" (Univ.)
STATE-LAKE—(2,776), 20c-30c-35c, 7 days. Stage: Charley Foy, Karyl Norman and vaudeville. **Gross:** $12,900. (Average, $13,000)

"Sharp" Houston's Best Bet, $8,000

HOUSTON, Sept. 3.—During one of the hottest weeks of the year "Becky Sharp" was an outstanding grosser at the Metropolitan, going $1,000 over normal on a take of $8,000.

"Page Miss Glory" was the only other attraction in town to get any place. It topped par by $500 on a take of $7,500 at the Majestic. Columbia's "Party Wire" was just fair at $1,500 at the Kirby.

Total first run business was $27,000. Average is $26,000.

"CHINA SEAS" (M-G-M)
LOEW'S STATE—(2,750), 25c-40c, 7 days. **Gross:** $7,000. (Average, $7,000)

"BECKY SHARP" (Radio)
METROPOLITAN — (2,600), 25c-50c, 7 days. **Gross:** $8,000. (Average, $7,000)

"PAGE MISS GLORY" (W. B.)
MAJESTIC — (2,250), 25c-50c, 7 days. **Gross:** $7,500. (Average, $7,000)

"DR. JEKYLL AND MR. HYDE" (Para.)
KIRBY—(1,450), 15c-35c, 4 days. **Gross:** $3,000. (Average, $3,500)

"PARTY WIRE" (Col.)
KIRBY—(1,450), 15c-35c, 3 days. **Gross:** $1,500. (Average, $1,500)

It Was Del Ruth

"Broadway Melody of 1936," which is creating tremors of vast excitement up and down M-G-M spines these days, was directed by Roy Del Ruth.

In *Motion Picture Daily's* wired preview, published on Aug. 27, his name was inadvertently omitted.

"Alice Adams" Is Portland's Leader

PORTLAND, Sept. 3.—"Alice Adams" was the big noise of the week. In spite of the competition of a stage show and "Steamboat 'Round the Bend," it went to $6,000, over normal by $1,000 in the 1,700-seat Orpheum.

The Will Rogers vehicle in the 3,008-seat Paramount also took $6,000. "China Seas" held up to $5,000, normal for a first week, in its third week at the United Artists. "Bonnie Scotland" took a par $5,000 at the Broadway.

Total first run business was $32,700. Average is $24,700.

Estimated takings for the week ending Aug. 31:

"BONNIE SCOTLAND" (M-G-M)
BROADWAY—(1,912), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

"BLACK FURY" (W. B.)
"GOIN' TO TOWN" (Para.)
(2nd Run)
BLUE MOUSE—(1,700), 15c-25c, 7 days. **Gross:** $1,700. (Average, $1,700)

"ALICE ADAMS" (Radio)
ORPHEUM—(1,700), 25c-35c-40c, 7 days. **Gross:** $6,000. (Average, $5,000)

"STEAMBOAT 'ROUND THE BEND" (Fox)
PARAMOUNT — (3,008), 25c-35c-40c, 7 days. **Gross:** $6,000. (Average, $5,000)

"CHINA SEAS" (M-G-M)
UNITED ARTISTS—(945), 25c-35c-40c, 7 days, 3rd Downtown Week. **Gross:** $5,000. (Average, $5,000)

"Dressed," Show, Big in Milwaukee

MILWAUKEE, Sept. 3.—Young Democrats to the tune of some 4,000 from all over the country breezed into town over the week-end and helped start business off with a bang. A good opening was counteracted by only a so-so week because the State Fair broke all records in West Allis with over 350,000 in attendance. Best take for the week was "Dressed to Thrill" and Herbie Kay at Fox's Palace with a $6,500 gross. Other takes were just average.

Estimated takings for the week ending Aug. 29:

"DRESSED TO THRILL" (Fox)
PALACE—(2,800), 25c-35c-55c, 7 days. Stage: Herbie Kay and York featuring Shirley Lloyd; Carl Ritchie and Adrian Sisters; Alene and Evans; The Three Kays; Fuzzy Combs; Dale Rhodes, and the Kay Choir. **Gross:** $6,500. (Average, $5,000)

"THE GIRL WHO CAME BACK"
(Chesterfield)
RIVERSIDE—(2,300), 15c-20c-25c, 7 days. Stage: Hilton Sisters, Nash and Fately, Three St. Johns, Master Eugene, Foster & Beatty, Dave Miller and stage band. **Gross:** $5,500. (Average, $5,000)

"WITHOUT CHILDREN" (Liberty)
"THE DEVIL'S PLAYGROUND"
STRAND—(1,400), 15c-25c, 6 days. **Gross:** $800. (Average, $1,250)

"BRIGHT LIGHTS" (F. N.)
"FRONT PAGE WOMAN" (W. B.)
WARNER—(2,400), 25c-40c, 7 days. **Gross:** $5,200. (Average, $5,000)

"DANTE'S INFERNO" (Fox)
WISCONSIN—(3,200), 25c-35c-55c, 7 days. **Gross:** $6,000. (Average, $8,000)

"Alice Adams" Twin Cities' High Grosser

MINNEAPOLIS, Sept. 3. — "Alice Adams" took top gross in Minneapolis and top percentage in St. Paul, getting $6,500 and $5,000, respectively, at the two Orpheums.

Both cities had good weeks. "Accent on Youth" was good for $6,000, up by $500, at the State here, and "Escape Me Never" took $3,000, over a first week normal by $1,000, in its eighth week at the World. "Every Night at Eight" was strong at $6,000 in the St. Paul Paramount, and "We're in the Money" was just that at the Riviera.

Total first run business in Minneapolis was $22,500. Average is $21,000. Total first run business in St. Paul was $16,500. Average is $14,500.

Estimated takings:

Minneapolis

Week Ending Aug. 28:

"SMART GIRL" (Para.)
CENTURY—(1,680), 25c-40c, 7 days. **Gross:** $4,000. (Average, $4,000)

"THE MURDER MAN" (M-G-M)
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

Week Ending Aug. 29:

"ALICE ADAMS" (Radio)
ORPHEUM—(2,300), 25c-40c, 7 days. **Gross:** $6,500. (Average, $5,500)

"ACCENT ON YOUTH" (Para.)
STATE—(2,300), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,500)

"THE BLACK ROOM" (Col.)
TIME—(300), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

"ESCAPE ME NEVER" (U.A.)
WORLD—(400), 25c-55c, 7 days, 8th week. **Gross:** $3,000. (Average, $3,000)

St. Paul

Week Ending Aug. 29:

"EVERY NIGHT AT EIGHT" (Para.)
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,500)

"WE'RE IN THE MONEY" (W.B.)
RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $4,000. (Average, $3,500)

"ALICE ADAMS" (Radio)
ORPHEUM—(2,000), 25c-40c, 7 days. **Gross:** $5,000. (Average, $4,000)

"THE MURDER MAN" (M-G-M)
TOWER—(1,000), 15c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

"Seas" Is $18,500 Buffalo Sensation

BUFFALO, Sept. 3.—The tremendous wash of "China Seas," at the Buffalo last week swept away all attendance records for the past two years, drawing $18,500 to an average $11,000 house. It was moved to the Hippodrome.

A good take also was recorded at the Great Lakes, where "Bright Lights" was even at $7,000.

Total first run business was $42,100. Average is $36,100.

Estimated takings for the week ending Aug. 30:

"CHINA SEAS" (M-G-M)
BUFFALO — (3,500), 30c-50c, 7 days. **Gross:** $18,500. (Average, $11,000)

"SMILIN' THROUGH" (M-G-M)
HIPPODROME—(2,100), 30c-50c, 7 days. **Gross:** $6,000. (Average, $7,000)

"BRIGHT LIGHTS" (W. B.)
GREAT LAKES—(3,000), 25c-40c, 7 days. **Gross:** $7,000. (Average, $7,000)

"DRESSED TO THRILL" (Fox)
"BORN TO GAMBLE" (Liberty)
CENTURY—(3,000), 25c, 7 days. **Gross:** $4,600. (Average, $5,600)

"AIR HAWKS" (Col.)
"AFTER THE DANCE" (Col.)
LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $6,000. (Average, $5,500)

"Alice Adams" Cleveland Hit With $12,000

CLEVELAND, Sept. 3.—"Alice Adams" was the draw of the week among first runs. It did $12,000 at Warners' Hippodrome, where the average is $8,000.

"China Seas," playing a second week downtown at Loew's Stillman, did better than the week's average in the first three days, finishing with a little better than $9,500, which is $1,500 more than double the usual take. It is being held another week.

Vincent Lopez and his band with "We're in the Money" lacked $1,000 of reaching the RKO Palace average of $15,000. And "Every Night At Eight" made only a fair showing at Loew's State with $8,000, or $2,000 under par. The weather was clear and cool and there was no unusual outside competition.

Total first run grosses were $45,600. Average is $40,000.

Estimated takings for the week ending Aug. 30:

"LADY TUBBS" (Univ.)
ALLEN — (3,300), 30c-35c-42c, 3 days. **Gross:** $1,000. (Average, 7 days, $3,000)

"ATLANTIC ADVENTURE" (Col.)
ALLEN—(3,300), 30c-35c-42c, 4 days. **Gross:** $1,100. (Average, 7 days, $3,000)

"ALICE ADAMS" (Radio)
WARNERS' HIPPODROME — (3,800), 30c-35c-42c, 7 days. **Gross:** $12,000. (Average, $8,000)

"EVERY NIGHT AT EIGHT" (Para.)
LOEW'S STATE—(3,400), 30c-35c-42c, 7 days. **Gross:** $8,000. (Average, $10,000)

"WE'RE IN THE MONEY" (Warners)
RKO PALACE—(3,100), 30c-42c-60c, 7 days. Stage: Vincent Lopez and Band. **Gross:** $14,000. (Average, $15,000)

"CHINA SEAS" (M-G-M)
LOEW'S STILLMAN—(1,900), 30c-35c-42c, 7 days, 2nd week. **Gross:** $9,500. (Average, $4,000)

"Trapeze" High in Montreal's Pickup

MONTREAL, Sept. 3.—Grosses picked up with the arrival of cold nights and the influx of returning vacationists. "The Man on the Flying Trapeze" made the best showing of the week, going $500 over average for a take of $6,500 at the Princess.

"Sanders of the River" came within $500 of par at $10,500 in the Palace. "The Farmer Takes a Wife" and "Lady Tubbs" on a dual were weak at the Capitol.

Total first run business was $25,500. Average is $26,500.

Estimated takings for the week ending Aug. 31:

"FARMER TAKES A WIFE" (Fox)
"LADY TUBBS" (Univ.)
CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $8,500. (Average, $9,500)
IMPERIAL and LOEW'S closed.

"SANDERS OF THE RIVER" (U. A.)
PALACE — (2,600), 25c-35c-40c-50c-65c, 7 days. **Gross:** $10,500. (Average, $11,000)

"MAN ON THE FLYING TRAPEZE" (Para.)
"THE BLACK ROOM" (Col.)
PRINCESS — (2,272), 30c-35c-50c-65c, 7 days. **Gross:** $6,500. (Average, $6,000)

Jack Benny Escapes

TACOMA, Sept. 3.—Jack Benny had a narrow escape here yesterday when the yacht *Wokomis* caught fire in the Hood Canal and was completely destroyed.

"Call of Wild" Big In Lincoln, $3,500

LINCOLN, Neb., Sept. 3.—"Call of the Wild" arrived with a cold snap and did business. It grossed $3,500, $400 above the line.

"The Farmer Takes a Wife" had a whale of a beginning at the Lincoln and took $2,400, which is $200 to the good, The Varsity held over "Love Me Forever."

Total first run business was $10,050. Average is $8,850.

Estimated takings:

Week Ending Aug. 28:

"OUTLAWED GUNS" (Univ.)
"SHE GETS HER MAN" (Univ.)
COLONIAL—(750), 10c-15c, 7 days. Split week, last half doubled with personal appearance of Aloha Wonderwell. **Gross:** $850. (Average, $850)

"LOVE ME FOREVER" (Col.)
VARSITY—(1,100), 10c-15c-25c, 7 days. **Gross:** $1,800. (Average, $1,000). Held over.

Week Ending Aug. 29:

"FARMER TAKES A WIFE" (Fox)
LINCOLN—(1,600), 10c-20c-25c, 7 days. **Gross:** $2,400. (Average, $2,200)

"OLD MAN RHYTHM" (Radio)
"INFORMER" (Radio)
"ESCAPE ME NEVER" (U. A.)
ORPHEUM—(1,200), 10c-15c-20c, 7 days. **Gross:** $1,500. (Average, $1,700)

Week Ending Aug. 30:

"CALL OF THE WILD" (U. A.)
STUART — (2,000), 10c-25c-40c, 7 days. **Gross:** $3,500. (Average, $3,100)

"Alice Adams" Is Providence Smash

PROVIDENCE, Sept. 3.—Top business for the week is credited to the RKO Albee with "Alice Adams," which hit a high of $10,000 and was held over for the holidays.

Other houses in the downtown belt had difficulty meeting par. The Strand caught $6,500, which is average, with "Smart Girl" and "After the Dance" and the Majestic also hit a par $7,000 offering "Broadway Gondolier."

Total first run business was $34,400. Average is $40,500.

Estimated takings for the week ending Aug. 29:

"SMART GIRL" (Para.)
"AFTER THE DANCE" (Col.)
STRAND—(2,300), 15c-40c, 7 days. **Gross:** $6,500. (Average, $6,500)

"BROADWAY GONDOLIER" (W.B.)
"MAD LOVE" (M-G-M)
MAJESTIC—(2,400), 15c-40c, 7 days. **Gross:** $7,000. (Average, $7,000)

"BONNIE SCOTLAND" (M-G-M)
"ATLANTIC ADVENTURE" (Col.)
LOEW'S STATE—(3,800), 15c-40c, 7 days. **Gross:** $10,000. (Average, $12,000)

"ALICE ADAMS" (Radio)
"HOT TIP" (Radio)
RKO ALBEE—(2,300), 15c-40c, 7 days. **Gross:** $10,000. (Average, $7,000)

"WHAT PRICE CRIME" (Beacon)
"KENTUCKY BLUE STREAK" (Puritan)
RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $900. (Average, $1,000)

"Miss Glory" $9,800 Lead, Kansas City

KANSAS CITY, Sept. 3.—Supported by a big ad campaign, "Page Miss Glory" was the outstanding draw of the week. The Newman took in $9,800, where $7,000 is normal.

"Lady Tubbs" at the Tower built up surprisingly during the week to boost that house's gross to $8,000 above par by $1,000.

"Keeper of the Bees" at the Fox Uptown made a strong finish and did $3,400 in six days. "Steamboat 'Round the Bend" was brought in for the holiday week-end.

The Mainstreet plugged "Bright Lights" heavily along with "March of Time" and did $200 above a normal $8,000.

A gross of $8,900, while well below Loew's Midland's average of $11,500, was considered good for "China Seas," a smash its first week.

Total first run business was $38,300. Average is $36,500.

Estimated takings:

Week Ending Aug. 29:

"PAGE MISS GLORY" (W. B.)
NEWMAN — (1,800), 25c-40c, 7 days. **Gross:** $9,800. (Average, $7,000)

"LADY TUBBS" (Univ.)
TOWER—(2,200), 25c, 7 days. Stage: Jack Carson, Joe May with Louise Troxell, Varsity Co-eds, La Tour & Polly, Burt Pierce, Tower Adorables and Tower Orchestra. **Gross:** $8,000. (Average, $7,000)

"BRIGHT LIGHTS" (F. N.)
MAINSTREET—(3,100), 25c-40c, 7 days. **Gross:** $8,200. (Average, $8,000)

"CHINA SEAS" (M-G-M)
MIDLAND—(4,000), 15c-25c-40c, 7 days. **Gross:** $8,900. (Average, $11,500)

Week Ending Aug. 30:

"KEEPER OF THE BEES" (Republic)
UPTOWN—(2,000), 25c-40c, 6 days. **Gross:** $3,400. (Average, $3,000)

"Alice Adams" $21,000 Wow In Washington

WASHINGTON, Sept. 3.—"Alice Adams" was sensational at RKO Keith's. In 11 days it took $21,000 where average for seven days is $10,600.

The premiere of "Annapolis Farewell" at the Earle was good for $22,000, or $3,600 over average. The stage show, though entertaining, was no added attraction.

Second week of "China Seas" at Loew's Palace was good for $9,300.

The Belasco, operated by Radin & Levine, reopened Aug. 31, with "Loves of a Dictator."

Total first run business was $76,500. Average is $73,700.

Estimated takings, exclusive of tax:

Five Days Ending Aug. 27:

"SMART GIRL" (Para.)
METROPOLITAN — (1,591), 25c-40c, 5 days. **Gross:** $2,700. (Average, seven days, $4,300)

Week Ending Aug. 29:

"ANNAPOLIS FAREWELL" (Para.)
EARLE—(2,218), 25c-77c, 7 days. Stage: Texas Mustangs, with Bob Goodrich, Three Co-Eds, Minnard, Kay Picture; Charles Carrer; Three Wiere Brothers. **Gross:** $22,000. (Average, $18,400)

"WELCOME HOME" (Fox)
LOEW'S COLUMBIA—(1,264), 25c-40c, 7 days. **Gross:** $3,000. (Average, $3,600)

"WOMAN WANTED" (M-G-M)
LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage: Major Bowes Amateur Show, with Jack Squires as "bell ringer." **Gross:** $18,500. (Average, $20,900)

"CHINA SEAS" (M-G-M)
LOEW'S PALACE—(2,370), 35c-77c, 7 days, 2nd week. **Gross:** $9,300. (Average, first week, $15,900)

Eleven Days Ending Aug. 31:

"ALICE ADAMS" (Radio)
RKO-KEITH'S—(1,836), 25c-55c, 11 days. **Gross:** $21,000. (Average, first week, $10,600)

"Chan" and Show $19,000 Philly Smash

PHILADELPHIA, Sept. 3.—Business swung high for a second straight week with the Fox grabbing the grossing honors, with $19,000. Credit goes to Howard Thurston's stage magic show rather than to the film, "Charlie Chan in Egypt," as the Chan pictures have not been good Philly grossers in the past.

The town also went for "Bonnie Scotland" and the comedy stage show at the Earle, featuring the three Stooges, to the tune of $14,500. "Diamond Jim" also gave the Stanton its first hit picture in a long time, grossing $7,300 and earning itself a second downtown week. In its second and last week, "China Seas" also topped the house average with $13,000 at the Stanley.

Most disastrous flop of the week was "Pursuit," which only did one day at Keith's and was yanked for the re-issue of "Smilin' Through," which finished the week with a fair $2,100.

Total first run business was $70,950. Average is $63,900.

Estimated takings for the week ending Aug. 29:

"MAN ON FLYING TRAPEZE" (Para.)
(Second Run)
ARCADIA—(600), 25c-40c-50c, 6 days. **Gross:** $1,900. (Average, $2,400)

"ACCENT ON YOUTH" (Para.)
BOYD—(2,400), 40c-55c, 6 days. **Gross:** $10,000. (Average, $12,000)

"BONNIE SCOTLAND" (M-G-M)
EARLE—(2,000), 25c-40c-50c, 6 days. Stage: Three Stooges, Sylvia Manon and Co.; Captain Willie Mauss; Stanley Brothers. **Gross:** $14,500. (Average, $12,000)

"CHARLIE CHAN IN EGYPT" (Fox)
FOX—(3,000), 40c-55c-65c, 6 days. Stage: Howard Thurston and magic show. **Gross:** $19,000. (Average, $12,000)

"ALICE ADAMS" (Radio)
(Second Run)
KARLTON—(1,000), 25c-35c-40c, 6 days. **Gross:** $3,000. (Average, $3,500)

"SMILIN' THROUGH" (M-G-M)
(Re-issue)
KEITH'S—(2,000), 30c-40c-50c, 5 days. **Gross:** $2,100. (Average, 6 days, $4,000) "Pursuit" M-G-M, one day, $150.

"CHINA SEAS" (M-G-M)
STANLEY—(3,700), 40c-55c, 6 days, 2nd week. **Gross:** $13,000. (Average, $12,000)

"DIAMOND JIM" (Univ.)
STANTON—(1,700), 30c-40c-50c, 6 days. **Gross:** $7,300. (Average, $6,000)

"China" Is $7,500 High in Charlotte

CHARLOTTE, Sept. 3.—Bad weather the early part of the week failed to hit grosses and "China Seas" broke average by $2,500 in six days at the Carolina, getting $7,500.

"Page Miss Glory" was also in the big money at $6,000, over normal by $2,000, and "Curly Top" took a strong $2,000 at the Imperial in three days. During the remaining three days Columbia's "The Black Room" was weak at $1,000.

Total first run business was $16,500. Average is $12,000.

Estimated for week ending Aug. 30:

"CHINA SEAS" (M-G-M)
CAROLINA — (1,400), 25c-40c, 6 days. **Gross:** $7,500. (Average, $5,000)

"CURLY TOP" (Fox)
IMPERIAL—(949), 25c-30c, 3 days. **Gross:** $2,000. (Average, $1,500)

"THE BLACK ROOM" (Col.)
IMPERIAL—(949), 25c-30c, 3 days. **Gross:** $1,000. (Average, $1,500)

"PAGE MISS GLORY" (W. B.)
BROADWAY—(1,114), 25c-40c, 6 days. **Gross:** $6,000. (Average, $4,000)

Purely Personal

JAMES OLIVER CURWOOD'S "The Country Beyond" has been acquired by Twentieth Century-Fox; PHIL STONG'S "The Farmer in the Dell" has been purchased by Radio as a vehicle for FRED STONE; ARTHUR FITZ-RICHARDS' and JERRY HORWIN'S "The Sun Never Sets" has been purchased by Universal, and CLARE KUMMER'S "Her Master's Voice" has been taken by WALTER WANGER.

•

E. M. SAUNDERS, WILLIAM F. RODGERS, WILLIAM A. SCULLY, FRED QUIMBY, CHESTER ERSKINE, SAM SHIPMAN, TOBY GRUEN, ARTHUR ISRAEL, HENRY RANDEL, MORRIS KUTINSKY, EDWARD PESKAY and ED DAVIDOW were among the few film industry representatives at the Astor yesterday.

Quip of the Day

Rubinoff says this note sending on U. S. and Russia relations, ought to be done with his assistance. "I'm knowing hall about dis," the radio maestro says, "ain't I'm supportink eighteen Russian relations now?"

CHARLES MACARTHUR and MRS. MACARTHUR (HELEN HAYES); EDGAR SELWYN, FREDRIC MARCH and MRS. MARCH, DOUGLASS MONTGOMERY; ERICK LOCKE, assistant to ERNST LUBITSCH, and HARRY F. PERRY, cameraman, will be on the *Normandie* when it sails today.

•

JOE VOGEL returned from Boston yesterday. It was a combination of business and pleasure. The business part was attending Loew's theatres and the pleasure listening to Garbo fans applaud her entrance on the screen in "Anna Karenina."

•

MARY PICKFORD'S third book in less than a year will make its appearance in October. It is "My Rendezvous with Life" and first printing will run to 10,000 copies.

•

ARTHUR SANCHEZ of Transoceanic Film Export Co., is on his way to England, France, Belgium, Holland, Spain and Czechoslovakia on a business trip.

•

WILL H. HAYS, slated to return from his long coast sojourn over the Labor Day week-end, will not arrive until the latter part of the month.

•

SAM COCALIS says he is negotiating for Paramount, M-G-M and Warner product and if he closes these deals he'll be all set for the new season.

•

FRED ASTAIRE has left New York for the coast after a two-months vacation. He will start work soon in "Follow the Fleet" for Radio.

•

ANNA MAY WONG and A. C. BLUMENTHAL were spotted at the Westchester Country Club over the week-end.

•

SAM ROSEN, brother-in-law of SI FABIAN and also treasurer of Fabian's circuit, added another boy to his own family circuit on Saturday. Mother and baby are doing nicely.

•

JAN KIEPURA, who is under contract to Paramount, is due here on board the *Europa* next Sunday. He will go to the coast from here to start work on "The Song of the Nile."

•

GEORGE JESSEL and NORMA TALMADGE are slated for a revival of "The Jazz Singer" (stage) under the banner of J. L. SACKS.

•

NAT KARSON is exhibiting a group of scenic designs at the Algonquin under the sponsorship of SELMA ALEXANDER.

•

MILDRED HARRINGTON'S *Pictorial Review* story, "Turn Off the Moon," has been purchased by Paramount.

•

MARSHA HUNT who was recently signed by Paramount is due here Saturday for a visit with relatives.

•

ARTHUR DICKINSON of the M. P. P. D. A. returned yesterday from a vacation in northern Connecticut.

•

FANNIE BRICE leaves Saturday for the M-G-M studios for an important role in "The Great Ziegfeld." She will play herself in the film.

•

ROBERT BENJAMIN, associate of LOUIS NIZER, left for Boston last night and is due back tomorrow.

•

HARRY H. THOMAS is making a tour of several First Division exchanges.

•

FRED QUIMBY says he's trying to make that coast trip the end of the week.

•

The NATE BLUMBERGS spent the week-end at Long Branch.

•

JOSEPH BERNHARD tried dude ranching in New Jersey over the week-end.

•

JOE HORNSTEIN returned from an Albany week-end. Purely business.

•

MORT BLUMENSTOCK holidayed in Atlantic City.

•

SAM BERGER, M-G-M roving foreign representative, is on his way to the coast en route to Japan.

•

HERMAN G. WEINBERG, managing director of the Little Theatre in Baltimore, sails for South America next Saturday.

•

SIR MALCOLM CAMPBELL broke all existing automobile speed records at Salt Lake City yesterday in his *Bluebird.*

•

TOM CONNORS will be gone several weeks on his current tour of southern M-G-M exchanges.

•

JOSEPH M. SCHENCK is back on the coast again.

•

. . . Omaha

EVERT R. CUMMINGS, A. H. BLANK district manager, immediately upon his return from the Des Moines convention, betook himself and wife to the Straits of Mackinac to combat his hay fever.

CHARLEY SCHLAIFER, advertising manager for Tri-States in Omaha, and MRS. SCHLAIFER have gone to New York where they will be guests of CHARLEY'S uncle, L. J. SCHLAIFER.

KEITH WILSON, *World-Herald* critic, and JAKE RACHMAN, *Bee-News* critic, were guests of A. H. BLANK at the Des Moines banquet that marked the closing of the Tri-States convention.

Plan No Coast Previews

G. B. has decided upon no set policy of previewing all pictures on the coast, according to the home office. A few of the films designed for release here are shown at the studios, and for those papers which have no reviewing facilities in New York, but there is no intention of having all pictures previewed in Hollywood, it was said.

Protest on "Scarface"

CINCINNATI, Sept. 3. — Protest against a revival of "Scarface" at the Strand has been made to RKO officials by the Better Films Council. A letter signed by Robert H. Morgan of the council says J. Edgar Hoover, head of the U. S. Secret Service, also "regrets" the revival of the picture.

Looking 'Em Over

"Murder by Television"

(Imperial)

Routine material of the program variety, this murder mystery film, independently produced, appears more suitable for the second position on a double bill. Featuring Bela Lugosi and June Collyer, the cast names are otherwise not impressive, and present little in the way of selling ammunition.

There is a timely note struck in the theme, which finds a television in the inventor's home, from which the broadcast originates, including mental broadcasting program. The expected several suspects are present in the incentor's home, from which the broadcast originates, including a Chinese house servant, a visiting doctor and the fiance of Miss Collyer, who is the inventor's daughter. A police chief, also a visitor, takes charge of the case. Lugosi, assistant to the inventor, is the most vital suspect.

Lugosi finally is revealed as an agent of the United States Secret Service, and the least suspect, the doctor, is found to be the murderer, who had dealt the blow via television from his own office laboratories. Efforts in the direction of relieving comedy are not too successful, chiefly as a result of being overdone. In general the picture develops as average, or less than average entertainment.

Running time, 60 minutes. "G."

U. K., France Report Gains, Says Giannini

(*Continued from page 1*)

structure which should be righted," said Giannini who ranks well up front among American bankers who have financed production in this country. "The industry there will not be completely sound until the bankers evidence enough direct interest in the business to eliminate the middleman in financing and do it directly. The difficulty insofar as the British banker is concerned continues to be his lack of sufficient confidence in the stature of his own country's film industry.

"Product in England and in France is improving. I saw enough pictures from both sources to convince myself on that score. It is true that in my opinion producers of both nations have considerable to learn in point of tempo and continuity, but the strides made this year over last are concrete and self-evident.

"I believe further that our own government might well tear a leaf from the book of the English, the French, and, in fact, virtually all European governments. They are interested in the status and the future progress of their film industries because they recognize the force of the medium. I do not mean that the American government should interfere with the normal operations of the business on this side, but I do feel that by its attitude and its reactions to industry problems it could easily be an influence for good."

Giannini will remain here about a week visiting and discussing trade problems with ranking executives in various major companies whom he knows well and then return to his banking post in Los Angeles.

Anti-Trust Angles Studied in Dallas

DALLAS, Sept. 3.—Dwight Savage, Washington, special attorney assigned to anti-trust investigations in Texas, is in Dallas. Inquiries at leading exchanges and circuits have failed to find any trace of his work. He has been in conference with some individuals on the independent side. Opinion seems to be that no direct action will be taken here until the Government's actions in St. Louis have gotten further along.

Plan Film on Dafoe

HOLLYWOOD, Sept. 3. — Charles Blake, Chicago newspaper reporter, has checked in at 20th Century-Fox lot to prepare the script of "The Country Doctor," story which will be based on the life and experiences of Dr. Alan R. Dafoe, who delivered the Dionne quintuplets. Blake sold the idea to Darryl F. Zanuck by wire and was given a five-week contract.

Col. Declares Dividend

Columbia yesterday declared a quarterly dividend of 25 cents, payable Oct. 1 to stockholders of record Sept. 18.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 56 NEW YORK, THURSDAY, SEPTEMBER 5, 1935 TEN CENTS

M-G-M Sales Of Protection Are Admitted

Policy Is National to Safeguard Revenues

Admitting that M-G-M has sold increased protection to a number of independents in Cleveland, an M-G-M sales executive declares that this policy is not limited to Ohio, but is national in scope.

"More than 25 independents in Cleveland recently reduced admissions to 15 cents," the sales executive said. "As you know, the town is flooded with double features again after a period of singles.

"There are a number of exhibitors who do not want to reduce admissions, but would be forced to follow suit unless granted extended clearance. In order to protect our rentals we had to sell with an extra seven days to two weeks protection. Many of our pictures play on percentages in Cleveland and if exhibitors cut to 15 cents our revenue would likewise diminish.

"I have always maintained that clearance has a definite value in returns of our pictures. M-G-M has no stereotyped plan of clearance, but we are anxious to keep up admissions and likewise protect our revenue nationally. This company has only sold protection where justified," the executive declares.

Production Holds; 37 Films in Work

Hollywood, Sept. 4.—Production held an even pace last week, showing slight variation from the previous week. The seven-day survey showed 37 features and five shorts in work as compared to 36 features and four shorts for the week preceding.

M-G-M had six features shooting,

(*Continued on page* 2)

Japan Moves to Get Control of Industry

Tokyo, Sept. 4.—A move for control of the Japanese industry in the interests of the state has been launched here. A proposal to establish an organization to exercise control over the business has been laid before Japanese film leaders by Home Minister Fumio Goto. The name of the organization may be the Japan Photoplay Ass'n.

The idea is said to have been approved by the industry.

Competitive Practices Stir Moves for Control

Complaints, Pleas Pour In; Chance Games and Duals Big Problem

Unrestrained competitive practices that are sweeping through exhibition have deluged official and semi-official industry bodies with complaints and pleas for the establishment of some form of regulatory and disciplinary machinery, it was learned yesterday.

The complaints are directed for the most part against the use and unrestrained spread of chance games and giveaways, but double featuring, admission price cutting, overbuying and protection abuses are also bringing a storm of protests and threats of retaliatory action from aggrieved exhibitors in every section of the country, it was said.

The protests are being received daily at headquarters of virtually every lo-

(*Continued on page* 6)

306 Seeking Strike Right From Browne

Irked by a recent edict handed down by the I.A.T.S.E. prohibiting a strike, members of Local 306 met yesterday morning in Oddfellows Hall in Brooklyn and appointed a committee of six, headed by Joseph D. Basson, president, to go to Washington and confer with George E. Browne, head of the International, on revoking the order.

The move was unanimously approved by the union's members and a telegram was despatched to the Capital offices

(*Continued on page* 2)

Warner Urges Trades To Launch Expansion

Hollywood, Sept. 4.—Harry M. Warner today entrained for New York after three months here, expressing the hope that more business leaders would launch immediately whatever building expansion plans they might be holding in abeyance. Stating that the current Warner expansion program was providing employment for 5,000, Warner pointed out that industry leaders could give work to many now on relief rolls if they abandoned their "marking-time" policy.

Wurtzel Re-Signs

Hollywood, Sept. 4.—Sol Wurtzel today signed a new long-term contract as an executive producer for Twentieth Century-Fox. His current agreement has a full year to run, after which the new contract will become effective. His status at the Hollywood plant will remain unchanged.

Wurtzel has been with Fox practically since the beginning of his career. Latterly he was in charge of the Western Avenue studios.

Scale Boosts Not in Sight For Seattle

This is the fifth installment in a national survey on the trend of admission prices.

Seattle, Sept. 4.—No price increases in Seattle or the surrounding territory have been noted during the last few months, nor have there been examples of reductions. Indications point to the fact that exhibitors in this territory are holding pretty generally to their previous scales, with the addition of the state admission tax that is being

(*Continued on page* 6)

Theatre Remodeling Swings Into High in Local Area

Remodeling of independent and major circuit houses in the local area is in full swing. Theatre equipment companies report about 50 houses now undergoing alterations of various kinds.

New carpets are being put in by Joe Hornstein at the Majestic, Jersey City; Shubert, Newark; Pelham, Pelham; Symphony, Monroe, Eton, Eagle, Concourse, Metro, Congress and Dyckman in the metropolitan area; Majestic, Paterson.

Harry Brandt is the most active in remodeling. Belle Theatres is spending $45,000 on alterations.

Fox Continues Expansion

Denver, Sept. 4.—The Fox Intermountain Corp., maintaining its expansion program, has purchased the Curran at Boulder, Colo., and will begin a $100,000 house on that site. Fox has been operating the house for five years and has now bought it from the Boulder Kohn and Fairchild

(*Continued on page* 14)

Warners-Skouras In 7-House Pool

Contracts for the pooling of three Skouras and four Warner houses in New Jersey have been signed by George Skouras, representing the former, and Joseph Bernhard, for the latter. The deal, which starts tomorrow, is for a 10-year period. Under the terms of the arrangement certain theatres will be operated by Skouras and the others by Warners.

Skouras houses involved are Fox, Hackensack; Liberty, Elizabeth, and

(*Continued on page* 2)

Kent and Kane Sail On Fox U.K. Program

S. R. Kent, president of Fox, yesterday sailed on the *Berengaria* with Robert T. Kane, who will be in charge of Twentieth Century-Fox production in England, to set up an organization in London. The company will most likely maintain headquarters at Denham Studios, now being completed by Alexander Korda.

"Twentieth Century-Fox operations for 1935 show a greater improvement over last year," Kent said prior to sailing. "We are ahead of production and moving along at a good rate. The tremendous theatre business over the Labor Day week-end will naturally be reflected in the company's returns," he declared.

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DAILY
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Production Holds; 37 Films in Work

(Continued from page 1)

none that would start within the next two weeks and 13 in the cutting rooms. Paramount had six, three and eight; Universal, six, one and four; Warners, six, zero and five; Twentieth Century-Fox five, two and six; Radio, five, two and six; Columbia, three, two and three; Goldwyn, zero, one and one. The independents had zero, two and two.

Short subject production held about the same. M-G-M had two shorts in work, one in preparation and slated for cameras within two weeks and three in the cutting room. Columbia had two, two and three; Universal, zero, one and zero; Warners, zero, zero and one; Radio, zero, one and seven, with the independents checking up with one, one and one.

Atkins Heading for F. D. Chairmanship

Robert W. Atkins, executive vice-president and a director of Pathe, is slated to be elected chairman of the board of First Division at a meeting of the company's board scheduled for today. Atkins will also head First International Pictures, Inc., the Pathe subsidiary organized to acquire the stock of First Division. Harry H. Thomas is slated to continue as president of First Division.

Purely Personal

MICHAEL BARTLETT will be guest star on the Paul Whiteman hour Sept. 12. The deal was handled by the William Morris agency. Frank Parker, who has just finished a picture at the Long Island Studio, will go on the Atlantic Refining Hour and Frank Crumit will do four additional weeks on the Ipana program.

●

Winfield Sheehan, now in Vienna on his combined honeymoon and vacation trip, writes to friends here that he, with Jack Connolly of Pathe News, arranged to have a memorial service said for Will Rogers in the chapel of the *Normandie* while crossing.

Quip of the Day

Two comedians were arguing about the ownership of a gag. Said the first after various attempts to date the first use of the material:

"Well, anyway, I paid for it."

"Who had the money, Julius Caesar?"

—The Era, London.

A. H. Schwartz, Jack Partington, Colvin Brown, Ed Fay, Arthur Lee, George Weeks, William Feitelson, Charles Moses, Al Hovell and John Schultz were grouped at various tables at the Tavern during yesterday's mid-day lunch respite.

●

Fred Metzler, treasurer of Fox West Coast, is en route to the coast and due in Los Angeles Saturday. While here he conferred with Spyros and Charles Skouras on the reorganization setup of the circuit.

●

Ned Depinet, Leslie E. Thompson, Lynn Farnol, Richard Watts, Jr., George Trendle, Dr. A. H. Giannini and Martin Quigley were among those glimpsed at the Rockefeller Center Luncheon Club yesterday.

●

Mel Heymann of the M-G-M publicity department is still out with a bad cold. After recovering somewhat, he returned to the office only to be forced to return to bed.

●

Henry Ginsberg, vice-president and general manager of the Hal Roach Studios, and Mrs. Ginsberg are due in from Europe on the *Aquitania* tomorrow.

●

The Arthur J. Leonards now have an eight-pound girl, named Helene Patricia, in their family. Papa is in the accounts department at Paramount.

●

Margaret Callahan, stage player recently signed by RKO, has returned to the coast after a vacation here.

●

Alfred Lunt and Lynn Fontanne are rehearsing the Theatre Guild's "The Taming of the Shrew."

●

Ruth Chatterton, weather permitting, is due to set her plane down on nearby terrain today. She is coming from the air race she sponsored in Cleveland.

●

Harry C. Arthur broke 200 on the scales yesterday for the first time in five years. He's down to 199½, or 17 pounds heavier than Irving Lesser.

●

Charles Koerner, RKO Boston divison head, has been in town for the past two days conferring with home office executives.

●

Edgar Selwyn, associate producer at M-G-M, sailed yesterday on the *Normandie* for a short vacation in England.

●

Herbert T. Kalmus, president of Technicolor, and F. F. Bryant left for the coast yesterday.

●

Bob Wilby, accompanied by the missus, is in town enroute to Atlanta following a vacation in Bermuda.

●

Louis Nizer is due back from his European jaunt about the middle of the month.

●

Henry and Mildred Ginsberg are due back from their European trip on Friday.

●

. . . Chicago

Mrs. Allan Usher, is reported making very satisfactory recovery. She lost a hand several weeks ago when struck by an airplane propeller.

Harvey B. Day, of Terry-Toons, visiting.

Harold Mirisch, Milwaukee district manager for Warners, was here looking over the new product and closing bookings.

Herman Garfield of Harry Sherman Prod. was a caller at the Paramount exchange. He is handling the "Hop Along Cassidy" series.

"Angel" Opens Tonight

Many celebrities are expected to turn out tonight for the opening of "The Dark Angel" at the Rivoli. Among them will be Helen Vinson, Fred Perry, Herbert Bayard Swope, Grace Moore, Dr. A. H. Giannini, Sir Gerald Campbell, Lillian Hellman, Luigi Pirandello, June Knight, Dorothy Mackaill, Burns and Allen, Fifi D'Orsay, Mae Murray and Phil Baker.

Mrs. C. B. North Dies

Mrs. Caroline B. North, mother of Mrs. P. D. Cochrane, is dead following a stroke a month ago which virtually paralyzed her. She was 84 years of age.

Funeral services will be held from the Davis Chapel, New Rochelle, tomorrow at 3 P. M.

Loew Declares Dividend

The regular quarterly dividend of 50 cents on the 1,490,095 outstanding shares of common stock was declared by Loew directors yesterday, payable Sept. 30 to stockholders as of Sept. 17. The disbursement amounts to $745,047.50. The next directors' meeting will be held Oct. 2.

To Meet on Memorial

Oklahoma City, Sept. 4.—An early meeting of the Will Rogers Memorial Committee will be called here to choose a memorial to the humorist.

306 Seeking Strike Right From Browne

(Continued from page 1)

of the International for an immediate audience. The departure to Washington of the committee depends on Browne's reply.

On the committee, in addition to Basson, are Frank J. Ruddock, vice-president of Local 306; Charles Thide, Alexander Polin, Bert Popkin and Harry Storin.

Meanwhile the executive committee of the union and circuit representatives met last night to continue negotiations on a basic wage scale.

The move to rescind the strike order does not necessarily indicate such a step will be taken. Local 306 feels its powers under local autonomy are being nullified because of interference by the I.A.T.S.E. The union is anxious to make a two-year deal with the circuit and independents, but, at the same time, does not want to be handicapped by International regulations.

Warners-Skouras In 7-House Pool

(Continued from page 1)

State, Jersey City. Warners' theatres are the Oritania, Hackensack; Ritz and Regent, Elizabeth, and Stanley, Jersey City.

After canceling the lease on the Pascack, Westwood, Skouras has signed a new rental agreement for the theatre under the name of Modern Playhouses, Inc. The circuit also operates the Westwood in this town, having acquired it some months ago from the Rosenblatt-Welt circuit. Skouras has also closed for the Cameo, Ossining, N. Y., making two for the outfit in this town. The other house is the Victoria.

Skouras late last week took over the Englewood, Englewood, N. J., on a 10-year lease from Walter Reade.

The Warner-Skouras pool has been on and off for the past three years and was finally consummated late last week.

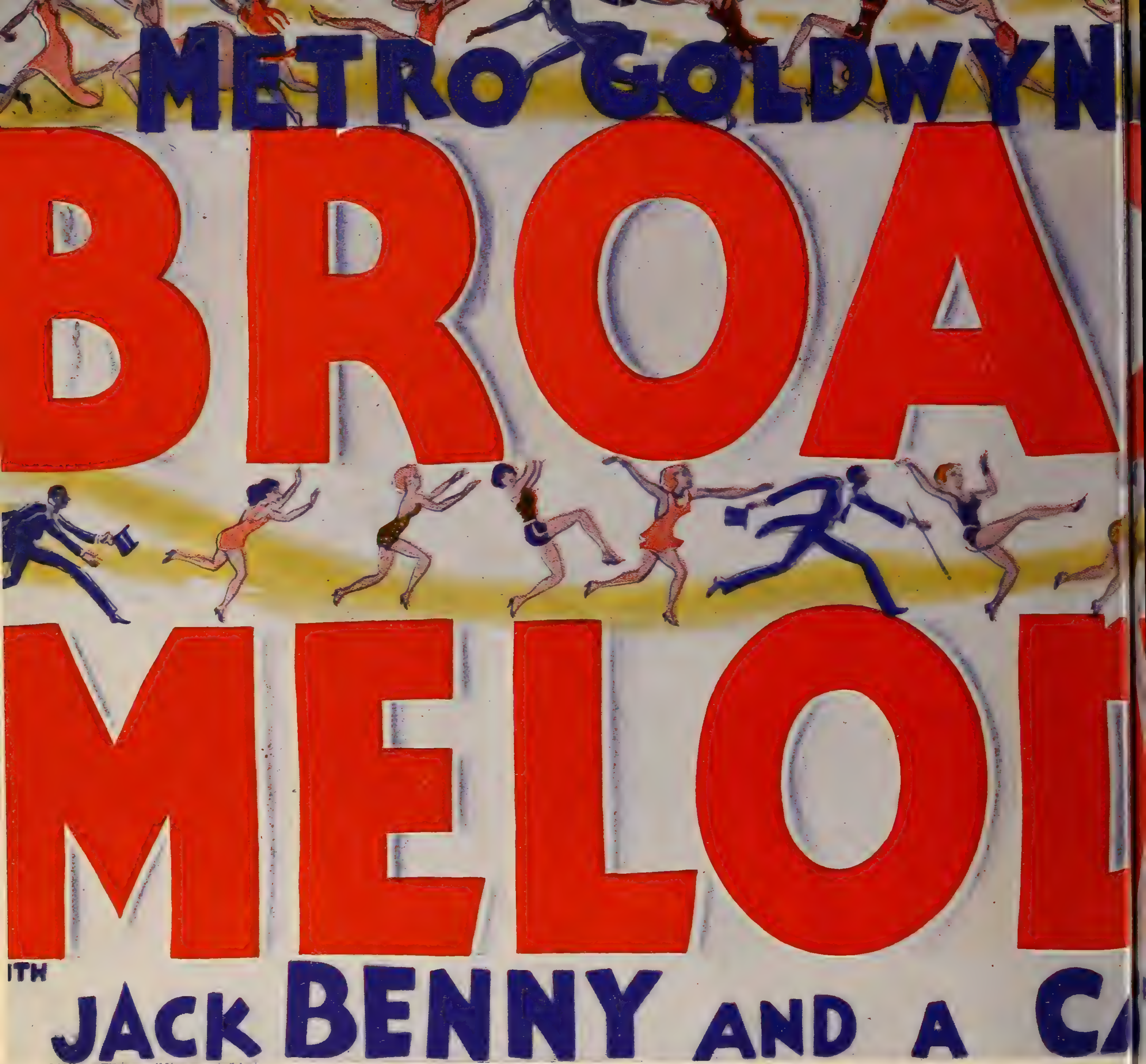
Final details in the pooling arrangement between Skouras and Century in Long Island will be set Sept. 14. The original date was set for Sept. 7, but has been postponed a week by consent of attorneys.

Quiet on Loy Pact With H-M Pictures

The law firm of Chadbourne, Stanchfield & Levy, which represented Myrna Loy in her much publicized negotiations for a contract with Ben Hecht and Charles MacArthur, declined to comment yesterday on Miss Loy's return to the M-G-M studio on a contract said to involve the same terms as those of her former M-G-M pact. William Saxe, a member of the law firm, made himself unavailable to reporters and other persons in the law office professed to know nothing of the effect which Miss Loy's return to M-G-M would have on her publicized contract with Hecht and MacArthur.

THE PICTURE OF THE WEEK

Because it introduces to the screen charming young **SYBIL JASON**, 5-year-old singing, dancing, and acting sensation... because its story of a lovable youngster reforming a pair of champion chiselers will tug at every heart-string . . . because it features Glenda Farrell, Robert ('G-Men') Armstrong, Edward Everett Horton, all stars in their own right...Warner Bros.' **"LITTLE BIG SHOT"** is far and away the big shot among this week's screen fare. Directed by Michael Curtiz. Released September 7th.


METRO GOLDWYN
BROA
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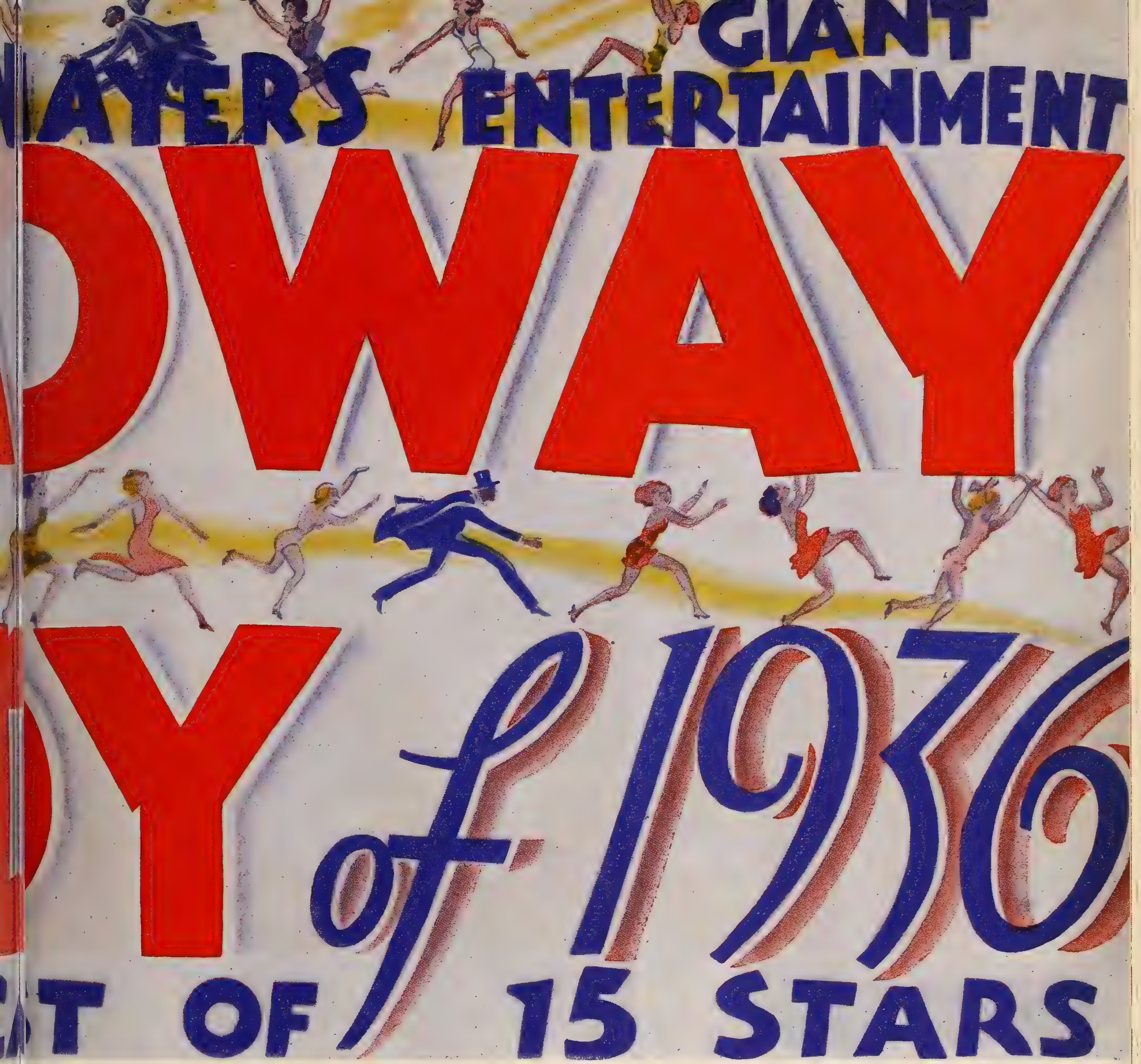
ITH
JACK BENNY AND A CA

Overnight its fame electrifies the nation from Coast to Coast!

OKAY! A


AYERS
GIANT
ENTERTAINMENT
DWAY
DY of 1936
ST OF 15 STARS

Overnight in 1500 cities the 24-sheet above appears on 9500 stands!

MERICA!

(EVERY DAY, IN EVERY WAY YOU'LL BE HEARING ABOUT IT)

Scale Boosts Not in Sight For Seattle

(Continued from page 1)

passed on to the patron as required by law.

The only local examples of changes occurred about two months ago at the Paramount and Orpheum. At that time it was agreed by Evergreen (F WC) and John Hamrick to abandon the 25 cent general admission after 1 p. m. The scale in those houses, now under merged joint operation, is 25 cents until one, 30 cents until 6 p. m. and 40 cents thereafter, instead of 25 and 35 cents as formerly.

A few scattered third and fourth runs often vary their prices five cents for matinees on big attractions, but this cannot be considered a trend toward either increase or decrease generally.

No Change in Columbus

Columbus, O., Sept. 4.—Prices at first runs will remain the same for the new season. They have not been reduced, except for the change when adding the three per cent sales tax instead of the previous 10 per cent admission tax.

Loew's Ohio and Broad, as well as the RKO Palace, charge 30 cents matinee with a scale of 30 to 42 cents evenings for balcony and lower floor. The RKO Majestic gets 25 cents in the afternoon with the evening tariff 25 and 30 cents balcony and lower floor, respectively. Scale for the RKO Grand, recently taken over by the circuit for opening next month, has not been determined.

Subsequent run houses, downtown, neighborhood and suburban, charge from 10 to 25 cents. These prices will be maintained. Exhibitors say it is all, and occasionally more, than the traffic will stand.

Canton in Status Quo

Canton, O., Sept. 4.—This city's three downtown first runs—Loew, Palace and Alhambra—will continue their 35 cent top scale through the fall and winter. There is no indication that admissions will be upped in any of the city's eight houses now in operation.

The 35 cent top agreement was reached by the management of the city's three major theatres several months ago and has been in effect throughout the summer. Afternoon admission is 25 cents.

The Mozart, Valentine and McKinley, second runs, are charging 15 cents nights and 10 in the afternoons. The Strand, downtown stand, playing duals, and the Windsor, a neighborhood house offering double features most of the week, are holding to a dime at all times. Children under 12 pay a dime at all theatres.

The Grand, oldest house here, is the only dark house at the present time, the situation being better than for several years.

"Salute" for St. Louis

St. Louis, Sept. 4.—"Red Salute," Reliance film made for United Artists release, will have its world premiere at the Ambassador here Sept. 20.

Wall Street

Small Gains on Big Board

	High	Low	Close	Net Change
Columbia, vtc.	72½	70¼	72	+ ⅜
Consolidated	4⅞	4½	4½	— ¼
Consolidated, pfd.	17	16⅞	17	.....
Eastman	149½	147	149½	+1¾
Loew's, Inc.	42⅛	41⅛	42⅛	+ ½
Paramount, 1 pfd	91⅞	91	91¼	+ ½
Paramount, 2 pfd	12	11⅜	12	+ ¼
Paramount Publix	10⅜	9⅞	10⅜	+ ¼
Pathe Film	6¾	6½	6⅝	.....
RKO	3⅛	2⅞	3⅛	+ ⅛
20th Century-Fox	18½	17	17⅞	— ⅞
20th Century, pfd	26⅜	25⅛	26⅜	+1⅜
Warner Bros.	6⅜	6⅛	6¼	.....
Warner, pfd	43⅝	42¼	43	.....

Technicolor Only Gain on Curb

	High	Low	Close	Net Change
Sonotone	2	1⅞	2	— ⅜
Sentry Safety	¼	¼	¼	— ⅛
Technicolor	20¼	20⅛	20¼	+ ⅜
Trans-Lux	2¾	2¾	2¾	.....

Gen'l Theatre Bonds Gain Fractionally

	High	Low	Close	Net Change
General Theatre Equip. 6s '40	15⅜	15	15¼	+ ⅜
General Theatre Equip. 6s '40 ctf	15¼	15	15¼	+ ⅜
Loew's 6s '41 ww deb rights	104½	104¼	104½	+ ½
Paramount Pict. 6s '55	95	94	95	+ ⅝
Paramount F. L 6s '47	105½	105½	105½	— ½
Paramount Publix 5½s '50	107¾	106¾	107¾	.....
Warner Bros. 6s '39 wd	79	78¼	79	— ¼

(Quotations at close of Sept. 4)

M. & P. to Try Bank Night in Portland

Portland, Me., Sept. 4.—M. & P. Publix will spot bank night at the State, managed by Harlan Boucher, on Sept. 9. The scheme recently failed to click at the Empire.

M. & P.-Publix tried cash night, a cash giveaway of its own, in a number of its houses without much success. Bank night added headaches with a threatened suit for infringement of copyright. If bank night lines them up in Portland, it bids fair to be utilized over much of the circuit, which is at present going in big for dishware in many situations.

Papers in Mickey Tieup

One hundred and twenty-three newspapers in this country and Canada will take part in the celebration of Mickey Mouse's seventh birthday on Sept. 28 by running on that date a special comic strip devoted exclusively to the Walt Disney cartoon character. The tieup has been arranged by United Artists and King Features Syndicate.

Casanave in U. A. Deal

Charles L. Casanave of the American Display Co. has closed a deal with United Artists to supply special advertising accessories. He says this is the fourth major company to reach an agreement for lobby displays and other advertising equipment.

Republic to RKO, Loew

Loew's and RKO have closed with Republic for 24 pictures each, the former circuit signing for 63 houses and the latter for 42. Herman Gluckman, president of Republic's New York exchange, closed for the distributor.

Manchuria's Film Imports Building

By H. TOMINAGA

Tokyo, Aug. 11.—Manchurian film imports and box-office receipts are on the increase, reports indicate. Since the Chinese Eastern Railway was taken over from the Russians by the Manchurian Government the Japanese population along the line has increased steadily. This is especially true of educated Japanese.

Audiences have shown marked gains during the past two years in Dairen, Mukden, Shintsing and Harbin, the rise amounting to about 20 per cent.

Popularity of film types is practically the same as in Japan—musicals with jazz songs and dance music. No Japanese films have been produced to fill this need, so all of the current supply is imported.

* * *

A widespread movement has started here for the study of films in universities and high schools. Some schools have introduced film study as a part of the literature courses. Weekly discussions are held.

In a recent vote taken by 300 students in Nippon University, a majority of whom take the film courses, the popularity ratings of foreign stars were given as follows: Jean Parker, 14; Marta Eggerth, eight; Greta Garbo, eight; Anna Sten, seven; Joan Crawford, seven; Loretta Young, six; Marie Bell, four; Lilian Harvey, four; Elisabeth Bergner, three; Shirley Temple, three; Angela Sallcker, two; Dorothea Weick, two; Francoise Rose, two; Fay Wray, two; Myrna Loy, two.

F. & M. Men Called In St. Louis Suit

Harry C. Arthur, Jack Partington and Irving Lesser of Fanchon & Marco have been served with subpoenas in connection with the Government's anti-trust suit against Paramount, RKO and Warners in St. Louis.

Arthur and Lesser leave Sunday for the hearings which start Tuesday before Federal Judge George C. Moore. Partington today departs for Cincinnati to attend the opening of a F. & M. unit. After a day in Cincinnati, Partington will go to St. Louis.

Milton Arthur, one of Harry's brothers on the coast, was served Monday. He leaves by plane for St. Louis on Sunday.

E. K. Hessberg and Robert W. Perkins of the Warner legal department also have been served and leave tomorrow for St. Louis.

I. T. O. A. Meets

Insurance, labor and a report on the organization's dinner and dance last week highlighted yesterday's regular meeting of the I. T. O. A.

Harry Brandt, president, promised an enthusiastic report on the local labor situation at next Wednesday's session.

Republic Changes Title

Hollywood, Sept. 4. — Republic will release as "Two Sinners" the film shot under the title, "Two Black Sheep."

Competition Stirs Moves For Control

(Continued from page 1)

cal and national exhibitor organization, circuit headquarters, the M. P. P. D. A. and various Federal trade practice bureaus at Washington. In addition, legal actions involving trade practices are becoming more and more common in local and Federal courts and numerous exhibitor groups are eying legislative bodies with a view to obtaining regulatory legislation, according to information received in New York.

Recent statistics compiled by the NRA at Washington revealed nearly 70 instances of abandonment of former code standards in this industry since the nullification of NRA codes last spring.

Industry and exhibitor leaders, spurred on by the increasing number of complaints and appeals for aid in restraining unlicensed trade practices, have been making an untiring search for a workable system of internal regulation, but have met with little success to date, it is said. The existing situation, however, is seen as emphasizing the need for adoption of an enforceable, yet voluntary, trade practice code, or a comparable form of regulatory machinery. Many industry sources see present conditions hastening the setting up of new arbitration and trade practice units, possibly on the foundations of the old Film Boards of Trade, this fall.

Although the Council on Trade Agreements listed the industry as one of 49 "engaged in drafting voluntary trade practice agreements" in a recent report, the industry's voluntary code committee which was formed last June following the passing of NRA admits that it has been unable to determine a legal basis for a voluntary code.

J. Robert Rubin, chairman of the committee, points out in *Motion Picture Herald* today that an effective industry code would have to avoid any semblance of concerted action in order to be legal and to receive the approval of the Federal Trade Commission. such a document would be very difficult to draft, he said, and added that any plan discussed up to now has inevitably come up against "the element of combination."

FitzPatrick Gets Talent

James A. FitzPatrick has just signed Mrs. Maria Grever, composer, to do an original score for "Oriental Paradise," which was filmed by Mrs. FitzPatrick in Japan. Rosario Bourdon will handle the orchestration. It will be cut to feature length.

Nathaniel Shilkret is doing a music score for "David Livingstone," another feature. Cameron Rogers did the script and scenes were made in Africa.

Fire on Paramount Lot

Hollywood, Sept. 4.—The "prop" building on the Paramount lot here was the scene of much excitement today when a fire broke out. Actors at work on nearby sets assisted firemen in extinguishing the blaze, which threatened the studio arsenal.

Texas Probes Film Problems of Frels

Dallas, Sept. 4.—Dwight L. Savage, special assistant to the attorney general, has had a group of branch managers at the office of George Wright, film companies' attorney, and has submitted to them a letter conveying a request for answers to questions on a prepared questionnaire.

Eighteen questions were asked, including a list of all releases for the seasons 1930-31 to 1935-36 inclusive; the names of all such pictures announced in advance; the ones that were not released; the ones that were delivered; the ones that were made available to Rubin Frels, Victoria theatre, Victoria, Texas, for first run exhibition, together with the prices paid; the same for second run, and both of the above questions for Frels' Uptown at Victoria. This series of questions numbered eight.

Beginning with question nine, the same information was desired with respect to Jefferson Amusement Co. and/or J. G. Long for each season of 1933-34, 1934-35 and 1935-36, for their Queen at Victoria, both first and second run, and the prices paid, and for the seasons 1930-31 to 1935-36 inclusive for their Rita at Victoria.

Questions 13 and 14 asked for a list of all other towns in Texas for which licenses were granted to Jefferson Amusement Co., or its subsidiary, East Texas Theatres, Inc., for either first or second run.

This investigation grew out of cases filed by Rubin Frels before the grievance board, complaining of his inability to obtain pictures. Frels has filed suit in a Texas court at Victoria, and is understood to have action in preparation for the Federal court.

Jefferson Amusement Co. has been in Victoria since the 1930-31 season, but beginning with the 1933-34 season transferred its holdings to J. G. Long, delivering to him completed film agreements at that time.

Missouri's Tokens Must Be Kept Clean

Kansas City, Sept. 4.—Missourians are not to have even the pleasure of wise-cracking in connection with the new sales tax, over which exhibitors and others have suffered a headache.

Forrest Smith, state auditor and collector of the tax, has issued a warning to merchants not to accept tokens bearing anything but the printed inscription.

The warning was prompted by wisecracks, advertising, etc., on the blank side of the tokens, a method Missourians have resorted to to vent their opinion of the sales tax law. One example of "defacing" is a picture of Tom Pendergast, local and state political boss, stamped on the tokens. "Vote G. O. P. get rid of the sales tax" is another form "defacement" has taken.

Smith termed the defacement fourth degree counterfeiting—whatever that is—punishable by five years' imprisonment. Any such tokens are accepted by dealers at their own risk, and they may not be redeemed at Smith's office.

In the out-of-town houses where admission prices are higher than in Kansas City, Dubinsky Brothers are attempting to get people in the habit of having the sales tax tokens ready with their admission.

Looking 'Em Over

"Seeing Hungary"

(Danubia)

In "Seeing Hungary," Hunnia of Budapest has turned out a first class travelogue that ought to be of wide appeal to American filmgoers who like this type of entertainment. The picture offers a comprehensive picture of life in Hungary. No phase of Hungarian life is left untouched.

The camera shows the nation at work and at play, records some of the folk tunes, takes the spectator into every nook and cranny throughout the width and breadth of the land of the Magyars. It is educational and entertaining at the same time.

The film has been fitted out with a musical score packed with lilting tunes and has been given the advantage of beautiful photography.

English subtitles are used.

No production code seal. Running time, 54 minutes. "G."

"Heart's Desire"

(Associated British Pictures)

London, Aug. 27.—Richard Tauber, star in A. B. P.'s "April Blossoms," has as many opportunities to sing and a part of a much more popular type in this new musical from the same studio. There is a happy blend of the ballad and operatic elements in his solo efforts, story values are popular and modern and settings and sound are both good.

The comparatively simple story, of a Viennese beer garden singer who becomes an opera star but, jilted, returns to Vienna and his first sweetheart, enables Tauber to go through his repertoire against well varied backgrounds. His magnificent voice should bring in all his admirers and the support in both comedy and serious roles is generally good. Paul Graetz is outstanding as the singer's manager.

The musical appeal is definitely presented in a more popular form than in "April Blossoms," the film to which this can be most fairly compared.

Running time, 87 minutes. "G." ALLAN.

Install Aids for Deaf

Tampa, Sept. 3.—The Tampa has equipped two full rows of seats with hookups for head sets for deaf people at a cost of $550. The theatre will have a number of head phone sets to lend people who haven't any.

Audio Finishing Two

Audio Prod. is completing two Musical Moods tentatively called "Winter" and "Spring," with Edwin E. Ludig doing the musical direction and scores. Much of the footage was shot recently by Charles L. Glett on a transcontinental tour.

Two Titles Changed

Hollywood, Sept. 4.—Universal has changed "The Hangover Murders" to "Remember Last Night?" At the same time RKO, fearing that "In Person" might be misleading over a marquee, has canceled that as the title of Ginger Rogers' next picture and is seeking a new one.

Stage Shows for Omaha

Omaha, Sept. 4.—Competition has taken a new turn. L. L. Dent has added stage shows at the Varsity on a full week basis to compete with J. H. Cooper's vaudeville-film combination at the Orpheum.

Start Razing Old Hollis

Boston, Sept. 4.—Almost on its 50th anniversary to a day, razing the old Hollis Street Theatre has begun. The space, it is said, will be used as a parking lot for the Metropolitan.

Marta Eggerth Feted

Marta Eggerth, Universal's latest importation, was feted at a cocktail party yesterday at the Hotel Pierre. A large crowd was there to wish her welcome.

Among those on hand were Frank Nugent of the *New York Times*, Martin Dickstein of the *Brooklyn* Times, Madge Evans, C. Halliwell Duell, Robert Hurat, Dorothy Day, Dr. Reiss of the *Staats-Zeitung*, Dorothy Dunbar, Florence Strauss, Leah Salisbury, Leila Bauer, Bland Gregory, Alice Schupper, Stephan Bosch, Ramon Romero and Morris Kinzler.

The Hungarian actress, who arrived on the *Normandie* Monday, leaves Saturday with her mother for the Universal studios.

Close Englewood Houses

Englewood, N. J., Sept. 4.—The two local houses have been closed by order of Dr. John H. Irwin, city physician, in an effort to limit the spread of infantile paralysis. Gatherings of all sorts, including political rallies, have been called off. It is possible that the Sept. 11 school opening will be delayed.

No Mayberry Successor

Hollywood, Sept. 4.—Max Arnow head of Warners' casting department, will not replace William Mayberry, his assistant, who resigned to go to Twentieth Century-Fox. Russel Trost and Irving Kunan, who have been in the casting office for some years, will divide Mayberry's duties between them.

Ticket Tax Sponsor Resigns in Ontario

Toronto, Sept. 4.—The father of the Amusements Tax is out. J. T. White, assistant treasurer of the Ontario Government, has been permitted to resign from his post because of "ill health" and this is said to be the first of a number of resignations which will take place because of dissatisfaction of Premier M. F. Hepburn over the provincial amusements tax situation.

It was the Province of Ontario which created the first "ticket tax" anywhere, this having been an emergency measure during the war to raise further public funds, and J. T. White was credited with being the author of the idea which was later adopted by other provinces and countries. Eventually, the so-called war tax became a permanent institution.

The heavy tax increases in Ontario, starting last June, quickly brought more revenue to the province than Premier Hepburn had intended and as a result of the great outcry by theatres and amusement patrons the Government has been placed in an embarrassing position, it has been stated.

Mississippi Has Hopes

Jackson, Miss., Sept. 4.—Possibilities of obtaining a repeal or modification of the Mississippi 12 per cent admission tax are envisioned by state exhibitors as a result of the nomination of Hugh L. White for governor at this week's primaries. Nomination in this state is tantamount to election.

White has been friendly to the theatre industry and was aided in his campaign by 80 per cent of the exhibitors, all of whom made their screens available to White and his campaign workers. His defeated opponent, Percy Johnston, attacked films in his campaign speeches and flatly asserted that he would maintain the 12 per cent admission tax if elected.

I. B. E. W. in a Deal With Independents

Los Angeles, Sept. 4.—The I.B.E.W. has drawn up a basic working agreement with independent studios for sound men, according to organization officials. Five independents have signed the agreement, which puts the sound craft on a new wage scale. Heretofore, the I.B.E.W. had a verbal agreement with independents with no contract.

From inside sources it is reported a splitup in I.B.E.W. membership is impending due to the trial of members now being conducted for alleged affiliation with the N.A.C.C. According to reports, I.B.E.W. members having no affiliation with the N.A.C.C. have received notices to appear before the trial board.

Hearings started last night with the schedule calling for two members to appear before the trial board each night over a period of a month.

Curtis in Montreal Job

Montreal, Sept. 4.—Gene Curtis, recently at the headquarters in Toronto of Famous Players Canadian Corp., has been appointed manager of Loew's Theatre, Montreal, which has reopened after a summer's darkness. He succeeds James Adams, who is now in Regina, Sask., after a long sojourn at the big Montreal house.

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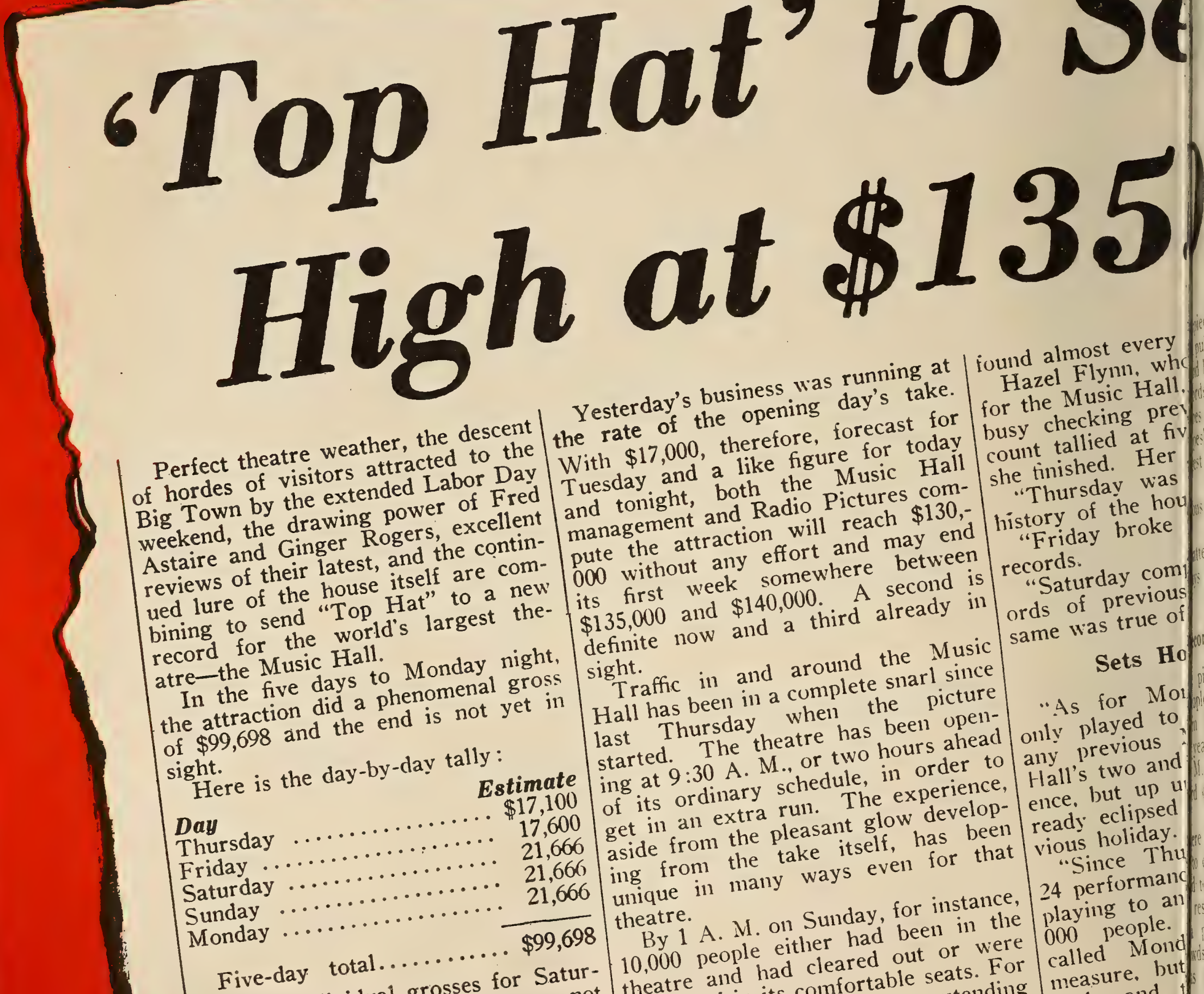

'Top Hat' to Se High at $135

Perfect theatre weather, the descent of hordes of visitors attracted to the Big Town by the extended Labor Day weekend, the drawing power of Fred Astaire and Ginger Rogers, excellent reviews of their latest, and the continued lure of the house itself are combining to send "Top Hat" to a new record for the world's largest theatre—the Music Hall.

In the five days to Monday night, the attraction did a phenomenal gross of $99,698 and the end is not yet in sight.

Here is the day-by-day tally:

Day	***Estimate***
Thursday	$17,100
Friday	17,600
Saturday	21,666
Sunday	21,666
Monday	21,666
Five-day total	$99,698

While individual grosses for Saturday, Sunday and Monday were not available last night, the three-day combination bulked $65,000. By 2 P. M. yesterday and despite the rain, the theatre was packed to the doors and a line waited along the 50th St. side of the house.

Yesterday's business was running at the rate of the opening day's take. With $17,000, therefore, forecast for Tuesday and a like figure for today and tonight, both the Music Hall management and Radio Pictures compute the attraction will reach $130,000 without any effort and may end its first week somewhere between $135,000 and $140,000. A second is definite now and a third already in sight.

Traffic in and around the Music Hall has been in a complete snarl since last Thursday when the picture started. The theatre has been opening at 9:30 A. M., or two hours ahead of its ordinary schedule, in order to get in an extra run. The experience, aside from the pleasant glow developing from the take itself, has been unique in many ways even for that theatre.

By 1 A. M. on Sunday, for instance, 10,000 people either had been in the theatre and had cleared out or were ensconced in its comfortable seats. For instance again, the line extending along the 50th St. side of the house has been the object of a massed attack, the eager patrons fighting not to get into the theatre itself on several occasions, but merely for a place inside the waiting line. An extra show at Saturday midnight, incidentally, found almost every

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"Top Hat" definitely will reach $130,000 by Wednesday night when its first week closes. Disregarding the anticipated $135,000 to $140,000 gross as a figure which perhaps may not be reached and computing comparison on the basis of a $130,000 take, the Astaire-Rogers picture will outdistance "Little Minister," its closest competitor, by $20,000. The Hepburn picture played New Year's Week, had a midnight performance on New Year's Eve and grossed $110,000 for the week ending Jan. 2, 1935.

"Little Women," another Hepburn, now is about to slide into third position. That picture, in its first week of three, did $109,000 the week ending Nov. 22, 1933.

Fourth will now go to the first week of "Cavalcade," which for the seven days terminating April 12, 1933, garnered $107,761.

Other $100,000-and-over grossers at the Music Hall since the inception of its straight picture and presentation policy follow:

"Cavalcade," second week ending April 19, 1933—$105,986.

"One Night of Love," first week ending Sept. 12, 1934—$104,120.

Same picture second week ending Sept. 19, 1934—$103,793.

"One Man's Journey," week ending Sept. 6, 1933—$103,064.

"Private Life of Henry VIII," week ending Oct. 18, 1933—$103,000.

"Nana," week ending Feb. 7, 1934—$103,000.

Heading for a record at the world's largest theatre.

In five days—Thursday and over the Labor Day weekend up to and including Monday night—this attraction grossed $99,698 and is sky-rocketing toward the tops for the Music Hall. Anticipation last night was the picture will end at somewhere between $135,000 and $140,000.

"Cardinal Richelieu," week ending April 24, 1935—$103,000.

"Little Women," third week ending Dec. 6, 1933—$102,000.

"Morning Glory," week ending Aug. 23, 1933—$101,249.

"Topaze," week ending Feb. 15, 1933—$100,956.

"Love Me Forever," week ending July 3, 1935—$100,019.

"We Live Again," week ending Nov. 7, 1934—$100,000.

"Broadway Bill," week ending Dec. 5, 1934—$100,000.

KING STORY EVERYWHERE!

"Seas" Pulls Seattle Lead In Holdover

SEATTLE, Sept. 4.—"China Seas," on an extended run from the Fifth Avenue at the Blue Mouse, made the best showing of the week by getting $4,800, and was held for a third week.

All other first runs were below normal. "The Girl Friend" and "The Black Room" failed to make much of an impression at the Liberty with a take of $3,900. Both were from Columbia.

Total first run business was $27,750. Average is $30,000.

Estimated takings for the week ending Aug. 30:

"CHINA SEAS" (M-G-M)
BLUE MOUSE—(950), 25c-40c-55c, 7 days. (Extended run from Fifth Ave.) **Gross:** $4,800. (Average, $4,000)

"ACCENT ON YOUTH" (Para.)
FIFTH AVENUE—(2,500), 25c-40c-55c, 7 days. **Gross:** $6,200. (Average, $7,000)

"THE GIRL FRIEND" (Col.)
"THE BLACK ROOM" (Col.)
LIBERTY—(1,800), 10c-15c-25c-35c, 7 days. **Gross:** $3,900. (Average, $4,000)

"THE IRISH IN US" (W. B.)
MUSIC BOX—(950), 25c-40c-55c, 7 days. (Extended run from Orpheum.) **Gross:** $3,850. (Average, $4,000)

"DANTE'S INFERNO" (Fox)
"LADY TUBBS" (Univ.)
ORPHEUM — (2,450), 25c-30c-40c-50c, 5 days. **Gross:** $4,800. (Average, $6,000)

"EVERY NIGHT AT EIGHT" (Para.)
"WOMAN WANTED" (M-G-M)
PARAMOUNT — (3,050), 25c-30c-40c, 7 days. **Gross:** $4,200. (Average, $5,000)

"Steamboat" Leads Louisville Parade

LOUISVILLE, Sept. 4.—"Steamboat 'Round the Bend" was spotted in at the Strand in mid-week after "Without Regret" had been jerked. Will Rogers has always been a big draw at this house. With $4,300 at the end of the week, indications are the picture should go two or three weeks.

"Bonnie Scotland" at Loew's State started out strong, and with the aid of cooler weather grossed $4,700, which is $200 over average.

"Jalna" combined with "Town Hall Tonight" amateur winners disappointed at the Brown, the gross not going over $2,500. All other first runs had rather rough going, with the paralysis situation still serious. The loss of juvenile trade has put a decided crimp in grosses the past few weeks.

Total first run business was $18,800. Average is $18,500.

Estimated takings for the week ending Aug. 30:

"JALNA" (Radio)
"THUNDER IN THE EAST" (U. A.)
BROWN—(1,450), 25c-40c, 7 days. **Gross:** $2,500. (Average, $2,000)

"DANTE'S INFERNO" (Fox)
RIALTO — (3,000), 15c-25c-40c, 7 days. **Gross:** $3,400. (Average, $3,500)

"BONNIE SCOTLAND" (M-G-M)
"AGE OF DISCRETION" (M-G-M)
LOEW'S — (3,100), 15c-25c-40c, 7 days. **Gross:** $4,700. (Average, $4,500)

"WE'RE IN THE MONEY" (W. B.)
MARY ANDERSON—(1,000), 25c-40c, 7 days. **Gross:** $2,800. (Average, $2,500)

"WITHOUT REGRET" (Para.)
"STEAMBOAT 'ROUND THE BEND" (Fox)
STRAND — (1,500), 15c-25c-40c, 7 days. **Gross:** $4,300. (Average, $2,500)

"ARIZONIAN" (Radio)
"BREAK OF HEARTS" (Radio)
"THE LAST TRAIL" (Fox)
"LADIES CRAVE EXCITEMENT" (Mascot)
ALAMO—(900), 15c-25c, 7 days. **Gross:** $1,100. (Average, $1,400)

"China Seas" Boston's One Hit, $14,000

BOSTON, Sept. 4.—August wound up here with practically all first runs in the doldrums. "China Seas," brought back to Loew's Orpheum as a second run, was the big money-maker of the week at $14,000, which was up by $2,000.

"Accent on Youth," bolstered by Phil Spitalny and his "Hour of Charm" girls on the stage, lifted the Metropolitan gross to $24,000, over normal by $2,000.

The only other house to get up to average was the Paramount with a dual, "Bright Lights" and "Village Tale."

Total first run business was $72,000. Average is $80,500.

Estimated takings for the week ending Aug. 30:

"BRIGHT LIGHTS" (F. N.)
"VILLAGE TALE" (Radio)
FENWAY—(1,382), 30c-50c, 7 days. **Gross:** $3,500. (Average, $4,500)

"ALICE ADAMS" (Radio)
KEITH'S MEMORIAL—(2,907), 25c-65c, 7 days. **Gross:** $9,500. (Average, $12,000)

"CHINA SEAS" (M-G-M)
(Second Run)
LOEW'S ORPHEUM—(2,970), 25c-55c, 7 days. **Gross:** $14,000. (Average, $12,000)

"BONNIE SCOTLAND" (M-G-M)
"THE GIRL FRIEND" (Col.)
LOEW'S STATE—(3,537), 25c-55c, 7 days. **Gross:** $8,000. (Average, $12,000)

"ACCENT ON YOUTH" (Para.)
METROPOLITAN—(4,332), 35c-65c, 7 days. Stage: Phil Spitalny and His "Hour of Charm" Girls. **Gross:** $24,000. (Average, $22,000)

"BRIGHT LIGHTS" (F. N.)
"VILLAGE TALE" (Radio)
PARAMOUNT—(1,793), 25c-50c, 7 days. **Gross:** $7,000. (Average, $7,000)

"ALIAS MARY DOW" (Univ.)
"SHE GETS HER MAN" (Univ.)
RKO BOSTON—(3,246), 25c-40c, 7 days. **Gross:** $6,000. (Average, $11,000)

"Steamboat" Heads For Frisco Record

SAN FRANCISCO, Sept. 4.—"Steamboat 'Round the Bend" smashed the Warfield attendance record for the first four days of a picture. Opening Friday, the picture did capacity business at every showing, and on Monday, the fourth day, which was Labor Day, hundreds were turned away unable to gain admittance after the Labor Day parade. The week, it is estimated, will exceed $28,000.

Brandt Gains Slowly

William Brandt is slowly recovering from an attack of bronchial pneumonia at his home at Great Neck. Pneumonia set in some time following an operation for removal of his appendix and gall bladder. He has been in bed for nine weeks and is still not receiving visitors.

St. Louis Suit Settled

ST. LOUIS, Sept. 4.—Paul Parks, a wrecker, has dropped his suit to enjoin removal of the ruins of the Odeon Theatre, which was destroyed by fire on Aug. 2. The suit was directed against Henri Chouteau, owner, and charged that he refused to allow Parks to carry out a contract for wrecking the structure. The suit was settled out of court.

Old Faithful

Omaha, Sept. 4.—Cecil B. De Mille drove around town for two hours the other night before embarking for Hollywood, recalling to Ted Emerson, manager of the Omaha, who revealed the incident this week, that he had spent his honeymoon here 33 years ago.

"Some whippersnappers in Hollywood brag about marriage records, but none of them has touched mine. And I still have the same wife," he said. De Mille and his bride were in E. H. Sothern's road company when the troupe stopped off for a week's engagement at the old Boyd.

"Glory" Hits $5,200, Big For Oklahoma

OKLAHOMA CITY, Sept. 4.—Cool weather failed to help grosses to any extent, but "Page Miss Glory" rose out of the slump in a big way by grabbing $5,200 at the Midwest. This is $1,200 above the line.

"Ginger" was a comparatively good draw at $2,200 at the Capitol. "Dante's Inferno" was pretty weak at $2,800 in the Criterion and neither "The Great Hotel Murder" nor "Hard Rock Harrigan" made much of an impression at the Liberty.

Total first run business was $12,400. Average is $13,500.

Estimated takings for the week ending Aug. 24:

"DANTE'S INFERNO" (Fox)
CRITERION—(1,700), 10c-26c-36c-55c, 6 days. **Gross:** $2,800. (Average, $5,000)

"PAGE MISS GLORY" (W. B.)
MIDWEST—(1,500), 10c-26c-36c-56c, 7 days. **Gross:** $5,200. (Average, $4,000)

"GINGER" (Fox)
CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $2,200. (Average, $2,000)

"GREAT HOTEL MURDER" (Fox)
LIBERTY—(1,500), 10c-15c-26c-36c, 4 days. **Gross:** $1,400. (Average week, $2,500)

"HARD ROCK HARRIGAN" (Fox)
LIBERTY—(1,500), 10c-15c-26c-36c, 3 days. **Gross:** $800. (Average week, $2,500)

Film Publicity Use Found at New High

HOLLYWOOD, Sept. 4.—Newspapers throughout the country are currently using more publicity copy than at any time heretofore, it was announced at the publicity directors' meeting at the Producers' Ass'n. Friday. Several of the studio press agents recently made tours of key cities.

Credentials to studios were granted to *Metronone Magazine*, *Musical Courier* and *Etude*, music publications, all represented by Carl Kinsey.

Ad-o-Grams Asks Trustee

ST. LOUIS, Sept. 4.—Ad-O-Grams, Inc., a film advertising company, has filed a debtor's petition in U. S. District Court seeking permission to reorganize under the amended bankruptcy act. The court was asked to name G. H. Whitcomb, president of the company, as trustee.

"Hat," "Seas" Are Huge Hits On the Coast

LOS ANGELES, Sept. 4.—Hits and cooler weather combined to stir up business here. "Top Hats" was a sensation at the Hillstreet and Pantages, playing day and date. At the former it nabbed $17,000, over par by $9,000, and at the latter it took $19,000, up by $15,800. This is a total of $36,000 for the two houses and exceeds the combined normal takes by $24,800.

With this terrific competition "China Seas" piled up $13,000 in five days at the Chinese, where normal for seven days is $12,500, and grabbed $19,000 at Loew's State, above par by $5,000.

"Page Miss Glory" also was in the money. It took $15,300 at Warners' Hollywood and $15,500 at Warners' Downtown. Both were over par. The Filmarte, United Artists and Paramount suffered as a result.

Total first run business was $117,700. Average is $87,700.

Estimated takings for the week ending Sept. 4:

"CHINA SEAS" (M-G-M)
CHINESE—(2,500), 30c-55c, 5 days. **Gross:** $13,000. (Average, $12,500)

"LA MATERNELLE" (State Rights)
FILMARTE—(800), 40c-50c, 7 days, 2nd week. **Gross:** $1,500. (Average, $2,750)

"SANDERS OF THE RIVER" (U. A.)
4 STAR—(900), 30c-55c, 7 days, 2nd week. **Gross:** $3,000. (Average, $3,250)

"TOP HAT" (Radio)
HILLSTREET—(2,700), 25c-40c, 6 days. **Gross:** $17,000. (Average, $8,000)

"CHINA SEAS" (M-G-M)
LOEW'S STATE—(2,500), 30c-55c, 5 days. **Gross:** $19,000. (Average, $14,000)

"ANNAPOLIS FAREWELL" (Para.)
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: F. & M. revue, Ted Claire, Rube Wolf. **Gross:** $14,400. (Average, $18,000)

"PAGE MISS GLORY" (W. B.)
WARNER BROS. (Hollywood)—(3,000), 25c-40c, 6 days. **Gross:** $15,300. (Average, $14,000)

"PAGE MISS GLORY" (W. B.)
WARNER BROS. (Downtown)—(3,000), 25c-40c, 6 days. **Gross:** $15,500. (Average, $12,000)

"TOP HAT" (Radio)
PANTAGES—(3,000), 25c-40c, 6 days. **Gross:** $19,000. (Average, $3,200)

Eight Get M-G-M Pacts

HOLLYWOOD, Sept. 4.—M-G-M has given eight long-term contracts as result of performances in "The Broadway Melody of 1936." Una Merkel is the seventh player to be signed in a list which includes Jack Benny, Eleanor Powell, Robert Taylor, Frances Langford, Harold Stockwell and Buddy Ebsen. Sid Silvers won a writing term contract.

Screeno Goes to Sparks

CHICAGO, Sept. 4.—Guy F. Kenimer, distributor for screeno in Florida, has closed a deal with the Sparks circuit to use the games in their houses. There are 64 theatres in the group. Kenimer left for Florida to superintend the first opening at Jacksonville.

Bar Waterbury Children

WATERBURY, Sept. 4.—Children under 14 years of age are being excluded from theatres by request of the Board of Health as a result of the infantile paralysis epidemic.

Al Hill Is Married

OMAHA, Sept. 4.—Al Hill, RKO-Radio booker, was married here Friday to Gartha Wolf, a Missouri girl.

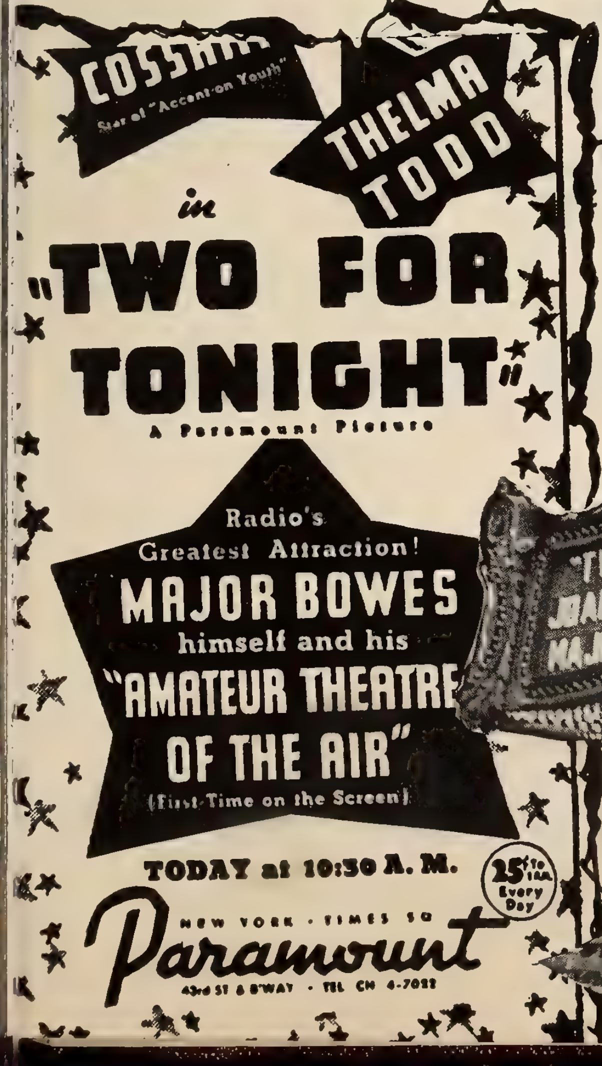
MAJOR BOWES'
AMATEUR THEATRE OF THE AIR!

FEATURED in the newspaper ads . .
FEATURED on the marquee . . . . .
FEATURED in the lobby, by the

PARAMOUNT, NEW YORK . . .

because the showmen behind Paramount's big show window house on Broadway know that the Major Bowes releases are TWO REEL ROAD SHOWS!

Says Variety: "These shorts are box-office naturals. They go beyond the usual scope of even the averagely good short. The impetus from the mike and stage amateur vogue makes the first release assume proportions of a No. 2 feature."



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Star of "Accent on Youth"
THELMA TODD
in
"TWO FOR TONIGHT"
A Paramount Picture
Radio's Greatest Attraction!
MAJOR BOWES
himself and his
"AMATEUR THEATRE OF THE AIR"
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TODAY at 10:30 A. M.
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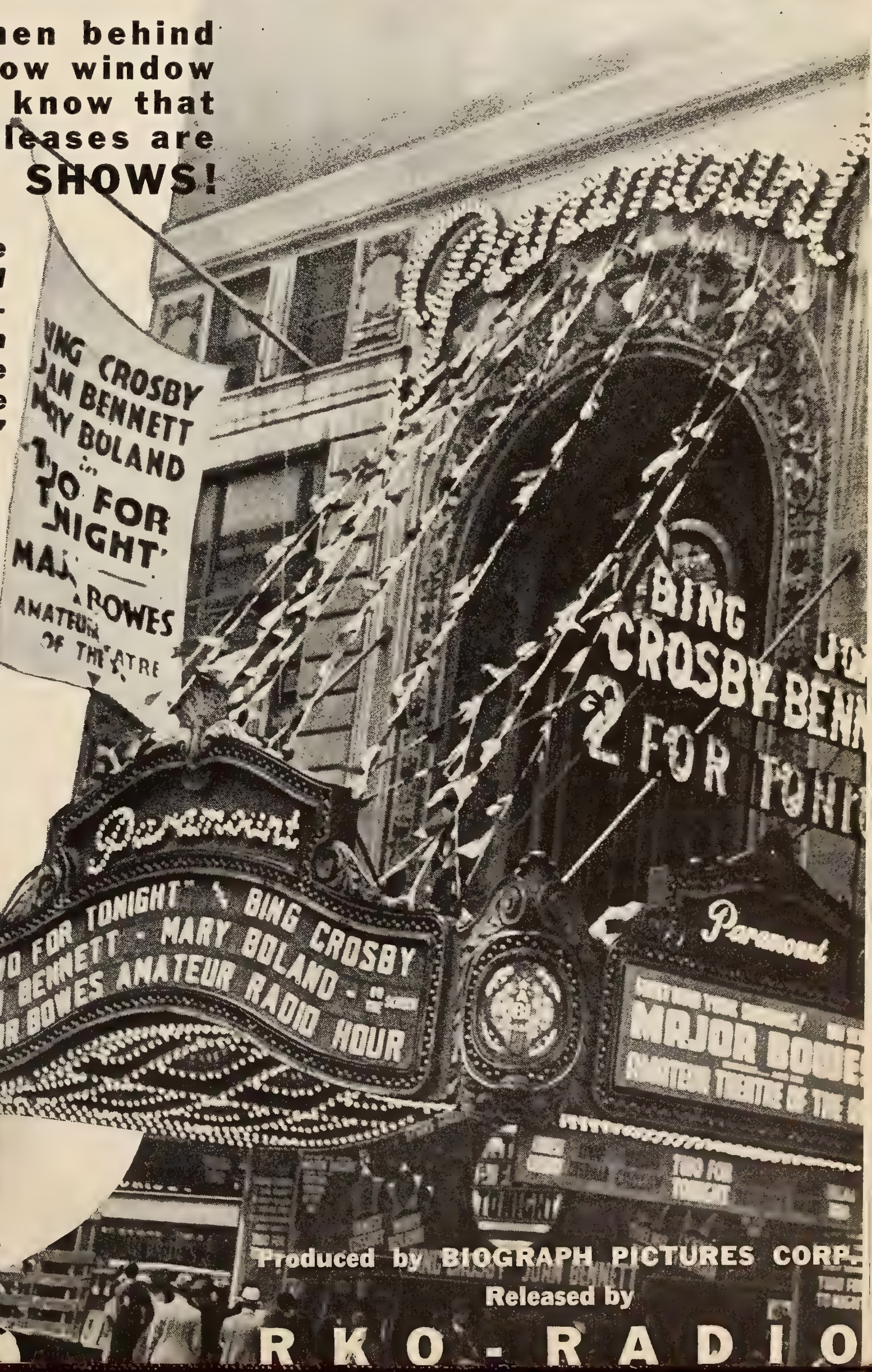
BING CROSBY
JOAN BENNETT
MARY BOLAND
in
"TWO FOR TONIGHT"
MAJOR BOWES
AMATEUR THEATRE
Paramount
"TWO FOR TONIGHT" BING CROSBY
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MAJOR BOWES AMATEUR RADIO HOUR
BING CROSBY-BENN
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MAJOR BOWE
AMATEUR THEATRE OF THE
TWO FOR TONIGHT

Produced by BIOGRAPH PICTURES CORP.
Released by
RKO-RADIO

The Roll Call of the Builders

Martin Quigley Twentieth Anniversary Edition of
● Motion Picture Herald In September.

Advertising Forms Close Saturday, September 21st. ●

"Alice Adams" Heavy Grosser In Cincinnati

CINCINNATI, Sept. 4.—The outstanding grosser was "Alice Adams" at the RKO Albee, which went $3,000 over the top on a $15,000 take.

"Bright Lights" illuminated Keith's with $7,200, compared with a $6,500 average. "Curly Top," in its third downtown week, accounted for $3,600, plussing normal by $850. It held another week. "China Seas," moving from the Albee for a second stanza, broke practically even with $6,400. "39 Steps" failed to toe the mark at the RKO Palace, and was pulled after the fifth day, when the total strip showed $4,400.

"Steamboat 'Round the Bend" was put in to fill, and is playing currently. "Manhattan Moon" turned in $1,950 at the Strand, an overage of $450, but a beauty contest and amateur night helped. The other spots, although satisfactory, failed to get into high territory.

Total first run business was $44,800. Average is $48,200.

Estimated takings for the week endings Aug. 28:

"ALICE ADAMS" (Radio)
RKO ALBEE—(3,300), 35c-42c, 7 days. **Gross:** $15,000. (Average, $12,000)

"39 STEPS" (G. B.)
RKO PALACE—(2,700), 35c-42c, 5 days. **Gross:** $4,400. (Average, 7 days, $10,000)

"CHINA SEAS" (M-G-M)
RKO CAPITOL—(2,000), 35c-42c, 7 days, 2nd downtown week. **Gross:** $6,400. (Average, $6,500)

"MAD LOVE" (M-G-M)
RKO LYRIC—(1,400), 25c-30c-40c, 7 days. **Gross:** $4,300. (Average, $6,500)

"CURLY TOP" (Fox)
RKO GRAND—(1,200), 25c-30c-40c, 7 days, 3rd downtown week. **Gross:** $3,500. (Average, $2,750)

"RAINBOW'S END" (First Div.)
RKO FAMILY—(1,000), 15c-25c, 3 days. **Gross:** $950. (Average, $1,100)

"SILVER HAT KID" (Fox)
RKO FAMILY—(1,000), 15c-25c, 4 days. **Gross:** $1,100. (Average, $1,350)

"BRIGHT LIGHTS" (W. B.)
KEITH'S—30c-40c, 7 days. **Gross:** $7,200. (Average, $6,500)

"MANHATTAN MOON" (Univ.)
STRAND—(1,200), 15c-25c, 7 days. Stage: Beauty contest, amateur night. **Gross:** $1,950. (Average, $1,500)

Get 30-Day Respite

CHICAGO, Sept. 4.—Another 30 days have been granted theatremen to prepare for the enforcement of the six-day-a-week law. Settlement of operators' schedules is all that seems left to untangle.

RKO Boston Drops Duals

BOSTON, Sept. 4.—The RKO Boston has ditched double features and has opened with the "Folies Bergere" on the stage in what will be the fall and winter policy of single and stage shows. Opening day receipts were the highest in months.

Denver Stock Winds Up

DENVER, Sept. 4.—Elitch stock finished an 11-week season with "Ah, Wilderness," which did 25 per cent more business than anything else this year. Business for the year was 10 per cent ahead of last year. The theatre was tough competition for film houses. This is indicated by the fact that the cheaper seats in the balcony were sellouts every night.

Theatre Remodeling Swings Into High in Local Area

(*Continued from page 1*)

Realty Co. Modernistic architecture will be used on the new theatre, which will seat 1,200.

Fox recently spent $75,000 in rebuilding the Babcock, Billings, Mont. The old one burned. During the past summer the Lotus, at Sheridan, Wyo., has been rebuilt.

The redecorating and remodeling of the Kiva, Durango, Colo., is also being planned by Fox. Acoustical plaster and new signs will be among the improvements.

St. Louis Jobs Rushed

ST. LOUIS, Sept. 4. — Repair, redecoration and reconstruction work in theatres in this territory are now going ahead at full steam and all the houses will be ready by the beginning of the fall season.

At Highland, Ill., reconstruction of Herbert Lowry's Opera House is expected to be finished about Sept. 15 and the house will reopen shortly after. A. B. Jeffries has completed work on his house at Piedmont, Mo., and will open soon.

Redecorating is now going on at the Star, Quincy, Ill.; the Avon Theatre, Decatur, Ill.; the Jackson, Cairo, Ill.; the Playhouse, Centralia, Ill.; the Grand, Hillsboro, Ill., and the Ritz, Arcola, Ill.

Take Portland Theatre

PORTLAND, Sept. 4.—The Taylor St. Theatres Co. has been incorporated, with J. R. Ellison president and treasurer, and Phil H. Carlin as general manager and vice-president. Phil Carlin has for many years operated the Bluebird here, and later opened the Lincoln and Star. These three will continue to be operated by Carlin in connection with the Taylor St. Theatre.

Another for Cleveland

CLEVELAND, Sept. 4.—A second theatre in the Lee Road section is to be built. Paul Gusdanovic, P. E. Essick and Howard Reif, in association with others, have acquired a site on the north side of Kinsman Road for a 1,700-seat house, offices above and a grill room beneath. Estimated cost is $280,000. Plans were made by John H. Graham, architect, and contract for construction has been awarded to the J. L. Hunting Co. The building will be completed early in 1936.

Earlier in the week it was announced Myer Fine, Sam Stecker and associates would build a $200,000 theatre and office building opposite the one announced by Gusdanovic. Work on the Fine house has started.

RKO has a sign on property in the immediate vicinity of these two prospective houses, announcing construction of still another theatre, but it does not seem probable that in a small residence suburb three houses will all be built at the same time.

To Remodel at Seattle

SEATTLE, Sept. 4.—The Neptune, second house in Evergreen's University district setup, has been closed for remodeling. Improvement of sound installation, projection and other technical apparatus will be made, in addition to decorating and refurnishing. No definite reopening date has been set, but it is expected to be prior to Oct. 1.

Reopen Baltimore House

BALTIMORE, Sept. 4.—After having been on a part time schedule for the summer, the Park, residential house, has been remodeled and a new marquee has been built. It reopened this week. The house is operated by M. Silverburg.

Reopen K. C. Prospect

KANSAS CITY, Sept. 4.—F. L. Scoville has reopened the Prospect after summer closing, during which the house was decorated, seats installed and other changes made.

"Adams" New Haven High Draw, $8,000

NEW HAVEN, Sept. 4. — "Alice Adams" led the town by going over normal $1,500 on an $8,000 take at the Poli. The other half of the dual bill was "Welcome Home."

"Bright Lights" and "Jalna" were good at the Roger Sherman, getting $5,900, up by $1,400. "Accent on Youth" and "Hop Along Cassidy" at the Paramount and "China Seas" in its second week at the College were strong.

Total first run business was $22,500. Average is $22,100.

Estimated takings for the week ending Aug. 29:

"ALICE ADAMS" (Radio)
"WELCOME HOME" (Fox)
POLI—(3,040), 35c-50c, 7 days. **Gross:** $8,000. (Average, $6,500)

"BRIGHT LIGHTS" (W. B.)
"JALNA" (Radio)
ROGER SHERMAN—(2,200), 35c-50c, 7 days. **Gross:** $5,900. (Average, $4,500)

"ACCENT ON YOUTH" (Para.)
"HOP ALONG CASSIDY" (Para.)
PARAMOUNT—(2,400), 35c-50c, 7 days. **Gross:** $5,400. (Average, $4,800)

"CHINA SEAS" (M-G-M)
COLLEGE—(1,960), 25c-35c, 7 days, 2nd week. (**Gross:** $3,200. (Average, $2,700)

"Highbrow," Show Indianapolis Top

INDIANAPOLIS, Sept. 4.—A combination of "Going Highbrow" on the Lyric screen, Duke Ellington and his band on the stage and the American Legion convention in town shot the gross for the week up to $13,000. This is $6,000 over par.

"Accent on Youth" was slightly better than par at the Circle on a take of $5,700, but "Dante's Inferno" was weak at $3,500 in the Apollo and "China Seas" fell off to $3,500 in its second week at Loew's.

Total first run business was $25,700. Average is $19,500.

Estimated takings for the week ending Aug. 31:

"DANTE'S INFERNO" (Fox)
APOLLO—(1,100), 25c-40c, 7 days. **Gross:** $3,500. (Average, $4,000)

"ACCENT ON YOUTH" (Para.)
CIRCLE—(2,800), 25c-40c, 7 days. **Gross:** $5,700. (Average, $4,000)

"CHINA SEAS" (M-G-M)
LOEW'S — (3,000), 25c-40c, 2nd week. **Gross:** $3,500. (Average, $4,500)

"GOING HIGHBROW" (W. B.)
LYRIC—(2,000), 25c-40c, 7 days. Duke Ellington stage show. **Gross:** $13,000. (Average, $7,000)

"Diamond" Is Frisco Smash With $15,000

SAN FRANCISCO, Sept. 4.—"Diamond Jim" bowled 'em over with a sensational $15,000 gross at the Orpheum, just double normal for the house.

"Curly Top" did well at the St. Francis, going over normal by $2,000 for a gross of $10,000. "Pursuit" pulled at $8,700, up by $1,700 at the Fox. "Camille" doubled average at the 1,400-seat Clay with a take of $1,400.

Total first run business was $76,600. Average is $66,200.

Estimated takings:

Week Ending Aug. 27:

"JALNA" (Radio)
GOLDEN GATE—(2,800), 25c-35c-40c, 7 days. Stage, band. **Gross:** $12,500. (Average, $13,000)

Week Ending Aug. 28:

"DIAMOND JIM" (Univ.)
ORPHEUM—(3,100), 15c-35c-40c, 7 days. **Gross:** $15,000. (Average, $7,500)

"BONNIE SCOTLAND" (M-G-M)
"THE 39 STEPS" (G. B.)
PARAMOUNT — (2,670), 25c-35c-40c, 7 days. **Gross:** $9,000. (Average, $10,000)

Week Ending Aug. 29:

"PURSUIT" (M-G-M)
FOX—(4,600), 10c-25c-35c, 7 days. Stage: Fanchonettes, Duncan Sisters. **Gross:** $8,700. (Average, $7,000)

"CURLY TOP" (Fox)
ST. FRANCIS — (1,400), 15c-30c-40c, 7 days. **Gross:** $10,000. (Average, $8,000)

"PAGE MISS GLORY" (W. B.)
WARFIELD — (2,700), 25c-35c-40c-50c, 7 days. Stage, band. **Gross:** $20,000. (Average, $20,000)

Week Ending Aug. 30:

"CAMILLE" (Du World)
CLAY—(1,400), 25c-35c, 7 days. **Gross:** $1,400. (Average, $700)

Olsen & Johnson; "Money" Top Omaha

OMAHA, Sept. 4.—Olsen and Johnson, favorites here, with "We're in the Money" on the screen, swept the Orpheum to a new season's record with a take of $18,100. Normal is $10,000.

"Diamond Jim" and "Paris in Spring" on a dual at the Omaha went $900 over par on a take of $5,900. "Alice Adams" and "Old Man Rhythm" were $2,700 up on a take of $6,700 at the Brandeis.

Cool weather helped business all week.

Total first run business was $30,700. Average is $19,000.

Estimated takings:

Week Ending Aug. 28:

"ALICE ADAMS" (Radio)
"OLD MAN RHYTHM" (Radio)
BRANDEIS—(1,200), 25c-35c-40c, 7 days. **Gross:** $6,700. (Average, $4,000)

"DIAMOND JIM" (Univ.)
"PARIS IN SPRING" (Para.)
OMAHA—(2,200), 25c-40c, 7 days. **Gross:** $5,900. (Average, $5,000)

Week Ending Aug. 29:

"WE'RE IN THE MONEY" (W.B.)
ORPHEUM—(3,000), 35c-55c, 7 days. Stage: Olsen & Johnson in "Everything Goes"; 16 Gae Foster Girls; Edna Errico; Caron Sisters, and Recco & Webb. **Gross:** $18,100. (Average, $10,000)

Luckett Takes Over

DALLAS, Sept. 4.—Jos. E. Lucket has taken charge of the M. S. White theatres in South Dallas purchased by Interstate.

Variety Club

Washington

Washington, Sept. 4.—A general meeting of Tent No. 11 has been called by Chief Barker **Rudolph Berger** for Sept. 9. The smoker formerly scheduled for that evening has been cancelled.

The semi-monthly luncheons of the 1935-36 season will be inaugurated on Sept. 16, when **Frank Boucher** and **Vincent Dougherty** will act as kings for a day.

The following have been elected to membership:

Gilder Jenkins Craver, operator of the C. & F. Theatres, Lynchburg: Non-resident member.

Herman P. Maier, chief engineer of Warners' New York office: Non-resident member.

Alfred Lamont Nader, president of the Shoreham Coffee Co.: Resident non-theatrical member.

Committees for the second annual banquet and ball have been announced by Chief Barker **Berger**. The affair is tentatively set for Nov. 23, the details to be announced later. The committees are:

Dinner: **Carter T. Barron**, chairman; **A. Julian Brylawski, Harry Hunter, Pete Macias, John J. Payette, J. Louis Rome.**

Entertainment: **Guy Wonders**, chairman; **Stephen E. Cochran, A. E. Lichtman, Harry E. Lohmeyer, Nate Stiefel, Gene Ford.**

Finance: **Sam Galanty**, chairman.

Publicity: **Louis A. Brown**, chairman; **Arthur A. DeTitta, Arthur Godfrey, Norman Pyle.**

Hotel and transportation: **James B. Fitzgerald**, chairman.

Advertising and printing: **Harrold A. Weinberger**, chairman; **Harry S. Brown, Osgood Roberts, Nat Glasser.**

Reception: **Charles Kranz**, chairman; **Fulton Brylawski, J. William Cleveland, Robert J. Folliard, Edward Heiber, Hunter Perry, Dr. Frank Shyne, William E. S. Wilcox.**

Decorations: **Samuel N. Wheeler**, chairman; **John Chevalier, William C. Ewing, Edward Haley.**

Reservations and seating: **Nat B. Browne**, chairman.

Ticket: **Joseph P. Morgan**, chairman.

Harry P. Somerville is general chairman.

Sonotone Net $67,294

Sonotone Corporation for the six months ended June 30 has reported a net profit, after all charges, of $67,294, equal to 10 cents a share on 624,099 shares of common stock, and after allowing for dividends on the preferred stock. This compares with net profit of $47,018, or seven cents a share, on 600,000 shares of common outstanding in the similar period of 1934.

Wallach in New Post

Cincinnati, Sept. 4. — Reynold Wallach, assistant manager at the RKO Lyric, has been transferred to the RKO Shubert in a similar capacity. Elwood J. Jones, chief of staff at the Lyric, has been advanced to assistant.

Col. Plans Stock Sale

Columbia plans to offer 75,000 shares of $2.75 convertible preferred stock, it was revealed yesterday.

Out Hollywood Way

Hollywood, Sept. 4.—**Robert Low** has joined **Samuel Goldwyn**'s publicity department. He has been with King Features recently. . . . **Keye Luke** has given up acting for the moment and is in **Gabe Yorke**'s advertising department at Fox. . . . Having finished in "Barbary Coast," **Miriam Hopkins** and **Joel McCrea** have started work in "Splendor" for **Samuel Goldwyn**.

George Haight, under contract to **Samuel Goldwyn** as a producer, must return to New York for rehearsals of "Sweet Mystery of Life." a stage play of which he is co-author. . . . **Freeman Lang** has entered the industrial film field.

Benny Bartlett, redheaded eight-year-old Venice youngster, signed to a term contract by Paramount. . . . **Marc Connolly** to Honolulu for an indefinite vacation. . . . **L. C. Griffth**, Oklahoma City exhibitor, a guest recently at Universal studios.

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Paul Snell, who inherited **Harry Brand**'s office at United Artists, greets all callers with a cheery "Hello Old Pal, Old Pal, Old Pal." **Brand**, meanwhile, over at 20th Century-Fox, has been forced by rush of business to cut his greeting down to only one "Old Pal." . . . **Nino Martini** will speak English only if the party he is talking to cannot speak Italian. . . . **Ethel Merman** kept busy running between Paramount, where she will play in "Anything Goes," and Goldwyn's, where she will play in "Shoot the Chutes." Neither picture has started yet. . . . M-G-M studio officials are looking for the **Marx Brothers**. **Groucho** is supposed to have gone to Lake Tahoe, **Harpo** to Vermont, and **Chico** to New York, but none can be reached. Studio wants them to attend the preview of "A Night at the Opera." . . . **Robert Montgomery** brought back a trunk full of Piccadilly clothes to wear in "Piccadilly Jim." . . . **Dashiel Hammett** has blossomed out with a Van Dyke beard. . . . **Buddy Gillespie**, Metro artdirector, to Tahoe for a vacation. . . .

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Heather Angel and **Ralph Forbes** adding an extension to the living room of their home in Cold Water Canyon. With one wall out, they find themselves playing involuntary hosts to hundreds of field mice who think the overstuffed furniture is just grand. . . . **Fred Astaire** has taken a house on Long Island where he is writing a book, "How to Dance." Back in September to start "Follow the Fleet" for Radio. . . . **James Barton** managing his ball club, Barton's Athletics, by wire. . . . **Helen Gahagan** practicing three hours every day preparing for her appearance in October with the San Francisco opera. . . . **Margaret Callahan** in New Hampshire on vacation from Radio. . . . **Preston Foster**, making "Annie Oakley" at the Radio ranch where the temperature hovers around 110, wearing a buckskin costume. So far he has lost eight pounds. . . **Helen Broderick** has bought a ranch in the San Fernando Valley. . . . **Virginia Reid**, recently put under term contract at Radio, planning a visit with her husband, Dr. **Ralph McClung**, in Alabama when she finishes "To Beat the Band." . . . **Ginger Rogers** photographing "In Person," with a 16 mm. camera. **Jimmy Anderson**, assistant director, takes the scenes in which she acts and she takes the rest. She is cutting the film herself. Her husband, **Lew Ayres**, recently won a directing contract at Mascot through a 16 mm. feature he had made. . . .

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Casting—**Olaf Hytten** in "I Found Stella Parrish" at Warners. . . . **Bud Jamieson** assigned to "In Person," same studio. . . . **Donald Woods** draws romantic lead in **Paul Muni** picture, "Enemy of Man," at Warners. . . . **Paul Porcasi** and **Marie Wilson** added to "Stars Over Broadway" at the same studio. . . . **Herbert Rawlinson**, who has been on the stage for the past three years, signed for "Snatched," Twentieth Century-Fox. . . . **Nigel Bruce** and **John Miltern** in "The Man Who Broke the Bank at Monte Carlo," same studio.

Rubinoff, Inc.

Rubinoff, Inc., meets this week. It's a gathering of directors—Charley from Detroit, Herman from Pittsburgh and Phil from Long Beach—to discuss Dave's new radio contract.

All brothers!

Associated British Profit Is £656,725

By BRUCE ALLAN

London, Aug. 27.—Accounts of Associated British Picture Corp. show a trading profit of £656,725 in the year ended March 31, 1935. The net, after deducting interest on mortgages and loans and debenture stock, and a reservation for income tax, is £373,753. To this is added undistributed profits of Associated British Cinemas, brought in under the absorption of subsidiaries last year, of £149,699. With a balance brought forward of £36,787, this gives an available total of £560,238.

The payment of a six per cent final dividend on ordinary shares is recommended, making, with the four per cent interim already paid, a dividend of 10 per cent, less tax, for the year.

Since the close of the financial year, A.B.P. has issued 600,000 further preference shares at £1., making the total issued capital £1,550,000 ordinary and £2,000,000 preference.

A. B. P. owns or controls 225 theatres as well as studios at Elstree and Welwyn and the distributing organizations Wardour Films, Ltd., and Pathe Pictures, Ltd.

Building land and equipment of various types are valued at £5,870,652 and film productions, in progress or completed, £551,128.

* * *

To handle the representation of Republic, fixed by S. W. Smith during his visit to New York, British Lion Film Corp is to be recapitalized from private sources; no public issue is contemplated. The Republic contract is said to involve $5,000,000 worth of business.

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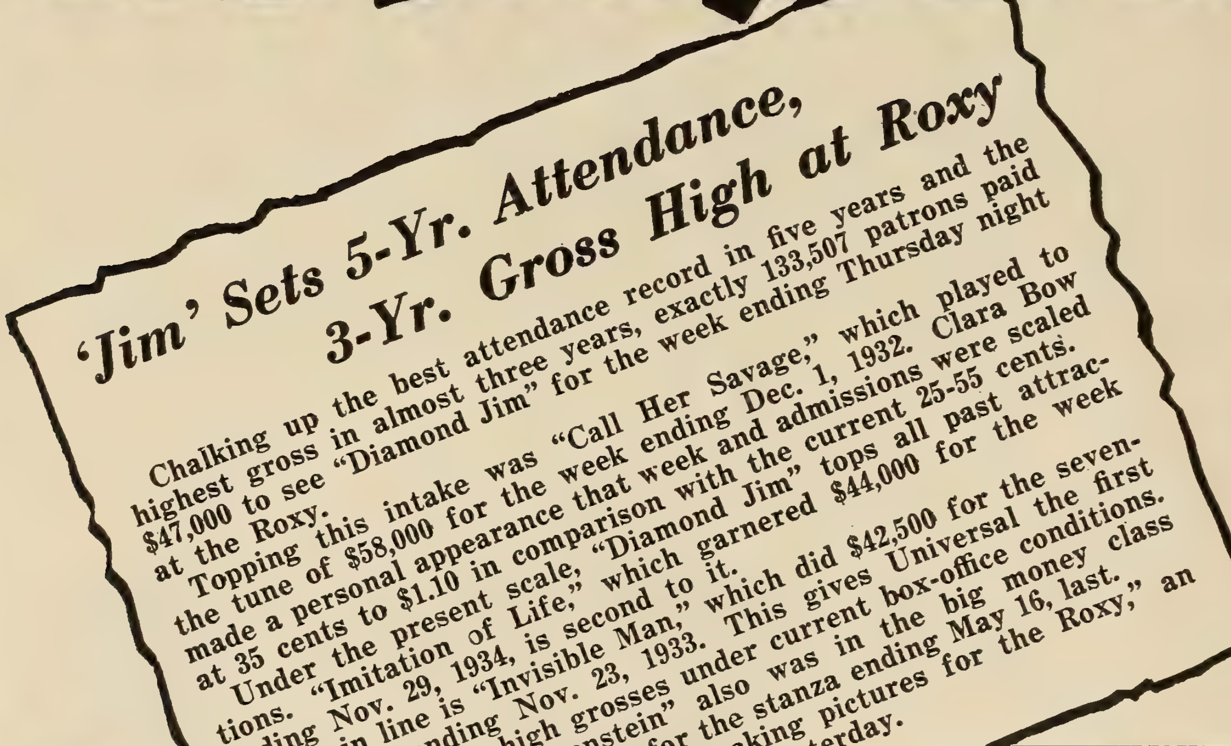


'Jim' Sets 5-Yr. Attendance, 3-Yr. Gross High at Roxy

Chalking up the best attendance record in five years and the highest gross in almost three years, exactly 133,507 patrons paid $47,000 to see "Diamond Jim" for the week ending Thursday night at the Roxy.

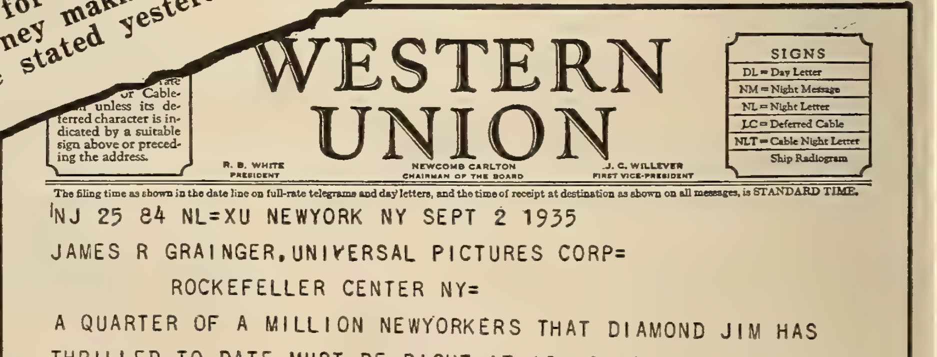
Topping this intake was "Call Her Savage," which played to the tune of $58,000 for the week ending Dec. 1, 1932. Clara Bow made a personal appearance that week and admissions were scaled at 35 cents to $1.10 in comparison with the current 25-55 cents.

Under the present scale, "Diamond Jim" tops all past attractions. "Imitation of Life," which garnered $44,000 for the week ending Nov. 29, 1934, is second to it.

Next in line is "Invisible Man," which did $42,500 for the seven-day period ending Nov. 23, 1933. This gives Universal the first three ratings for high grosses under current box-office conditions. "The Bride of Frankenstein" also was in the big money class at the Roxy. It got $38,000 for the stanza ending May 16, last.

"Universals are the money making pictures for the Roxy," an executive of the theatre stated yesterday.

MOTION PICTURE DAILY



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VOL. 38. NO. 57 NEW YORK, FRIDAY, SEPTEMBER 6, 1935 TEN CENTS

South to Keep Its Prices at Current Level

Jumps Regarded as Not Feasible at Present

This is the sixth instalment in a national survey on the trend in admission prices.

Atlanta, Sept. 5.—Admissions in this territory, covering Georgia, Florida, East Tennessee and North Alabama have not been increased nor has there been any effort made to that end. The average tariff is 40 cents at night even when vaudeville or musical shows are also on the program; 25 and 30 cents at matiness and 10 cents for children at all times. Practically all suburban houses have an invariable 10 and 15-cent admission, a few exceptions being 10 and 20 cents where there is no nearby opposition.

Not since 1929 has there even been

(*Continued on page* 8)

Zukor Named Head Of Para. Broadway

Adolph Zukor has been elected president of the reorganized Paramount Broadway Corp., the Paramount Pictures' subsidiary which holds title to the Paramount Bldg. and theatre in Times Square, it is disclosed in the Broadway company's application to the N. Y. Stock Exchange for listing of its new securities.

Officers of the company in addition to Zukor are Y. Frank Freeman and Walter B. Cokell, vice-presidents; Cokell, treasurer; Norman Collyer,

(*Continued on page* 8)

Schines Secure Shea's Amsterdam Holdings

Meyer and Louis Schine have purchased Mort Shea's interest in the Rialto, Amsterdam, N. Y., thereby giving the Schines full control of the upstate theatre. Around the first of the year, the Schine Bros. will open a new theatre in Bucyrus, O., making seven for the circuit in that state. The circuit's holdings in New York have reached a total of 46 and additions are planned.

The Schines, accompanied by George Lynch, chief booker, leave for Gloversville today after three days here conferring on product. They closed for the entire Paramount output yesterday.

Row Stirring Over British Booking Moves

KRS Pressure Against Combines Irks CEA

By BRUCE ALLAN

London, Sept. 5.—Controversy confronts the British industry on the heels of increasing stringency on the part of the Kinematograph Renters' Society (distributors) against booking combines.

A stiffening of the attitude of the K.R.S. is evidenced by a new decision binding its members to book only to individuals or groups exercising voting and financial control of theatres where previously the organization had only asked for proof of a substantial interest in such properties.

The Cinematograph Exhibitors' Ass'n is reported seeking legal advice

(*Continued on page* 8)

Court to Rule on Pathe Examination

A motion for examination before trial will be heard in the N. Y. County Supreme Court this morning by Justice Charles B. McLaughlin in a stockholders' action brought by Pat Casey against Pathe Exchange, Inc. Counsel for Casey will seek the court's permission to examine Frank Kolbe, president of Pathe Exchange, Inc., and Robert W. Atkins, executive vice-president. He will request an order

(*Continued on page* 8)

Five 306 Men Seek New Strike Ruling

Five of the committee of six members delegated by Local 306 to confer with George E. Browne, president of the I. A. T. S. E., in Washington, left for the Capital yesterday in an effort to persuade Browne to rescind a recent order against a strike.

Joseph D. Basson, head of the local

(*Continued on page* 8)

Warners to Produce "Life of Beethoven"

Hollywood, Sept. 5.—Warners will produce "Life of Beethoven," based on the career of the famous composer, in line with the belief of Jack L. Warner, vice-president in charge of production, that there is a definite demand for "more worthwhile films." It is planned to make the picture on the same elaborate scale as "A Midsummer Night's Dream."

$131,200

"Top Hat" grossed $131,200 in its first week, ending Wednesday night, at the Music Hall and gave that house a new high by a comfortable margin of approximately $21,000.

The anticipated $135,000 to $140,000 take faded late on the seventh day when continued rain cut into Wednesday night receipts.

Early Action On Regulation Is Predicted

Proposals for governing injurious trade practices and regulating cutthroat competition are certain to be considered at the first fall meeting of the M.P.P.D.A. board following the return from the coast of Will H. Hays within the next 10 days or two weeks, industry executives predicted yesterday.

Whether or not definite programs believed to hold a solution for the widely complained of trade practices have been evolved could not be learned, but it was stated on many sides that current competitive practices rampant in exhibition have reached proportions that demand attention from the industry's leaders. Predictions were made that with the submission to the M.P.P.D.A. board of reports on existing conditions and the effects they are having both inside and outside the industry, the situation might be shown to warrant the

(*Continued on page* 8)

Distributors Called For Long Reel Talk

A joint meeting of representatives of all national distributors and a committee of managers of major company exchange operations will be held next Thursday at M.P.P.D.A. headquarters for further consideration of the proposed adoption of a standard 2,000-foot reel. The meeting will be

(*Continued on page* 8)

Gallup Quits Ampa Post; White Named

Bruce Gallup yesterday resigned as president of the Ampa and Gordon S. White, director of advertising and publicity for Educational, was named to succeed him. The new incumbent was elected by the directors at a special meeting at Jack Dempsey's.

Korda Named 5th Producer Owner in U.A.

Also Elected to Board: Guthrie Gets Post

Hollywood, Sept. 5.—Alexander Korda today became a fifth owner-producer of United Artists, uniting American and British studios for the first time in the industry's history. Korda also was elected a member of the board.

Following signing of the contract, Sir Connop Guthrie, chairman of London Films' board of directors, here with Korda, was elected a member of the U. A. executive committee. The contract specifies Korda becomes an equal member with Mary Pickford, Charles Chaplin, Samuel Goldwyn and Douglas Fairbanks. Korda will produce six pictures during the year, four of which will be made in England, aiming at the international market.

Korda said talent would be exchanged between the studios here and abroad. He intimated certain films not in the announced program might

(*Continued on page* 2)

RKO Circuit in 4 Year Warner Deal

The RKO circuit has closed a four year franchise deal with Warners, effective with the current season's lineup. Next season, the product goes to the entire RKO circuit without any breaks, but currently the distributor's deal with the Century circuit will stand. This blocks the program out of four RKO houses: the 81st St., New York; the Tilyou and Kenmore, Brooklyn, and the Alden, Jamaica.

Briskin Resigns from Columbia Studio Post

Hollywood, Sept. 5.—Confirming reports current for some time, Sam Briskin, studio manager of Columbia, last night resigned that post, effective Oct. 15. He gave as his reason the fact that he couldn't get together with Harry Cohn on a new deal due to alleged financial trouble involving a stock transfer which allegedly never materialized.

Briskin is deciding among several offers tendered him by major studios. He plans a vacation after a new deal is set with another company.

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(Registered U. S. Patent Office)

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Ben Judel on Way East

CHICAGO, Sept. 5.—Ben Judel, independent exchange operator, is expected home this week-end. Judel stopped off in Wyoming to visit Yellowstone Park. He has been on the coast for two months.

Wall Street

Small Gains on Big Board

	High	Low	Close	Net Change
Columbia	73	71	71	—1
Consolidated, pfd.	17	16¾	16¾	— ¼
Eastman	149¼	149	149¼	— ¼
Loew's, Inc.	43⅜	42⅜	42⅞	+ ¾
Loew's, Inc., pfd.	105½	105½	105½	+ ½
Paramount	10¾	10⅜	10⅝	+ ¼
Paramount, 1 pfd	92½	91⅛	92	+ ¾
Paramount, 2 pfd	12⅛	11¾	12	.....
Pathe Film	6¾	6½	6½	— ⅛
RKO	3½	3⅛	3½	+ ⅜
20th Century-Fox.	18½	18	18¼	+ ⅜
20th Century, pfd	27	26½	26⅞	+ ½
Universal, pfd.	34	34	34	+ ¼
Warner Bros.	6¾	6¼	6¾	+ ½
Warner, pfd	44¾	43	43½	+ ½

Trans-Lux Up ⅛ on Curb

	High	Low	Close	Net Change
Technicolor	21⅛	19⅝	20	— ¼
Trans-Lux	2⅞	2¾	2⅞	+ ⅛

Warner Bonds Rise 2½ Points

	High	Low	Close	Net Change
General Theatre Equip 6s '40	15½	15¼	15¼	.....
General Theatre Equip. 6s '40 ctf	15½	15¼	15½	+ ¼
Paramount Pict. 6s '55	95½	95	95¼	+ ¼
RKO 6s '41 pp.	58	58	58	+ ½
Warner Bros. 6s '39 wd	81⅝	79¼	81½	+2½

(Quotations at close of Sept. 5)

Insiders' Outlook

By RED KANN

THE extent of the commercial blow which Fox experienced by the death of Will Rogers becomes significant in the light of the following scattered facts:

"Judge Priest" grossed $1,400,000.

Rogers negatives were always thoroughly, but cheaply made, averaging somewhere between $300,000 low and $500,000 maximum. This, largely because Rogers worked fast.

The company never went into the red on any of his features.

Hundreds of thousands of dollars in other film on the program were sold because exhibitors had to take them all to get Rogers. As is always the case in all major lineups, a strong attraction constantly bolstered the also-rans.

Exactly what the loss to exhibitors will be is, of course, beyond calculation. There simply is no way of figuring it out. Will, under the deal signed and announced the day before he died, was to make three pictures a year for three years and would have earned $1,000,000 if the contract, calling for ten pictures, had been lived out. It is understood his salary was to be stepped up from the former $100,000 per negative figure to $125,000; that he was to get full payment under the contract by the time the eighth picture was completed and then make the final two without salary.

Fox, which had been making four Rogers a season, was set to cut to three for 1935-36. "Steamboat 'Round the Bend" and "In Old Kentucky" were to be the first of the year's trio.

One calculation maintains Rogers' passing will cost Fox $10,000,000, this amount being computed on the basis of the new ten picture deal.

Only a few days before the crash, an exhibitor had complained to John D. Clark over the proposed slash from four to three this season. Clark is said to have replied:

"If Will doesn't stop flying around in those 'planes you'll be lucky if you get the three."

▼

Resting in the Fox files today are many indications from exhibitors that they are in accord with the company's decision not to capitalize on Rogers reissues. There is one, by way of example, from Robert H. Poole, general manager of the I.T.O. of Southern California, and another from W. Harmon Reed, president of the Alexandria (Va.) Amusement Corp. "The sentiments expressed in these letters have been verbally expressed by many exhibitors through the United States," says Clark about them. . . .

▼ ▼

John W. Davis, one-time Democratic nominee for the presidency, prominent lawyer and legal spokesman before the United States Supreme Court for unsuccessful distributors who fought the Thacher decree outlawing compulsory arbitration some years ago is again in the film business. That is to say, he is in that he is understood to have been retained by that producer, famed throughout the length and breadth of the business, who is disgruntled with his present affiliation and seeks an out from his present contract. They say it's a rather ironclad contract. They say further there may be no out except the release which comes when the expiration date arrives. That's some time off. . . .

▼ ▼

Short of its excitable forecast but, at $131,200, one helluva gross, "Top Hat" rounded its first week Wednesday night with the Music Hall's blue ribbon flying jauntily from its brim. It's the money tally that counts, but the statistical picture is intriguing on another point as well. Courtesy of Radio, it appears 197,211 men, women and children jammed their way into the house in those seven days, or an average of 28,173 per day. There are innumerable cities and towns in these United States whose total population is less. . . .

▼ ▼

Dave will not talk beyond declaring the story, officially bedecked with official seals will emanate from Hollywood in about ten days. However, the financing which is to make Selznick's own company go 'round, as this space informed some days back, will come from Jock, last name Whitney. He and Sonny will be two of the directors; Dave will have two, and a banker well known in this business will be the balance wheel. . . .

▼ ▼

Sol Wurtzel's new deal with Twentieth Century-Fox sends him out of that phantom company talked about on the coast in which other partners presumably were to be Irving Thalberg, Winnie Sheehan and Hunt Stromberg. Thalberg has denied any such plans, the Loew boys have gone ditto, Sheehan adheres to his published statement about a new connection after he returns from Salzburg and the Continent. Only Stromberg has had nothing to so say for himself. . . .

Korda Named 5th Producer Owner in U.A.

(*Continued from page 1*)

be made for the English market only. Korda and Guthrie plan to fly to New York on Saturday.

Verifying statements made in the east, Korda said today he was not interested in raiding American studios for talent and that he had all he needed. He emphasized the fact that he will build his own talent roster and expected American studios to do the same.

Stephen Pallos, commercial manager for London Films, and Maurice Silverstone, chairman of the U. A. board in England, will accompany Korda and Guthrie east.

When Alexander Korda was interviewed on his recent arrival from England, he said he would like to buy an interest in U. A., but didn't know who was willing to sell his or her share in the company. In the same interview, published in MOTION PICTURE DAILY on Aug. 28, Korda denied reports he was seeking an interest in the company, declaring such rumors "false."

Korda recently organized Denham Studios, Inc., which is building a new British studio to contain five stages.

Al Lichtman, president of U. A., had planned to leave for Hollywood early next week, but it is now believed this trip will be unnecessary. Nathan Burkan, counsel for U. A., sat in on the directors' meeting on the coast and will return with the party on Sunday.

The U. A.-Korda hook-up definitely sets at rest reports that the British producer would tie up with Twentieth Century-Fox.

Confesses in Film

In the presence of District Attorney Geoghan and with Klieg lights burning, Joseph Bolognia, 23, admitted shooting Edwin Esposito, subway collector. The picture was made by Hearst Metrotone News.

Geoghan said he would subpoena the film for presentation to the Grand Jury.

Schenck on Coast Board

HOLLYWOOD, Sept. 5.—Joseph M. Schenck today was elected to the board of directors of the Producers' Ass'n and to the vice-presidency of the board, replacing Winfield Sheehan, at the regular quarterly meeting.

Form Accessory Firm

LOS ANGELES, Sept. 5.—Cinema Advertising Co. has been organized here to provide independent producers with a central office for the preparation and distribution of accessories.

This year's SURPRISE PICTURE

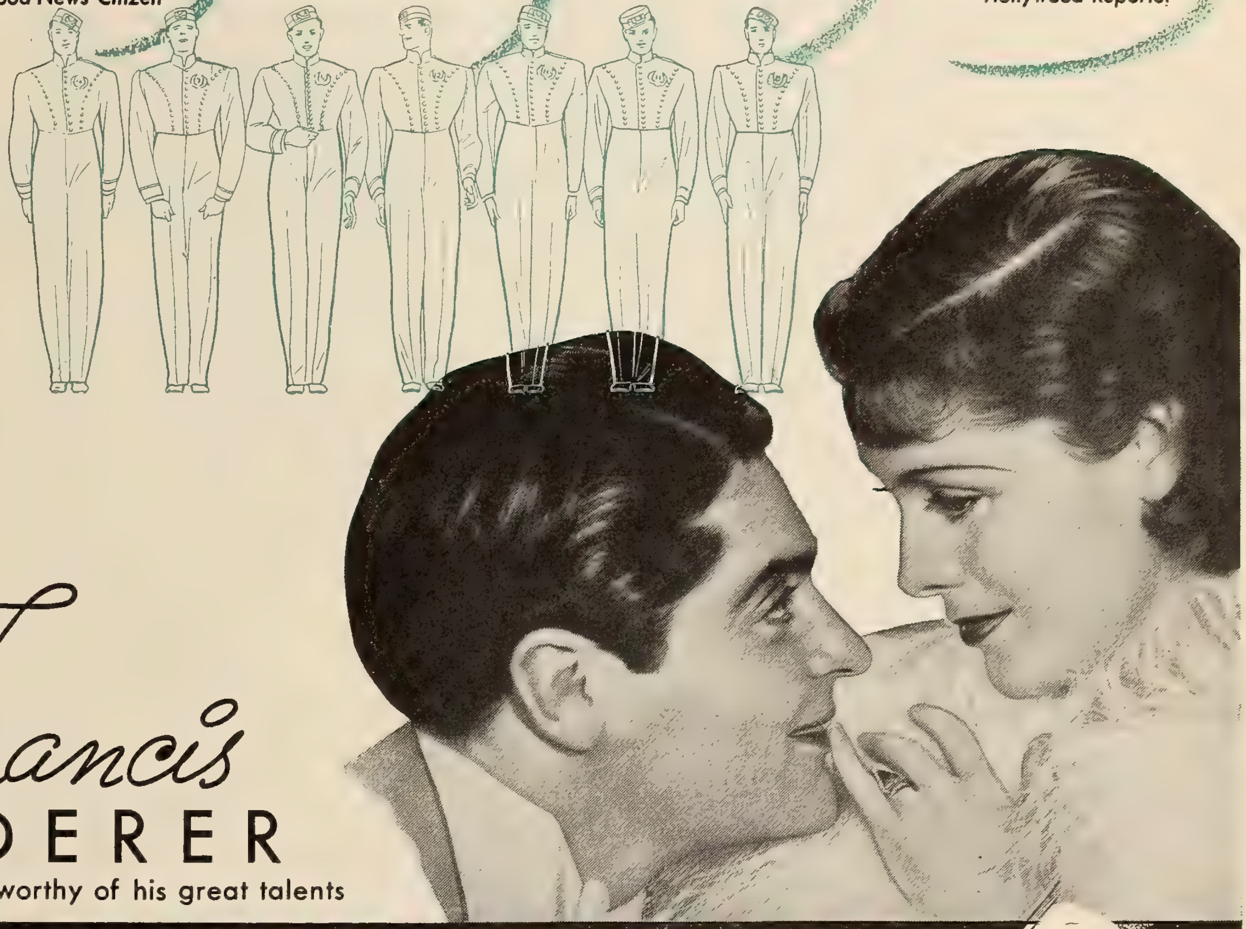
. . . another extra-value hit from FOX!

"If this picture is not box office tops this reviewer is no judge of audience reaction."
—*Hollywood News Citizen*

"Will sell itself as grand entertainment for any audience."
—*Showmen's Trade Review*

"Perfect entertainment with a flock of selling angles. Showmanly and fast."
—*Variety Daily*

"Will bring that thriving look to the box office. The gayest picture in a long, long time."
—*Hollywood Reporter*



Francis
LEDERER
in a screen role worthy of his great talents

the GAY DECEPTION

A JESSE L. LASKY PRODUCTION with

FRANCES DEE

BENITA HUME
ALAN MOWBRAY
AKIM TAMIROFF

Directed by William Wyler. Original Screen Play by Stephen Avery and Don Hartman.

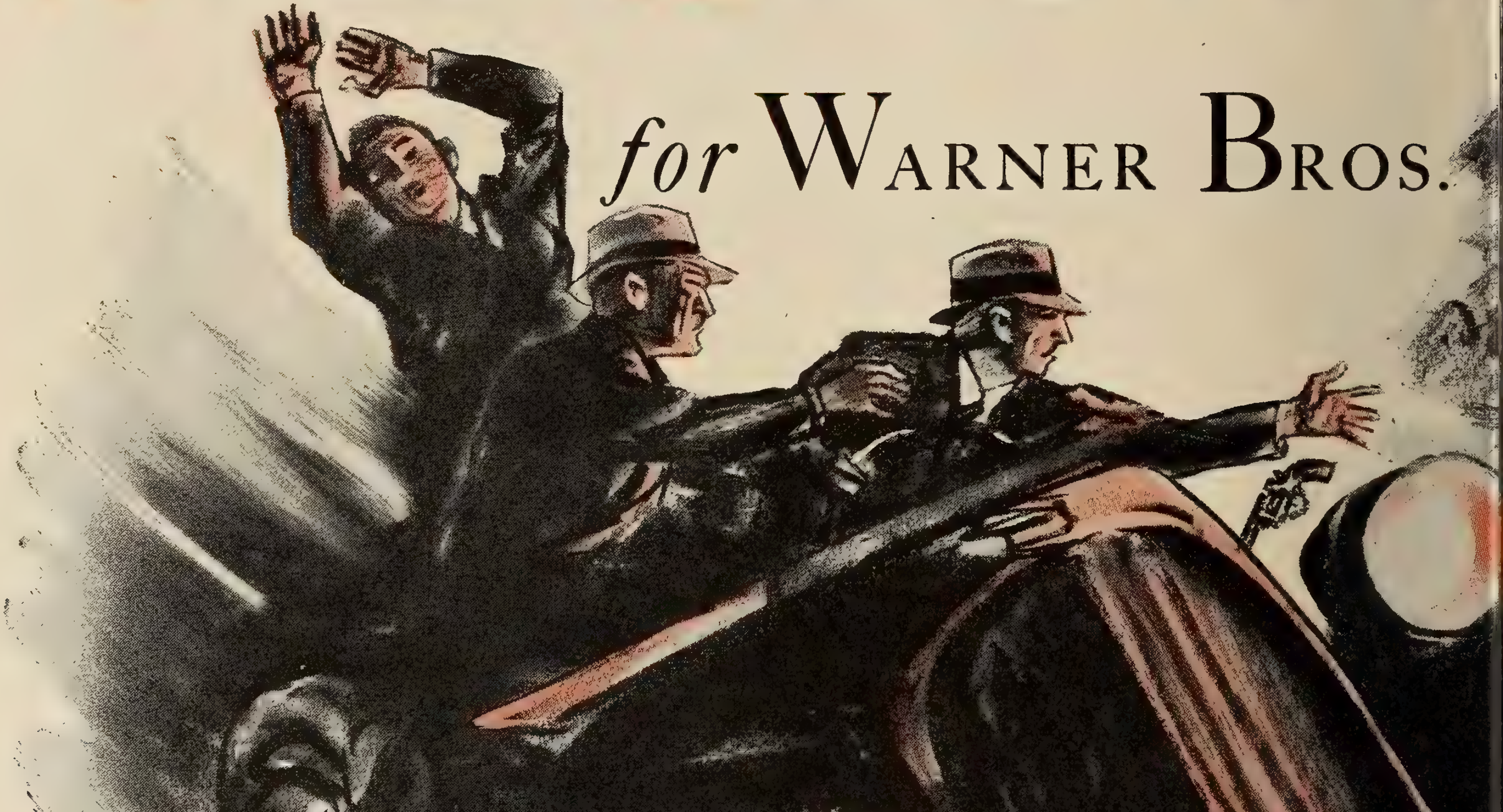
A FOX PICTURE

P. S.
The big, new thrill of the singing screen is Nino Martini's voice in "Here's to Romance!"

And Now Comes

More 'GLORY

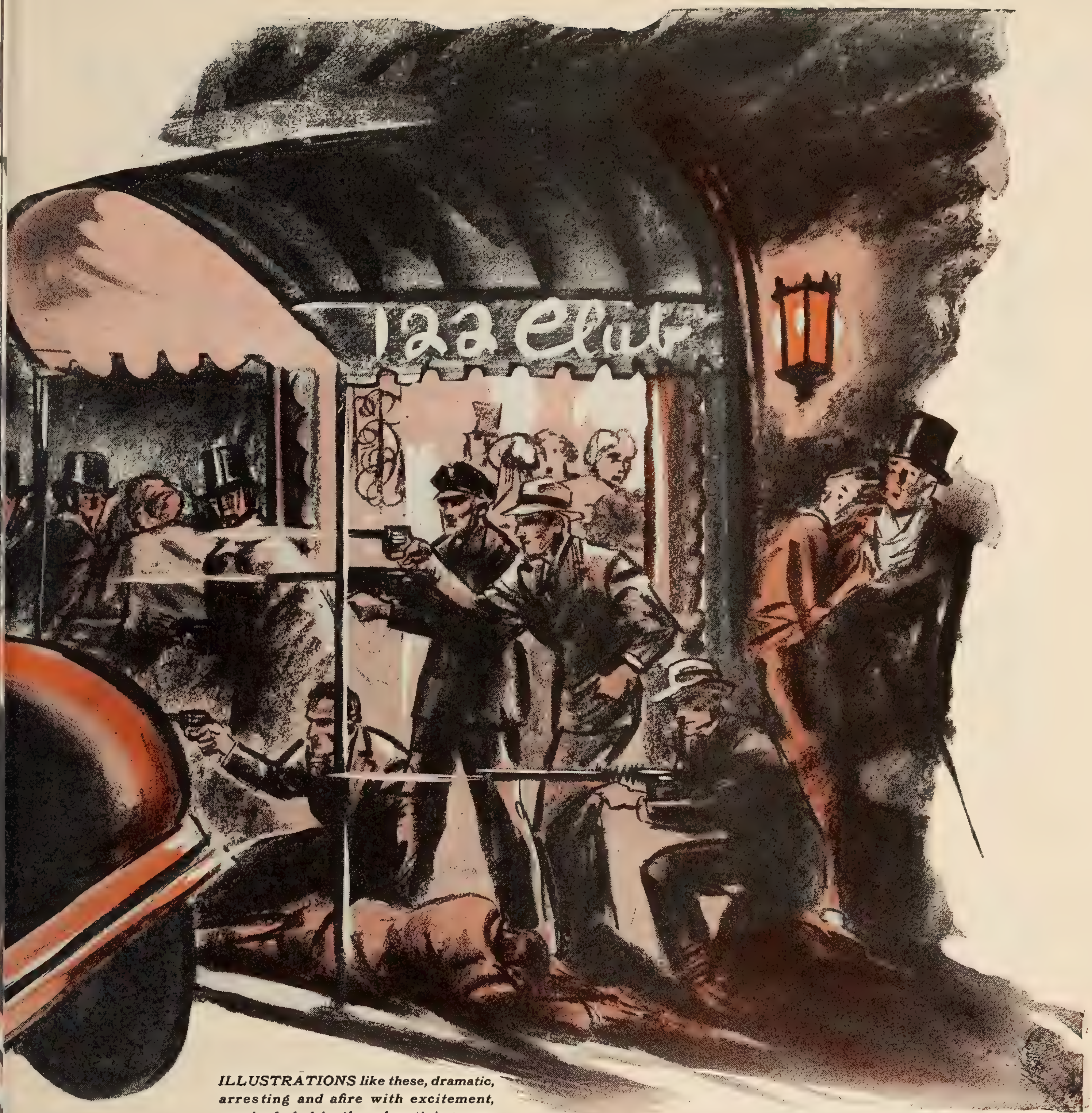
for Warner Bros.



OF COURSE you've heard about the glorious send-off Warner Bros. have given the new season with their first Marion Davies show!

Those "Page Miss Glory" records are pouring in almost hourly. Seems like it's breaking some kind of a record everywhere it plays!

And now comes the exciting news that the Warner boys have "Glory's" running mate right on tap. It's called "Special Agent" and is ready for release September 14th. It is another Cosmopolitan Production and will be exploited and advertised on the same ex-



ILLUSTRATIONS like these, dramatic, arresting and afire with excitement, are included in the advertising campaign provided for this production.

tensive scale as "Glory." Right now, for instance, it is being serialized in 15 key city papers throughout the country!

"Special Agent" is the screen's first drama of the "T-Men"—Uncle Sam's heroic treasury Department operatives who are cracking down on the monied mobsters G-Guns couldn't reach. Into it Warner Bros. have injected all the headlong speed and shock of "G-Men"—plus the lure of a famous feminine star. Also it has the same director as "G-Men"—William Keighley.

We strongly recommend that you strongly recommend to your patrons—

'SPECIAL AGENT'

Starring BETTE DAVIS with GEORGE BRENT, Ricardo Cortez, Jack LaRue

"THE STAYING POWER OF THIS PICTURE IS PHENOMENAL!"

ROXY THEATRE, N. Y. **DATE: 9-4-35**

TO: MR. HOWARD S. CULLMAN
MR. HARRY ARTHUR

FROM: MR. IRVING LESSER

It might be interesting to you to note that the records disclose the five days of the second week of "Diamond Jim" exceed the the first five days of the picture.

Receipts to date on the second week are $36,870.95. The first five days of the first week totaled $36,319.00 so the second week shows a gain over the first week of $551.95. The staying power of this picture is phenomenal.

In attendance, the second week to date shows that we have shown to 106,390 people or 2,273 more people on the second week than on the first week. It is rather interesting to note the totals in five days of each week.

The first five days of this week total 106,390 people.
The first five days of last week totaled 104,117 people.
The total attendance for twelve days is 239,897.

"DIAMOND JIM"

UNIVERSAL MADE IT!

South to Keep Its Prices at Current Level

(*Continued from page* 1)

an effort made to hike prices on specials, with the exception of "Dinner at Eight" and a few other pictures of like type which played at roadshow prices in legitimate theatres in the territory.

Well-posted theatrical men in this section do not think a hike in admissions at this time is practicable.

No New Orleans Shift

NEW ORLEANS, Sept. 5.—A careful survey locally and throughout the immediate territory indicates there will be no advance in admissions this season. Suburbans say it is difficult to obtain present prices and for that reason are compelled to rely on prizes, both cash and otherwise.

The St. Charles which has been operating on a 10 and 20-cent basis during the summer reverts back to the old scale of 16 and 26 cents with the opening of the regular season. It is a foregone conclusion that neighborhood houses will remain stationary as far as prices are concerned, although they may double bill or add additional come-ons.

Downtown houses will remain as is during the winter unless unforeseen conditions arise.

Five 306 Men Seek New Strike Ruling

(*Continued from page* 1)

union, could not accompany the committee because his attendance was required last night at another meeting with circuit representatives on a basic wage scale. Negotiations between the two factions are reported continuing smoothly, but apparently neither side is getting anywhere. The circuits are demanding a top of $1.60 while the union is seeking a maximum of $2 an hour.

WASHINGTON, Sept. 5.—Although George E. Browne and Louis Krouse could not be reached, the I.A.T.S.E. headquarters today stated no meeting was being held today on the New York situation.

"Dark Angel" Opens

"The Dark Angel" had its world premiere at the Rivoli last night before a large audience. Among those attending were: Helen Vinson, Fred Perry, Dr. A. H. Giannini, Sir Gerald Campbell, Lillian Hellman, June Knight, Dorothy Mackaill, Burns and Allen, Mae Murray and Phil Baker.

RKO Directors Meet

The board of directors of Radio-Keith-Orpheum held its regular quarterly meeting yesterday with only routine business being transacted, according to a representative of the company.

F. D. Meet Postponed

A meeting of the board of First Division Exchanges scheduled for yesterday was postponed and tentatively set for next Thursday. An election of officers will be held.

Early Action On Regulation Is Predicted

(*Continued from page* 1)

calling of a general industry mass-meeting to devise voluntary codes for all branches or to consider other forms of possible regulatory measures.

A flood of complaints from aggrieved exhibitors in all sections of the country to outside official agencies as well as to industry authorities is viewed apprehensively by many responsible executives. All are directed at the rapidly spreading trade practices which tend to reduce admissions and cheapen theatre fare. Many industry observers see in these practices a dissipation of exhibition's finest chance to stage financial gains since 1930. With theatre attendance rapidly reaching levels unknown since boom years all over the country, and with new season product of strong box-office potentialities ready for release, observers view these advantages as being wasted or discounted by the prevailing trade practices.

Distributors Called For Long Reel Talk

(*Continued from page* 1)

addressed by Gordon S. Mitchell, chairman of the research division of the Academy of M. P. Arts & Sciences. The Society of M. P. Engineers will send representatives of its exchange practice and projection practice committees to the meeting.

A meeting of the special committee of managers of major company exchange operations which was scheduled for yesterday at M.P.P.D.A. headquarters was postponed to next Thursday because of the absence from the city of J. S. McLeod of M-G-M, chairman of the committee.

Delay "China Seas" Case

Dispute between the Gotham and M-G-M over booking of "China Seas" into the Dorset will be argued in the New York Supreme Court on Sept. 20, it was stated yesterday by Milton C. Weisman, attorney for the Gotham.

A motion for a stay of the Dorset booking was scheduled for yesterday before Judge Steuer, but inasmuch as M-G-M promised not to release the picture until Sept. 28, it was agreed to put the case over.

The Gotham claims prior right to the picture on a 1934-35 contract and alleges M-G-M wants to give the film to the Dorset first under a 1935-36 agreement.

Takes Warner Product

Golden States and T. & D., Jr., circuit, has signed for the complete Warner 1935-36 lineup, including Vitaphone shorts and trailers. Mike Naify and Bob McNeil represented the circuit and Carl Leserman, assistant to Gradwell Sears, represented Warners.

Holds Lowell Ruling

Decision was reserved yesterday by Supreme Court Justice Charles B. McLaughlin on Joan Lowell's application for an order to permit examination of Amedee J. Van Beuren on profits of "Adventure Girl."

Zukor Named Head Of Para. Broadway

(*Continued from page* 1)

secretary, Eugene J. Zukor and Edward Brown, assistant treasurers; Frank Meyer and Cokell, assistant secretaries.

The Broadway company's application for listing of its new $8,875,000 issue of first mortgage sinking fund loan certificates, due Feb. 15, 1955, was granted yesterday by the Stock Exchange. The certificates, which are guaranteed by the parent company, Paramount Pictures, Inc., are being issued to holders of $8,875,000 of original certificates of the company, in exchange.

The 1935 assessed valuation of the Paramount Bldg. site is $6,000,000, and of the building itself, $5,600,000. The consolidated balance sheet of the Broadway company, as of June 30, last, shows assets of $14,018,040, of which $446,927 is in accounts receivable from the parent and affiliated companies. A deficit of $1,155,646 at June 30, last, is reported.

Terms of Reorganization

Under the terms of Broadway's reorganization it will lease to Paramount Pictures to Feb. 15, 1955, the entire building with certain reservations. Rent from Feb. 15, 1935, to Feb. 15, 1945, is to be $188,147 per year, and thereafter to the termination of the lease at a yearly rental to be fixed by appraisers. The theatre is leased to Hercules Theatre Corp., a Paramount subsidiary, at $260,000 for the first year and a minimum of $200,000 plus percentages of the house's gross above certain figures for the succeeding years.

The Stock Exchange yesterday suspended from dealings the old Paramount Publix 20-year, 5½ per cent sinking fund gold bonds due Aug. 1, 1950, and certificates of deposit for the issue, and also Paramount-Famous-Lasky 20-year, 6 per cent sinking fund gold bonds and certificates of deposit due Dec. 1, 1947.

Court to Rule on Pathe Examination

(*Continued from page* 1)

compelling them to produce all records, account books and agreements at the time of examination.

This is an action in discovery and inspection to determine the assets and all of the business transactions of Pathe Exchange, Inc. The petition for examination before trial lists 40 distinct items regarding which Casey desires to examine Kolbe and Atkins. Casey's affidavit explains that the examinations are sought to show that Robert R. Young dominated and controlled Stuart W. Webb and Frank F. Kolbe during the time each occupied the official position of director and president of the defendant corporation; to show that Robert R. Young was in command of the defendant corporation and constantly supervised and directed its program and policies; that at the same time Young held an obscure official position in the management of the corporation; to show that during 1933, 1934 and 1935 and a considerable period of time prior thereto, the defendant acted under the direction of Young and conspired with Young to the extent of causing waste of the defendant's assets, violating their duties and wrongfully suffering acts to be done in such a manner as to result in the squandering of the defendant corporation's assets. Among some of the items cited by Casey leading to the alleged squandering of the assets of the defendant corporation, he listed the borrowing of $2,000,000 from the Bankers Trust Company in behalf of the defendant corporation and also pledging as collateral security for the Bankers Trust Company loan the 49 per cent stock interest of the Dupont Film Mfg. Corp. owned by Pathe Exchange, Inc. Casey further alleged that the defendant failed to reveal to the stockholders the true financial condition of Pathe Exchange, Inc., at the meeting on March 4, 1935.

Row Stirring Over British Booking Moves

(*Continued from page* 1)

with a view to a possible test action along lines of alleged conspiracy in restraint of trade or for an application to the Government for legislation to hold distributors in check.

Following a meeting on Tuesday, the K.R.S. tonight issued this statement:

"Where an exhibitor, a company or individual or booking agent undertakes bookings for another exhibitor, this will be considered a booking combine and in contravention of the society's policy unless the exhibitor or booking agent has acquired a majority control in the financial and voting of share capital of the company holding the cinema."

The statement added that other circumstances may be considered as constituting a booking combine and that the K.R.S. reserves to itself the right to examine any case complying with the above requirements but in which "the share capital of the company controlling the cinema is nominal or the management and operation of the cinema is in the hands of one exhibitor and the booking in the hands of another exhibitor or agent."

If universally applied, this stand will invalidate several booking arrangements of many years' standing, including perhaps one Scottish circuit of over 40 houses.

Paramount Situation Up

The particular attention which appears to be directed toward Paramount on the buying situation is understood to have developed over a reputed hookup between the company and Reed Theatres, Ltd. Both companies share the same offices and Paramount officials are associated with Reed, which is a recent amalgamation of a number of separate theatre corporations controlling 12 houses. A. H. Reed says he merely books stage acts through Paramount.

The K.R.S., it was also learned, is scrutinizing the G.B. purchase of three of the H. & G. theatres in various London suburbs, the understanding being that, insofar as the K.R.S. and its policy are concerned, the purchase is not yet considered bona fide. Unless further investigation demonstrates otherwise, distributors will not permit Gaumont to book these houses.

HUNDREDS MORE THEATRES BUY UNIVERSAL!!!

BALABAN & KATZ,
31 theatres in Chicago!

JEFFERSON AMUSEMENT CO.,
59 houses in Eastern Texas!

SCHINE THEATRICAL ENTERPRISES, Inc., ***New York and Ohio, 47 situations!***

M. A. SHEA CIRCUIT, ***20 theatres in Boston, Cleveland, Pittsburgh!***

DANZ CIRCUIT, ***Seattle, 18 theatres!***

MORGAN WALSH CIRCUIT,
California, 14 theatres!

A. E. LICHTMAN CIRCUIT,
Washington, D. C., 10 theatres!

SEMELROTH CIRCUIT,
Cincinnati, Dayton, 6 theatres!

and* MORE *contracts piling up daily!

Because

UNIVERSAL HAS THE LINE-UP!

◂ Purely Personal ▸

JOHN W. HICKS, Ed Rafferty, William Powers, William Rodgers, William A. Scully, Dave Levy, Charles Moses, Fred Schwartz, Hendry Randel, Charles Sonin, Charles Casanave and Morris Kutinsky, at the Astor; Arthur Lee, Jack Partington and Irving Lesser at the Tavern for lunch yesterday.

•

Leonard Picker, brother of Eugene of Loew's, is the proud daddy of a 6¾-pound girl born Wednesday at the Beth Israel Hospital, Newark. Mother and baby are getting along fine while Leonard continues his legal work at Nathan Burkan's office.

•

Fanny Brice leaves today instead of tomorrow for the M-G-M studios, having changed her departure plans yesterday. When she arrives on the coast Miss Brice will play the role of herself in "The Great Ziegfeld."

•

Roxy, Pat Rooney, Helen Menken and Bernice Claire were among those who went personal appearance at Hearns yesterday when that department store launched its share-the-profits plan.

•

Ray Gross, cartoonist-inventor of novelty material, says he has developed a new group of inventions which are being used in a one-reel comedy at the Vitaphone studio. Edward Fielding heads the cast.

•

Spyros Skouras is being annoyed by an infected right foot, but not enough to prevent him from attending to business every day. His brother, George, yesterday was bothered by a toothache.

•

Louise Henry, who flew to New York a few days ago because of the illness of her father, has returned to the coast by plane for finishing scenes in "Remember Last Night."

•

Lewis Jacobs, editor of *Experimental Cinema,* is going to conduct a course in film writing at the Institute for Adult Education starting Sept. 24.

•

Louis Phillips of the Paramount legal department is en route to St. Louis where he will dig in for the fall court campaign.

•

Hal Horne will go to New Haven Monday to address the New Haven Advertising Club on "Humor in Advertising."

•

J. D. Trop has been appointed American representative of the Towa Shoji G. K. Co., Japanese distributing company.

•

William Thiele's and Edmund L. Hartmann's "Tomorrow Will Be a Better Day" has been acquired by Universal.

•

Robert Benjamin returned from a one-day trip to the Hub yesterday.

•

I. E. Chadwick plans to leave for Hollywood today.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Cappy Ricks Returns"

(Republic)

Hollywood, Sept. 5.—Robert McWade builds sympathetic interest for Cappy in this picture, which rates as good average entertainment.

Recalled from retirement when his hated business rival, Oscar Apfel, has his assistants, Lucien Littlefield and Kenneth Harlan, in a spot, McWade, with the aid of Ray Walker, soon has the situation in hand. Apfel has jammed a bill through the legislature making McWade's shingle roofing illegal. With the time element against them, McWade and Walker rush through a referendum repealing the bill while constantly fighting thugs, hired by Bradley Page, who destroy voters' signatures. Florine McKinney, as Apfel's daughter, first aids her father but switches when her romance with Walker develops.

George Waggner, who adapted the Peter B. Kyne story, makes every dialogue line count for the advancement of the plot and Mack Wright's direction keeps the action moving rapidly. Comedy is plentifully provided by McWade's temper and by one sequence which features "Man Mountain" Dean.

The production by Trem Carr is creditable from every angle and Harry Neumann's photography is good.

The picture should please.

No production code seal. Running time, 67 minutes. "G."

RCA Sales, Service Forces End Meeting

Camden, Sept. 5.—Sales and service representatives of RCA Photophone completed a two-day meeting here today. Approximately 100 from both divisions attended. E. M. Hartley, sales manager of RCA, presided, with Edward Auger, his assistant, also in the chair. E. T. Cunningham, president of RCA Manufacturing Co., of which Photophone is a division, greeted the delegates.

F. B. Ostman told the meeting that the company's service contracts were more than double this time last year. Richard Turner explained the entrance of the company into the Trans-Lux rear projection and Sonotone hard-of-hearing fields. The rear projection equipment is being leased, the Sonotone sold. A demonstration of the newly developed push-pull method of recording, designed to eliminate noise, was held. Thomas F. Joyce spoke on company advertising. Representatives of allied departments discussed the work of their divisions. A dinner was held at the Tavistock Country Club, concluding yesterday's session.

Burlesque Theatres Closed by a Strike

Burlesque performers are on strike in New York and a number of other cities—Paterson, Baltimore, Boston, Union City and Washington—and the theatres are dark. Houses affected here are the Apollo, Republic, Eltinge, W. Second St.; People's, on the Bowery; Gotham, on West 125th St., and the Irving Place.

The walkout was called by the Burlesque Artists' Ass'n, an affiliate of Actors' Equity and the A. F. of L. Herbert K. Minsky, president of the Eastern Burlesque Managers' Ass'n, says the strikers refused arbitration. Thomas J. Phillips, union spokesman, says the performers wanted a return to the NRA guarantee of a day off in every 14, $22.50 minimum for the girls in stock and $25 on the road.

Jersey Allied Men Talk Issues Today

Allied of New Jersey's board of directors, nominating committee and officers will meet today with Sidney Samuelson to discuss administrative matters and leftover business from the Atlantic City convention.

One of the topics expected to come up is the presidency. Samuelson has refused to continue in this post unless the organization gets down to business and keeps on its toes. The shore convention was adjourned two months to give the various committees sufficient time to show their support to the president.

Juggle Chicago Bookings

Chicago, Sept. 5.—Unable to get Joe E. Brown here to appear in person with the showing of "Bright Lights," Balaban & Katz juggled bookings and "Page Miss Glory" opened at the Chicago today. There was a heavy newspaper campaign in the Hearst paper.

"Anna Karenina" follows "Steamboat 'Round the Bend" into the Roosevelt as a result of the changes and "Dark Angel" goes into the United Artists after an extended run of "China Seas."

Without Stage Shows

Philadelphia, Sept. 5.—The Earle and Fox begin their second week tomorrow without stage shows, as musicians and managers are still unable to reach an agreement. The first week has brought good grosses to both houses because of the wet Labor Day, which kept crowds in the city.

Lasky's First in England

Chicago, Sept. 5.—During his short stop between trains on his eastward trip today, Jesse L. Lasky said that he was on his way to London to make his first Pickford-Lasky production in the Korda studios in London. Nino Martini will be starred, he said.

Short Subjects

"Major Bowes Amateur Theatre of the Air, No. 1"

(Biograph-RKO)

This initial issue of Major Bowes' series of amateur radio performers makes a good, entertaining subject. With its ready-made audience of radio fans, it should rate special billing and attract extra business. Bowes himself and seven amateur radio acts are included. All are vocal or instrumental performers, but the reel is novel and rates as better than average short subject entertainment. Production Code Seal No. 0520. Running time, 17 mins. "G."

"Johnny Green and His Orchestra"

(Vitaphone)

Something went wrong in the cutting of this "Melody Master." The various acts are thrown together regardless of sequence and order. While some of them are above average, the net result amounts to only a fair rating. Johnny Green is supposed to put some life into a sleepy mountain resort. He plays one number, then there is a hill billy trio, Majory Logan and Jimmie Farrell contributing their bits which somehow fail to click. Production Code Seal No. 0456. Running time, 9 mins. "G."

"Time for Love"

(Paramount)

A new Fleischer cartoon in what is apparently a newly developed color process, this is an entertaining subject. The color provides surprising tints, which are in keeping with the fanciful nature of the subject. A male and female swan are love-making until a black rival appears to steal the sweetheart. When he mistreats her, the former lover comes to the rescue. Effective and entertaining. No production code seal. Running time, 7 mins. "G."

"Lady in Red"

(Vitaphone)

Leon Schlesinger does it again with a swell "Merrie Melody" in three-component Technicolor. In this number the cockroaches and flies make merry in their own insect fashion until an insidious parrot tries to capture the lady in red. The bird finds to his sorrow that the small creatures can give him a good dose of his own medicine and it doesn't take long before the parrot scampers off with a burning tail. The music, coupled with the intriguing antics of the pesky flies and roaches combine for a gay seven minutes of pleasing entertainment. Production Code Seal, No. 1064. Running time, 7 mins. "G."

"Jolly Ol' London"

(Van Beuren-RKO)

A sightseeing tour of London in the company of the Easy Aces shouldn't be hard for theatre patrons to take. Glimpses of the city's world-renowned buildings and points of interest, with entertaining observations by the Aces as you go, make a brief but enjoyable "rubberneck" trip by celluloid. Production Code Seal No. 0568. Running time, 7 mins. "G."

More SMILEAGE

Gidgets and gadgets and flowery advertising words may attract attention at the automobile show. But it's the old road test that proves the real worth of a car.

And it's the old audience laugh test that proves the value of the short comedies you play. When theatres playing Educational Comedies show a 20 per cent increase in a year, there must be a reason. It's more power in the box-office star names—more smileage per reel.

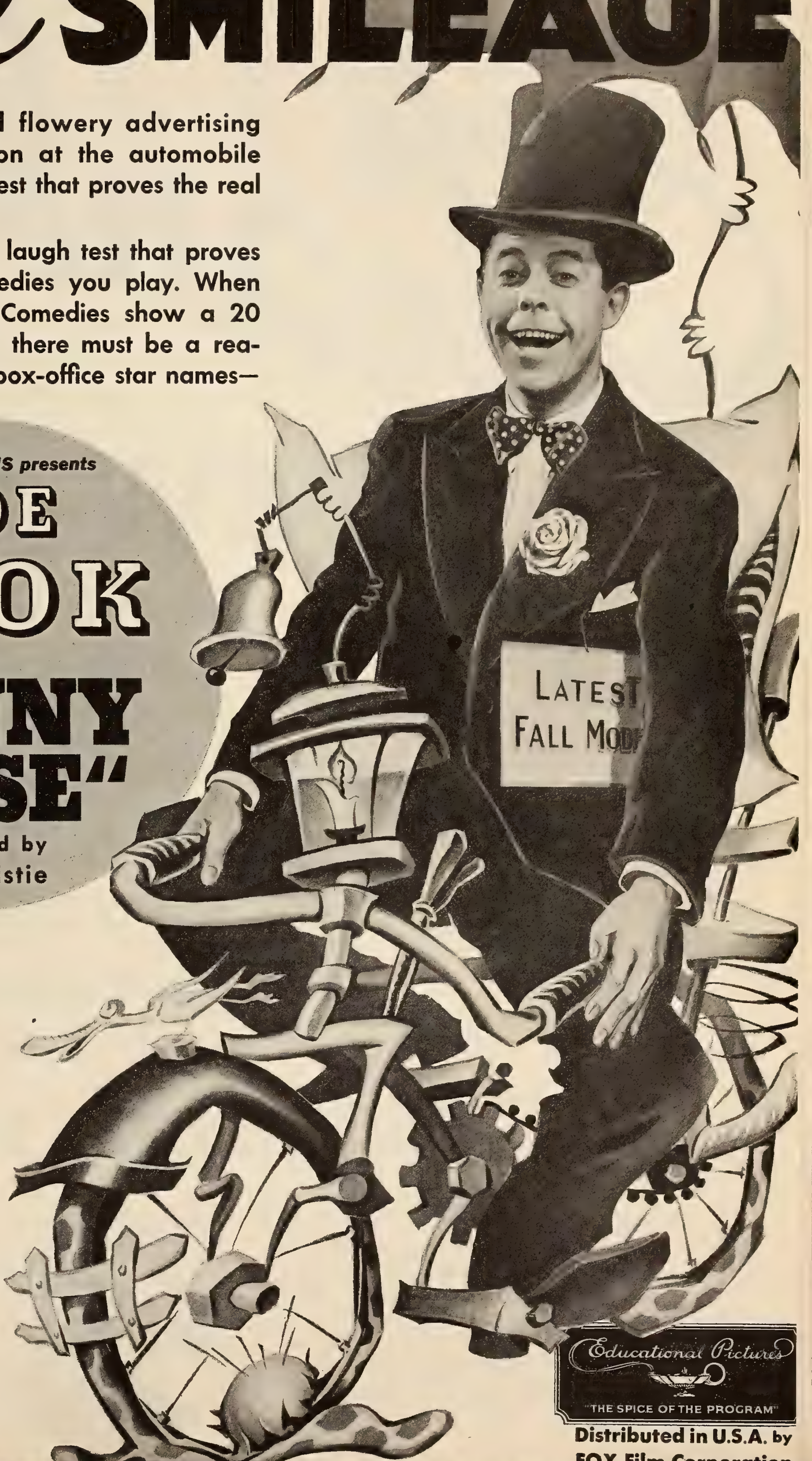
E. W. HAMMONS presents

JOE COOK

in

"PENNY WISE"

Produced by
Al Christie



Other current *Educational* Comedies that register high in the smileage test:

BUSTER WEST and
TOM PATRICOLA
in
"DAME SHY"

BUSTER KEATON
in
"THE E-FLAT MAN"

ERNEST TRUEX
in
"THE AMATEUR HUSBAND"

TOM HOWARD and
GEORGE SHELTON
in
"STYLISH STOUTS"

"CIRCUS DAYS"
Paul Terry-Toons
By Frank Moser and Paul Terry

Educational Pictures
"THE SPICE OF THE PROGRAM"

Distributed in U.S.A. by
FOX Film Corporation

Thanks!

LOEW-RKO

For your CONFIDENCE and FAITH in the new REPUBLIC PICTURES Organization by booking its initial program to play in your NEW YORK circuit of Theatres.

24 PICTURES booked to play
63 LOEW Theatres

24 PICTURES booked to play
42 RKO Theatres

GENTLEMEN, IT'S A PLEASURE

REPUBLIC PICTURES

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 58 NEW YORK, SATURDAY, SEPTEMBER 7, 1935 TEN CENTS

Houston Looks For No Change In Admissions

Cuts Not Heavy; Present Scales Held Normal

This is the seventh installment in a national survey on the trend of admissions.

HOUSTON, Sept. 6.—Prices have never dropped to the level of those in many other localities and haven't so far to go to reach normal again. In fact, operators here consider the price level normal now and so no raise is contemplated.

The Metropolitan and Majestic here, Interstate theatres, have a top of 50 cents, including tax, and an early matinee price of 25 cents. Loew's top is 40 cents, and the Kirby, another first run Interstate theatre, is 35 cents.

The better class subsequent runs have a top of 25 cents and a low of 10. A few have a 15-cent top with five cents for children. These prices

(*Continued on page 3*)

N. E. Theatre Shifts Continue Fast Pace

BOSTON, Sept. 6. — Fluctuations along the theatre front are still very much in evidence in New England. The Haines in Waterville, Me., a college town, is back on the active list. The Crown in New London is dark.

The Apollo in New Haven, which is being operated by H. Tabackman, has reopened. The Cameo in Hartford has been opened by A. Goldberg. The Princess, Rockville, opens Sept. 15.

In Maine, the Powers, Caribou,

(*Continued on page 4*)

Skouras Asks Delay On St. Louis Trip

ST. LOUIS, Sept. 6.—An infected toe may keep Spyros Skouras away from the hearing set for Tuesday on the Government's application for a temporary injunction against Paramount, Warners and RKO.

Skouras, who was subpoened early this week in New York, has asked the

(*Continued on page 3*)

Most Loew and RKO Houses Start Duals

All local Loew theatres with the exception of the State yesterday adopted a dual feature policy with "China Seas" and "Bright Lights" as the initial attraction. RKO theatres, with the exception of the Palace, today

(*Continued on page 3*)

Browne, IATSE Head, Refuses To End Local 306 Strike Ban

Washington, Sept. 6.—George E. Browne, president of the I. A. T. S. E., today declined to rescind an order recently handed down denying Local 306 the right to strike in the event negotiations between the circuit and union in New York reach an impasse. The International head met with a committee of five from Local 306. The committee made a special trip from New York for the conference with Browne.

On telegraphic orders from Local 306, union members are accepting $1.60 an hour until negotiations on a basic wage scale are completed. Acceptance of this scale is not in the form of a salary, but is being paid in the form of I. O. U.'s, the understanding being that if a higher scale is agreed upon finally the operators will receive the difference on signing of a contract.

Charges of unlawful assembly against 21 Local 306 pickets were yesterday dismissed by Magistrate Michael A. Ford in the West Side Court.

'Jim' at $45,850 Impresses In 2d Week; B'dway Strong

"Diamond Jim," with a five-year attendance record and a new three-year high to its credit in its first week at the Roxy, kicked in with a handsome $45,850 in its second week, which terminated Thursday night, a final count demonstrated yesterday.

In the face of adverse weather and such competition as "Top Hat" at the Music Hall, "Anna Karenina" at the Capitol and "Page Miss Glory" at the Strand, but with the extended Labor Day weekend in its favor, the second stanza of the Universal picture gave an impressive account of itself, particularly in view of a negligent shrinkage of only $1,150 as compared with the first week take of $47,000.

Business along Broadway reminded of old times. "Page Miss Glory" gave the Strand a whopping $33,751. The Paramount did $25,400 with "Two for Tonight," which is holding over, and the final eight days of a three-week run gave the Rivoli $24,200 with "The Call of the Wild."

"Accent on Youth," aided by the holiday naturally, stepped up business at the Palace to $13,600, where normal these days ranges between $7,500 and $10,000. The second week of "The Crusades" at the Astor drew $10,500.

Sues Columbia Over Royalties on Series

Samuel J. Josephs, attorney for Harry Levey, yesterday filed in the N. Y. Supreme Court an application for a temporary injunction seeking to restrain Columbia from paying Rex Film Corp. any monies or royalties due on "Voice of Experience." Hearing on the application is scheduled for Monday before Judge Hofstadter.

Other defendants listed are Voe Pictures Corp., M. Sayle Taylor,

(*Continued on page 3*)

Goldwyn to Produce One Picture Abroad

Samuel Goldwyn is planning to produce a film at the London Films studios in England in a move for exchange of talent and production facilities between United Artists producers on both sides of the Atlantic, it was learned yesterday.

Government Probes Pact in Cleveland

CLEVELAND, Sept. 6.—Government men are interviewing independent exhibitors here who were signers of last year's single feature agreement, which expired on July 8, also the signers of this year's agreement, that has been signed to date by 80 per cent of the theatres, but with no apparent hope of success.

Independent producers and distributors are reported to be back of the

(*Continued on page 3*)

Seek Repeal of Bay State Pari Mutuels

BOSTON, Sept. 6.—An initiative petition seeking repeal of the horse and dog racing pari mutuel bills was filed yesterday with Secretary of State Frederick Cook signed by the necessary 10 voters of every 20,000 registered.

Circuits Here Going Back to Chance Games

Loew's and Consolidated Plan Resumption

Loew's and Consolidated Amusements are planning to reinstate chance games in their local houses sometime next week, it was learned yesterday. Both circuits dropped the games about three weeks ago when the district attorneys of all five boroughs issued orders to the police force to notify exhibitors to discontinue the practice.

Eight Loew theatres were playing Screeno at the time they were abolished while a similar number of Consolidated units were featuring Lucky. Whether the games will be extended to additional houses in the major and independent circuits could not be learned yesterday, but it is believed that where competitive situations are playing games the Loew and Consolidated theatres will adopt them.

The move to again go in for games is predicated on two recent decisions

(*Continued on page 4*)

Long Again Asserts He'll Force Vaude

NEW ORLEANS, Sept. 6.—U. S. Senator Huey P. Long has again threatened to force vaudeville into theatres. In a three-hour radio speech he said he would compel theatre owners to install vaudeville within a short time.

Union musicians are urging Long to continue his pressure, as 35-piece orchestras were common before stage shows were ended. Long made no reference to musicians in his speech, however.

Seeks Philadelphia Test on Sweepstakes

PHILADELPHIA, Sept. 6.—Dave Barrist and his Quality Premium Co. will back a test suit to establish the legality of Sweepstakes.

The decision followed the arrest of one of the company's clients, Tom

(*Continued on page 3*)

Coast Independents Warned on "Rackets"

LOS ANGELES, Sept. 6.—Independent Theatre Owners of Southern California has warned the membership that further spread of "rackets"—meaning

(*Continued on page 3*)

MOTION PICTURE
DAILY
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Bouchard Feted by Canadian Industry

Montreal, Sept. 6.—All branches of the industry in Canada were represented in tribute to T. D. Bouchard at a banquet in the Mount Royal Hotel to honor the past president of Allied Theatrical Industries on his appointment as Minister of Municipal Affairs, Trade and Commerce in the cabinet of the Quebec Provincial Government.

In his speech Bouchard declared that, although taxation was a necessity, any levy should not be a crushing burden to industry. He expressed the view that a distribution of wealth was necessary for economic stability. Today, more than ever before, people had a right to sane entertainment and it should be placed at the disposition of all at a reasonable price. Taxes should be imposed which would bear equitably on the poorer classes and he warned that imposts that struck heavily at industry and legitimate capital would kill those sources of wealth. He saw better days ahead for theatres.

Arthur Hirsch, president of Consolidated Theatres, took advantage of the opportunity to denounce the continued ban on the admission of juveniles under 16 years to any theatre in the province and asked for a square deal.

The speakers included Col. John A. Cooper, Toronto, president of M. P. Distributors of Canada; President Charles B. Howard of Allied Theatrical Industries, and Alban Janin of France-Film, Ltd.

Purely Personal

Merle Oberon, due to inclement flying conditions, is en route here by train instead of air. She is due today and will immediately board the *Aquitania* to visit her home in London.

•

Beatrice Rosenblatt, Edward Golden's secretary at Republic, is back from a vacation. Madeleine White, W. Ray Johnston's secretary, will be on the coast for another week.

•

Marta Eggerth, Universal player, leaves for the coast tomorrow and will stop over in Chicago for one day, leaving the Windy City on the Chief Tuesday.

Quip of the Day

Sam Cocalis is in the Spyros Skouras class with an infected toe.

A local exchange manager said the exhibitors got that way from teeing off in the rough.

Vivian Moses has been pinch hitting for Bob Murray in the Paramount press book department. Murray is convalescing from an appendicitis operation.

•

D. A. Doran, Jr., left yesterday for a two-week stay on the coast during which he will sign talent for four plays he intends to produce this fall.

•

Leo Carrillo came in from Atlantic City yesterday. He is stopping at the Waldorf. He is on a personal appearance tour.

•

Henry Ginsberg returned from his European holiday yesterday. Today he and his wife leave for Hollywood, where the Roach studio is about to reopen.

•

Jerry Loeb of Warners is recuperating at the Royal Hospital from injuries he sustained last week when he slipped as he entered a taxi.

•

Everett Marshall will sing several of the songs from "I Live for Love" tonight on the Lucky Strike hour over the NBC network.

•

Charles Skouras and Charles Buckley of F. W. C. leave for the coast Monday.

•

Louis Weber, attorney for Skouras theatres, is on a short vacation. He is due back Monday.

•

Irving Lesser will take a plane to St. Louis on Monday. He originally planned to leave via train on Sunday.

•

Harry H. Thomas, First Division president, is making a tour of eastern exchanges.

•

Al Lichtman says he won't leave for the coast until early next week.

•

. . . New Haven

Ted Smalley is advertising a new product these days—a baby boy.

Dr. J. B. Fishman, Connecticut M.P.T.O. president, has returned after a six-weeks' tour of England, France and Russia.

Sam Calechman of the Howard also has returned from a trip.

Erle Wright is publicity director for his wife, Jane Morley, who makes personal appearances in Loew theatres as psychic reader.

U.A., "U" Counsel To Fight Sales Tax

United Artists and Universal will retain special counsel to represent them in opposing the city's attempts to collect sales tax on local film rentals, it was decided following a meeting of representatives of the companies yesterday.

The city has already filed notices with both companies for payment of the sales tax on the film rentals of each. Briefs setting forth the companies' reasons for declining to pay the tax have been filed with City Comptroller Frank J. Taylor, but no hearing date has been set yet. As no other companies have been served with the tax notices the outcome of the U. A. and Universal protests are viewed as test cases for the rest of the industry locally. Special counsel for the two companies will endeavor to obtain a dismissal of the tax assessments without a hearing, it was said.

Roach Starting on Two

Hollywood, Sept. 6.—"Our Gang Follies of 1936" begins shooting Monday under direction of Gus Meins at Hal Roach studios. Child dancers from the Meglin and Bud Murray schools will be used.

Also starting Monday is the second of Charlie Chase's comedies in his new series. It is untitled as yet.

M-G-M Signs Lighton

Hollywood, Sept. 6.—Louis D. Lighton has been signed by M-G-M as a producer. His initial pictures will be Kipling's "Captains Courageous" and "Kim." Freddie Bartholomew will be starred in both. Also on Lighton's schedule is "Elegance," starring Joan Crawford.

Sign Schumann-Heink

Hollywood, Sept. 6.—Mme. Ernestine Schumann-Heink, who will be 74 on June 13, has signed a three-year contract with M-G-M and will be starred.

It is understood Jesse L. Lasky also was trying to get her to sign a contract.

Mayer After Two More

Arthur Mayer, in partnership with Rapf & Rudin, is seeking two more theatres in New Jersey. Negotiations are now under way for the houses and may be signed within the next week or so.

Mayer-Rapf & Rudin several weeks ago acquired the Court, Somerville, N. J.

McDonough Trip Routine

J. R. McDonough, RKO Radio Pictures head, who arrived from the coast Thursday, said yesterday he is here on routine matters and that his stay will be brief.

Warners Shift Theatre Heads In East-West

Washington, Sept. 6.—Warners are revising the theatre management setup in this territory. Effective Sunday all the local first runs as well as the subsequents will be in the same division with Harry E. Lohmeyer, manager of the Earle, as district manager, states John J. Payette, general zone manager.

Out of town districts have been altered. The district including Maryland, Pennsylvania and West Virginia will be under Guy Wonders, who was formerly in charge of first runs in Baltimore, Washington and Charlotte. He will continue as production manager for the vaudeville houses in the zone.

John E. Firnkoess, district manager in charge of out of town theatres, has gone to New York to await further assignment.

Nat Glasser will have charge of Virginia houses. He has been in charge of Washington subsequent runs.

Charles R. Grimes, manager of the Colony here, goes to the Earle; Fred J. Thomas, manager of the York, goes to the Colony; Arthur Kilburg, manager of the Home, gets the York; Claude Land, assistant at the Central, becomes manager of the Home.

George A. Crouch continues as assistant general zone manager in charge of film buying and bookings for the 35 houses.

When the new Uptown and Penn are completed Walter E. Cersley, now at the Avalon, will manage the former, and Daniel A. Reynolds, now at the Avenue Grand, will have the latter.

Halper Gets Three Aides

Los Angeles, Sept. 6.—To relieve Lou Halper of details and coordinate coast theatre operation, Warners have made several managerial changes. Under the new setup there will be three district managers instead of one. George Weiss, who had the entire district, will now confine his activities to the Hollywood, Downtown and Beverly Hills houses. Carl Walker, former manager of the Granada at Santa Barbara, and Ben Wallerstein, manager of the Huntington Park, will assist Weiss, and all will have headquarters at the Warner Hollywood Theatre Building.

Wallerstein will handle the Forum, San Bernardino, and San Pedro theatres in addition to the Huntington Park, while Walker will add all Santa Barbara houses, plus the houses in Fresno, Aberdeen, Wash., and Salem, Oregon.

Several house managers have been shifted, and the lineup is now as follows: Jimmie Hicks transfers from the Hollywood to the Downtown, exchanging jobs with Mel Murphy; Vic Rosen goes from the Forum to the Granada in Santa Barbara; Frank Regan from San Pedro to Fresno; Cliff Chellew from Fresno to the Forum; Earl Cook from Beverly Hills to San Pedro, and Fred Kislingbury from Santa Barbara to Beverly Hills. All other managers remain as they were.

Sues Columbia Over Royalties on Series

(Continued from page 1)

known as the "Voice of Experience"; Elmer A. Rogers, general manager of Rex Pictures, and Benjamin K. Blake, production manager for Rex.

According to the petition, Levey claims he first approached Rogers and Taylor and sold them the idea to make the shorts. Voe Pictures was then formed with Levey as president, getting one-third of the stock and Rogers also getting a third, the petition cites. A contract was then closed with Taylor and he was to get 35 per cent of the profits, the papers state. The Voe company then negotiated a deal with Columbia and on the day the pact was to be signed all the books disappeared, it is alleged. A week later Rex Film Corp. was formed and proved to be identical to Voe with the exception of Levey, according to the complaint. This company signed the Columbia deal, it is further claimed.

An order signed by Justice Samuel I. Rosenbaum requires the defendants to show cause why they should not be required as directors and officers to turn back the Voe records to Voe.

Louis Martin Levy has filed notice of appearance as attorney for the defendants. Nathan Burkan's office is handling the matter for Columbia.

Government Probes Pact in Cleveland

(Continued from page 1)

investigation, which is being made to determine whether the single feature agreement has violated the anti-trust laws.

A reliable report has it that if evidence warrants and the anti-trust claims are substantiated, independent producers and distributors will ask for damages from all the signatories of the single feature agreement, claiming that the agreement illegally closed the local market to independent product.

It is also understood here that the government is investigating the alleged excessive and discriminatory local protection situation, especially that between competitive houses charging for their size, the same admission.

The local Common Pleas Court in a test case held the Cleveland single feature agreement to be legal and binding.

Most Loew and RKO Houses Start Duals

(Continued from page 1)

start duals with the majority of Bronx, Manhattan and Westchester houses showing "Accent on Youth" and "The Daring Young Man." Most of the Brooklyn and Long Island RKO theatres will show "The Man on the Flying Trapeze" and "Hard Rock Harrigan."

The State and Palace will continue to feature vaudeville on a full week policy.

Postpone Pathe Hearing

Pat Casey's motion for leave to examine Frank F. Kolbe, president of Pathe, and Robert W. Atkins, executive vice-president, before trial of his action against officers and directors of the company was postponed yesterday to Sept. 16 by State Supreme Court Justice Charles B. McLaughlin.

Al Lichtman Praises Roosevelt's Message

Al Lichtman, U. A. head, yesterday expressed satisfaction over President Roosevelt's declaration that the basic elements of his New Deal program had been completed and that business would now have a "breathing spell."

"Just as I received encouragement, as no doubt others did, from our President's inaugural address," Lichtman said, "I am also heartened by the inspiring message contained in his letter to Roy W. Howard, which in my opinion will give business a feeling of confidence and act as a signal for full speed ahead, the signal for which business has been waiting.

"I believe that the period of recovery has arrived and all lines of business are beginning to feel its beneficial effects and will enjoy its full effect in the very near future."

Houston Looks for No Admission Shift

(Continued from page 1)

have prevailed for the past three years and bid fair to continue for some time. The Metropolitan and Loew's have organists in the summer and the Metropolitan a 14-piece orchestra in the winter season without any advance in price.

Minsky to Use Vaude

Two of the Minsky burlesque houses, the People's on the Bowery and the Gotham in Harlem, will open today with vaudeville in an effort to break the strike of burlesque performers, according to H. Kay Minsky, president of the Eastern Burlesque Managers' Ass'n.

The Gaiety has broken away from the association and has signed an agreement with the union.

Lederer Returns West

Francis Lederer, who came east to attend the preview of "The Gay Deception" given by Twentieth Century-Fox at the Waldorf Astoria Thursday night, left for the coast yesterday by plane.

The film was shown in the hotel ballroom to a large delegation of press representatives and exhibitors. A reception followed in the Empire Room.

Cruze to Do "Sutter"

Hollywood, Sept. 6.—James Cruze has been picked by Carl Laemmle to direct "Sutter's Gold." Production is planned on an elaborate scale. Edmund Grainger will supervise, and he has gone into conference with H. C. Peterson, curator of Sutter's Fort Historical Museum, on locations and properties. No leads have been chosen.

Form Dowling Company

Dover, Del., Sept. 6. — Eddie Dowling Prod. Corp. has been formed here to carry on the business of theatrical proprietors, producers, etc., listing a capital of $100,000 and 1,000 shares, no par value. The incorporators are C. S. Peabbles, Walter Lenz and W. T. Hobson of Wilmington.

Druker Pinch Hitting

Baltimore, Sept. 6. — Maurice Druker, assistant at Loew's Century, is acting as manager of the Parkway while Charles McCleary is ill.

Wall Street

Changes Slight on Big Board

	High	Low	Close	Net Change
Columbia Pictures, vtc.	70	68½	68½	—2½
Consolidated Film Industries	4⅞	4¾	4¾	+ ¼
Consolidated Film Ind. pfd.	17⅛	16¾	16⅞	+ ⅛
Eastman Kodak	151¾	149½	151¼	+2
Loew's Inc.	43⅞	43	43¾	+ ⅞
Paramount Publix	10⅞	10⅝	10⅞	+ ¼
Para. 1 pfd.	93⅛	92⅜	93	+1
Para. 2 pfd.	12⅜	12	12¼	+ ¼
Pathe Film	6⅝	6¼	6¼	— ¼
RKO	3⅝	3⅜	3⅝	+ ⅛
20th Century-Fox	18½	18	18	— ¼
20th Century pfd.	27⅜	26¾	27	+ ⅛
Universal Pictures, pfd.	33½	33½	33½	— ½
Warner Bros.	6¾	6⅝	6⅝	— ½
Warner Bros. pfd.	44¼	43¼	43¼	— ¼

Little Change on Curb

	High	Low	Close	Net Change
Sonotone	2	2	2	.....
Technicolor	20⅛	19⅝	19⅝	— ⅜
Trans-Lux	3	2¾	3	+ ⅛

RKO Bonds Up 1¾ Points

	High	Low	Close	Net Change
General Theatre Equip. 6s '40	16	15½	15⅞	+ ⅝
General Theatre Equip. 6s '40 ctf.	15¾	15¾	15¾	.....
Loew's 6s '41 ww deb rights	104⅛	104⅛	104⅛	— ⅜
Paramount Picts. 6s '55	96¼	95½	95¾	+ ½
RKO 6s '41 pp.	59¾	59	59¾	+1¾
Warner Bros. 6s '39 wd.	81¾	81⅛	81½	.....

(Quotations at close of Sept. 6)

Ask Reorganization Of Keith, Columbus

Columbus, Sept. 6.—A voluntary petition for reorganization, signed by C. Harry Schreiber, treasurer and city manager, has been filed in Federal Court by the B. F. Kieth Columbus Co., operating the Palace and Majestic.

The petition, predicated on Section 77B of the amendment to the bankruptcy law, also seeks a 12-year extension on the aggregate $500,000 bonded indebtedness now outstanding, and a reduction in the interest rate from 6½ to five per cent. Equipment, fixtures and furnishings, valued at $180,000, which were not pledged in the initial bond flotation, now are offered as security.

The financial setup shows that the original bond issue was $750,000, of which $250,000 has been redeemed. Bonds amounting to $200,000 were due on Sept. 1 of this year; $50,000 will become due Sept. 1, 1936, and $250,000 on Sept. 1, 1937.

Judge Benson W. Hough will hear the petition Sept. 28, but meanwhile has authorized continuance of operations.

The RKO Grand, recently acquired under lease, and now being remodeled for opening Sept. 20, is not affected by the proceedings.

Zanuck Sends for Ford

Hollywood, Sept. 6. — Darryl Zanuck has cabled John Ford, who is cruising on his yacht near Honolulu, to return as quickly as possible and begin preparations for "Shark Island." Ford had planned several months' vacation before directing the tale adapted from the biography of Dr. Samuel Alexander Mudd. Nunally Johnson is working on the script.

Coast Independents Warned on 'Rackets'

(Continued from page 1)

chance games and giveaways—will cause Fox West Coast to go in for them on a wholesale scale.

At present, the organization bulletin states, 65 independents are using the stunts and F. W. C. has stated that it will start them "on an unprecedented scale in this territory."

"Our only thought," the bulletin continues, "in this letter is to suggest that if rackets could be modified to an extent that it would not cause the F. W. C. theatres to start them on a large scale, it would naturally benefit the independent theatre owners in this territory, but it is naturally up to each of you individually to decide for yourselves what your action will be."

In the same bulletin the membership is informed that the clearance and zoning schedule has been modified so that 25-cent houses outside of Los Angeles will be reduced from 49 days to 42 days and subsequent runs will be reduced seven days accordingly. The association aims to get this reduced to 35 days on 25-cent theatres, if possible.

Seeks Philadelphia Test on Sweepstakes

(Continued from page 1)

Davis, manager of the Globe in South Philadelphia, on a charge of violation of the lottery laws. There is no legal precedent covering the situation.

Davis has been held in three magistrates' hearings. Today Magistrate Connor reduced the original bail from $500 to $400, but held Davis for Quarter Sessions court. Barrist says he will press for a quick hearing and in the meantime will seek an injunction to prevent the police from making further arrests.

Skouras Asks Delay On St. Louis Trip

(Continued from page 1)

Federal Court to excuse him, due to the necessity of daily treatment for his right foot.

Warner to St Louis

St. Louis, Sept. 6.—H. M. Warner, president of Warners, is expected to stop over here for a few days on his way east from the studios. Warner spent the entire summer on the coast.

Bromley Leaves Today

Bruce Bromley, special counsel for RKO, leaves for St. Louis by plane today to represent the company at the hearings there next week on the government's application for an injunction against distribution companies.

RKO Closes Many Deals

RKO has closed product deals with Robb & Rowley, Butterfield, Loew-Poli, Interstate and affiliated circuits, Frank Durkee circuit, Publix-Bamford Theatres, E. H. Rowley and the Bloom & Fein and Allen circuits, the last two of Canada.

Francis Ford Is Signed

Hollywood, Sept. 6.—Francis Ford, once a star in his own right, has been signed to a long term acting contract by Twentieth Century-Fox. His first assignment is to "A Message from Garcia."

Circuits Here Going Back to Chance Games

(*Continued from page* 1)

handed down in Brooklyn. On Aug. 27, Magistrate Eilpern in the Schneider Ave. court declared Lucky legal when Howard Lesser of the Glenwood was brought before the judge by the Brooklyn district attorney. Bernard Barr, of Barr & Barr, represented Lesser. On Sept. 3, another important verdict was handed down by Magistrate David Malbin in the Magistrate's Court, 8th District, Brooklyn. In this instance Movie Sweepstakes were adjudged not in violation of the New York lottery law. The Oceana, Brighton Beach, was the defendant. Jacob Schechter represented Albert Green, who operates the theatre.

Magistrate Malbin pointed out at the time that the operation of Movie Sweepstakes was not illegal in that no admission fee was necessary to enter the competition and anyone was permitted to participate in or out of the theatre.

Bank Night in Iowa Court

Des Moines, Sept. 6.—A petition has been filed by the assistant county attorney against the Tri-State Theatres here to restrain them from operating Bank Night in five Des Moines theatres. A. H. Blank, president of Tri-States, said Bank Night would be discontinued pending a ruling by the court.

Blank said he believed bank night was benefiting the community. Walter Maley, assistant attorney general, has instructed all county agents to start similar action against bank night plans in the state.

The Capital and Rialto, Clinton, Ia., members of the Central States Theatre Corp., and their managers, Harold D. Barnes and Richard M. Phillips, respectively, were brought into Clinton municipal court, where they pleaded "not guilty" to a charge of operating a lottery in connection with Bank Night. It was necessary to post bonds in both cases.

R. I. at Odds on Bingo

Providence, Sept. 6.—Bingo games are proving a bone of legal contention here with opinions differing as to their status. Providence is licensing the play when given for charitable purposes, while City Solicitor Joseph Janas of Central Falls tells the city fathers that Bingo is a game of chance and has no more business to be licensed than slot machines. Incidentally the Carlton, downtown, has been taken over temporarily by various groups which are subscribing to the charity clause.

Joseph Engle Resigns

Hollywood, Sept. 6.—Joseph Engle has resigned as Twentieth Century-Fox associate producer under Sol Wurtzel. The resignation will be effective Sept. 21.

Finally Select "Tamed"

Hollywood, Sept. 6.—The final title of Ginger Rogers' first starring vehicle for Radio has been finally selected. It is "Tamed."

N. E. Theatre Shifts Continue Fast Pace

(*Continued from page* 1)

has extended its operating time from six days to seven. The M. and P.-Publix Paramount, Fort Fairfield, Me., is also running a full week at present whereas it was formerly darkened on Sundays. The Opera House, Hillsboro, N. H., has closed doors. The Howard Atheneum, Boston, is due to be reopened by Lothrop Theatre, Inc., within the next few weeks. The Empire, Salem, closed for some years, is being renovated by the Salem Realty Co. which recently took it over from Publix.

Reopening After 2 Years

Pittsburgh, Sept. 6.—The 200-seat Avenue Cinema, after a shutdown of almost two years, will reopen in mid-September as the Art Cinema where foreign pictures are to be played. The house, backed by independent out-of-town interests, will likewise play J. B. films that are sloughed by the Harris-Alvin, which has the G. B. first-run franchise here for next season.

It's likely that "M," which has never played here, will be the opening attraction.

Reopen Dallas Capitol

Dallas, Sept. 6.—Interstate's Capitol, second string first run, remodeled, including new booth equipment, acoustical treatment, new cooling drawn from the Rialto plant next door, new lighting, signs, carpets, etc., is now open. This house has been using Screeno two nights weekly and Bank Night once weekly, both of which may be dropped under the revised operation, according to Louis Charninsky, manager.

Terre Haute Rex Opens

Terre Haute, Sept. 6.—The Rex, closed for almost a year, has been leased by Mrs. C. Harstad and has been remodeled and redecorated. The theatre has opened with union operators. New and modern sound apparatus and a new screen have been installed.

To Open La Junta House

La Junta, Col., Sept. 6.—A new theatre remodeled from a store building will be opened here Sept. 15 with Crawford Brothers of Oklahoma as operators. It will seat 450. Fox has two houses here, but one of them is closed.

1,200 Seater in Malay

Singapore, Sept. 6.—Pavilion, Ltd., owners of the Pavilion here, have leased a 1,200-seat theatre to be known as the Pavilion and to be built in Kuala Lumpur by trustees of the estate of Loke Wan Tho. The cost is estimated at $200,000.

Preparing in Barberton

Barberton, O., Sept. 6.—Nate Schultz, president of Selected Pictures of Cleveland, who bought the Pastime from Charles Wowra, plans to open Sept. 15 after reconditioning.

Close Carpenteria House

Los Angeles, Sept. 6.—The Alcazar, located in Carpenteria, Cal., has been closed by the State Tax Department for non-payment of taxes. House was operated by Mrs. Florence Ellis.

Schine House Opens

Van Wert, O., Sept. 6.—The new Schine house has opened.

It Happened

Ben Rosenberg of National Screen had Joe and Tom Clemmons of Jefferson Amusement to lunch at the New Yorker the other day when they discovered Harry Gold of United Artists there as well. Harry said he wanted to pay the check, but had to get some money first, took 10 or 15 minutes to reappear—and then with the hotel's credit manager trailing.

There followed the business of the Clemmons boys, who hail from Texas, O.K'ing Gold who is from New York on home ground. Harry then paid the check.

Buys Benet Original

Hollywood, Sept. 6.—Paramount has purchased an untitled original by Stephen Vincent Benet, the poet.

The studio has also acquired "Dead Man Inside" by Vincent Starrett.

Radio has bought "Goodbye to Yesterday," an original by Lewis Foster. Gene Raymond will be starred. Production starts about Jan. 1 under supervision of Edward Kaufman.

Warners have purchased an original from Jerry Wald and Julius Epstein titled "In the Legion." It will be Joe E. Brown's next.

Bergerman Dickering

Hollywood, Sept. 6. — Stanley Bergerman, formerly with Universal, is reported negotiating with G.B. or British International Pictures for the production in London of six features. Four will carry a budget of $300,000, one $200,000, and one $150,000. Bergerman has offered to supply half the financing, the other half to be financed by the company accepting the offer.

Revoke Englewood Order

Englewood, N. J., Sept. 6.—The stringent mandate of Dr. John H. Irwin, city physician, which closed two theatres as a means of limiting the spread of infantile paralysis, has been revoked. The theatres were closed for one night. Children under 16 will not be admitted.

School reopening has been deferred until Sept. 16.

Ruth Waterbury Editor

Ruth Waterbury, well known in the fan magazine field, will succeed Kathryn Dougherty as editor of *Photoplay*. For some time past Miss Waterbury has been in charge of the Macfadden offices on the coast. She will edit *Photoplay* from Hollywood.

Audio in New Quarters

Audio Prod. has taken new space for the cartoon animation department in the Fox building at 56th St. and 10th Ave. The new quarters practically double the space available for this department.

Florida House Damaged

Jacksonville, Sept. 6.—The Chain, Georgia City, has been damaged by fire to the extent of over $40,000.

Short Subjects

"Dublin in Brass"

(*Vitaphone*)

Morton Downey's mellifluous voice is a treat in any short. The singer renders several numbers which are new. He is surrounded by a bevy of girls who for no good reason wander in and out of the numerous sets for routine dances. This number has to do with Downey graduating from a police training school in Ireland and landing in America prepared to join the New York force. He lands on St. Patrick's Day and the parade peps him up. In addition, the dancers and several other acts perform for the benefit of the singer, who, instead of joining the police, is signed up by a radio station. The cutting is poor and some of the acts unnecessary. Production Code Seal No. 0464. Running time, 20 mins. "G."

"Unusualities"

(*Van Beuren-RKO*)

This contribution to the Easy Aces series directs the diverting comments of the team to a selection of innocuous subjects such as might have been filmed for—but might have been rejected by—a newsreel editor. Included are impractical inventions, the manicuring of elephants, the extraction of a needle and thread-like substance from a cactus plant and the use of cormorants by Japanese fishermen. Most of the reel's entertainment is in the Easy Aces' dialogue. Production Code Seal No. 0500. Running time, 10 mins. "G."

"Radio Ramblers in Nutville"

(*Vitaphone*)

Here is a clever "Pepper Pot" novelty, entertaining from the first to last foot of film. The Radio Ramblers, arriving at a small town while hiking, find that the sane are lodged in an asylum while the "nuts" walk around as the proud citizens. Incarcerated, the trio put on an act in which they impersonate Morton Downey, Fred Allen, the Marx Bros., Joe Penner, Kate Smith and others. In one number, one of the trio mimics Grace Moore and two male operatic stars in a way that deserves a hand. Should go over big. Production Code Seal No. 0483. Running time, 9 mins. "G."

"Night Life"

(*Radio*)

This Headliner comedy is built about the characters and incidents of an evening at a night club fashioned into a two-reel vehicle for the display of Gene Austin's vocal and musical talents. A touch of melodrama in the suicide of a girl whose lover is arrested in the night club cuts through mildly comic characters and incidents. Tom Kennedy, Jack Mulhall and Monte Collins are in the cast. Austin's songs rate as the mainstay of the subject. Production Code Seal No. 0821. Running time, 22 mins. "G."

Rob Baltimore Manager

Balitmore, Sept. 6.—Birk Binnard, manager of Warners' Metropolitan, was the victim of a holdup while carrying the day's receipts from the cashier's booth to his office. The cash box contained $207.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

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Texas Control Of Admissions Being Probed

Federal Agents Studying Interstate's Pacts

DALLAS, Sept. 8.—A Department of Justice study of minimum admission clauses in contracts between the Interstate Circuit and film distributors is under way here and may have a bearing on determining the legality of contract riders such as have been urged by the M. P. T. O. A. nationally to regulate industry practices and eliminate exhibition abuses, it was learned yesterday.

Dwight L. Savage, special assistant to the Attorney General on anti-trust cases, has been here for some weeks past holding daily conferences with individual exhibitors and various attorneys for the several interests involved in his survey. The declared object of his scrutiny is the clause in Interstate's contracts through which distributors agree not to sell film which has played at opening run admissions of 40 cents or more to subsequent runs charging less than a 25-

(*Continued on page* 4)

Pick National Body On Rogers Memorial

OKLAHOMA CITY, Sept. 8.—A Will Rogers national memorial committee has been formed here to consolidate and direct all activities aimed at the establishment of a tribute to the humorist.

The committee, which was designated at a meeting of representatives of all groups interested in a national memorial, voted to correlate its activities following a meeting at the state capitol here with Governor Marland. Members of the committee are

(*Continued on page* 2)

Lasky Will Protest On Schumann-Heink

The new Pickford-Lasky producing company will protest to Will H. Hays the reported signing of Mme. Ernestine Schumann-Heink by M-G-M while prior negotiations between the former company and the artist were

(*Continued on page* 4)

Profitable Relief Shows Federal Aim

WASHINGTON, Sept. 8.—The abandonment of free shows for a nationwide system of self-sustaining dramatic ventures has been decided by Federal officials in mapping out an

(*Continued on page* 2)

Charge F. & M. Seeks Control In St. Louis

Warners Make Point in Opposing Injunction

ST. LOUIS, Sept. 8.—Charging that F. & M. and their associates in the operation of the Ambassador, Missouri and New Grand Central have combined with operators of the Fox and St. Louis to control first run exhibition in this city, Warners assert in a new supplemental answer that if the court should grant the preliminary injunction sought by the government the alleged combination would "dominate the first run houses in St. Louis and absorb the available supply of first run films, thus stifling and preventing competition in St. Louis."

A hearing on the government's application for the temporary injunction to restrain Warners and other defendant distributors from allegedly continuing to withhold first run films from the Ambassador, Missouri and New Grand Central will be held here Tuesday before Federal Judge George H. Moore.

Warners supplemental answer to the

(*Continued on page* 4)

Technical

New Haven, Sept. 8.—It's a secret between the exhibitors and the public evidently. When the *Register* ads say "Usual Big Event Tonight" or "Don't Fail to Attend Tonight," that means cash giveaways—and the customers turn out.

Meantime the *Register* literally holds to its policy of not accepting the Bank Night or Cash Night advertising.

Chicago Trust-Fox Hearings to Resume

Hearings on the Chicago Title & Trust Co.'s action to recover $1,000,000 from William Fox as a result of a default on the guaranteed redemption of Roxy Theatre Corp. stock are scheduled to be resumed today before Referee Sol Stroock.

The taking of testimony in the case was begun last spring and adjourned for the summer. By agreement of counsel involved the hearings have been closed to reporters and the public. They are expected to require several more weeks to conclude, following which Referee Stroock will make his report and recommendations to the court.

Insiders' Outlook

By RED KANN

FILTHY weather never seriously dimmed the enthusiasm of eager hordes waiting in rain and on line to see "Top Hat" at the Music Hall. Aside from further emphasizing the terrific drawing power of the attraction, the circumstance seemed to make fitting some slight contemplation of the reasons why a public, anxious to buy, will do what it has been doing over on 6th Avenue and to draw the conclusion immediately thereafter it mattered little so long as it did.

The weather being what it was, this column, curiosity sharpened by the Astaire-Rogers phenomenon, cleared its desk in order to go statistical. With the aid of records and adding machine, emergence finally came plus an array of calculations all having to do with the Music Hall, the pictures it has played and the grosses they have achieved or not. . .

▼

Confining its research to the year beginning with the week ending Aug. 1, 1934, and terminating with the seven days ending July 31, 1935—fifty-three weeks—this department discovered many things. For instance, not one of the 40 pictures which captured playdates at the theatre dipped under $52,000, a sizeable gross in any house but the one under discussion and not at all good there. The low, giving the facts their say, went to "Evergreen" and "Music in the Air," which hit it off at exactly this figure.

Up the line in various divisions, the take went forward to reach the year's high with the first week of "The Little Minister" at $110,000. That's business, you might well be reminded, and yet it is not when you realize, as you cannot but help, that "Top Hat,"

(*Continued on page* 6)

Theatre Taxes Up $765,982 For the Year

The Total of $15,379,397 Exceeds Estimates

BY BERTRAM F. LINZ

WASHINGTON, Sept. 8.—Better theatre grosses during the last half of 1934 and the first half of this year were reflected in the Treasury Department's preliminary report on miscellaneous tax collections for the year ended June 30.

An increase of $765,982.74, putting the total well above preliminary estimates, was registered in collections from admission taxes, which reached a new peak of $15,379,397.16. Direct box-office sales, which account for all but a tiny fraction of the government's revenue from the 10 per cent amusement levy, showed a healthy increase, suggesting widespread improvement in grosses. Total receipts were above the previous year in two-thirds of the collection districts, although declines were noted in a number of large cities and industrial states. Although the greater part of the nation obviously

(*Continued on page* 4)

Say Bank Night Case Hinges on Copyright

BOSTON, Sept. 8.—Certification of copyright from Washington is holding up the decision of Federal Court here on the infringement suit brought by Bank Night against Gold Mine, and heard before Special Master Arthur Stevenson, say George Ryan, Bank Night attorney, and Roy Heffner, New England franchise holder.

The Boston suit is adjudged to be of national importance, inasmuch as Federal Judge Brewster said that it should also be decided in the course of the hearing whether or not Bank Night is a lottery.

The case, after many delays, was finally concluded five weeks ago. The decision has been pending since that time.

Brandt Negotiating For 20 More Houses

Deals for acquisition of approximately 20 theatres are now being negotiated by Harry Brandt, who has been building his circuit until it now numbers 42.

In some of the deals, Brandt is linked with Jack W. Springer. The two jointly operate the Eagle, Monroe and Park Lane.

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Elections Set for New Theatre Group

With more than 55 of the 87 theatres pledged sending in checks for participation in the Independent Theatre Circuit, Inc., elections have been definitely set for Wednesday at the Astor, following the regular meeting of the I. T. O. A.

Milton C. Weisman has been ordered to incorporate the name of the circuit and papers will be filed with the Secretary of State in Albany this week.

Harry Brandt, president of the I. T. O. A., has not definitely committed himself to joining. He has 42 theatres and before he signs, Brandt wants every exhibitor pledged to support the circuit financially. It is likely that if Brandt joins, he will be named president. Weisman had been offered the post and has turned it down. He is vice-president and secretary of Metropolitan Playhouses, Inc., formerly Fox Met.

Harrison Sees Need For a Film Theatre

Harrison, N. J., Sept. 8.—Local business men, pointing out that residents of Harrison spend money in Newark and Jersey City which would be spent at home if this town had a theatre, are sponsoring a move to reduce the prohibitive $10,000 license fee for theatres.

The town has a population of 1,500 and has 80 saloons, but no film house.

◂ Purely Personal ▸

JACK SPRINGER says no product deals have been closed as yet for his and Sam Cocalis' circuit; that there's no such thing as a closed shop around his headquarters and that the circuit is in the market for product from any source. The price must be right, as you probably suspect by this time.

●

Arthur Craig, assistant to Don Velde at the Paramount home office, has joined American Display. A. G. Stefanic, who has been at the Paramount warehouse, succeeds Craig.

●

N. L. Nathanson is due in from Toronto today. Later in the week he returns to Toronto with James R. Grainger.

●

William Brandt is showing rapid improvement and will most likely be on the street again within the next few weeks.

●

Stanley Goldberg of the Philadelphia National Screen office will be transferred to the Boston branch this week.

●

Ned E. Williams has resigned from Mills Artists, Inc., and has joined Kennaway, Inc., which handles a number of orchestras and acts.

Quip of the Day

Playwright: "Good heavens! That suit looks as if it had been slept in."

Critic: "It has. I wore it at your play last night."

—The Era, London.

Bernice Claire, Rodney McLennan and other local favorites start on a new musical at the Brooklyn Vitaphone studio today.

●

Benjamin Reisner has assumed operation of the Rex, East Rutherford, N. J.

●

Mildred Knopf's play, "A Sliver in God's Eye," has been acquired by Radio.

●

John Boettiger, M.P.P.D.A. aide, is due back from a vacation in the west today.

●

Abe Levy, formerly with Charles L. O'Reilly, is taking over the Warburton, Yonkers.

●

Isador and Mark Ostrer are expected from England some time next month.

●

Arthur Mayer says there'll be no season passes for the new Rialto.

●

Jan Kiepura is due on the *Europa* tomorrow.

Regal Prod. Chartered

Dover, Del., Sept. 8.—Regal Prod., Inc., has been formed here with capital of $25,000 and 1,000 shares of no par value. The incorporators are Albert G. Bauer and J. Vernon Pimm of Philadelphia and R. L. Spurgeon of Wilmington.

Wall Street

Small Changes on Big Board

	High	Low	Close	Net Change
Columbia	68½	67½	67½	—1
Consolidated Film	4¾	4½	4¾	.....
Consolidated pfd.	17	17	17	+ ⅛
Eastman Kodak	152	152	152	+ ¾
Loew's Inc.	44	43⅝	43⅝	— ⅛
Paramount	11	10⅝	10¾	— ⅛
Paramount 1 pfd.	93½	92¾	93½	+ ½
Paramount 2 pfd.	12⅜	12⅛	12¼	.....
Pathe Film	6⅝	6¼	6¼	.....
RKO	4	3⅝	4	+ ⅜
20th Century Fox.	18⅜	18	18⅛	+ ⅛
20th Century pfd.	27	26½	26½	— ½
Warner Bros	6¾	6⅝	6⅝	.....
Warner Bros pfd.	43¾	43	43	— ¼

No Change on Curb

	High	Low	Close	Net Change
Sonotone	2	2	2	.....
Technicolor	19⅞	19⅝	19⅝	.....
Trans Lux	3	3	3	.....

RKO Bonds Hit 60

	High	Low	Close	Net Change
General Theatre Equip. 6s '40	16	15⅞	16	+ ⅛
General Theatre Equip. 6s '40 ctf.	15½	15½	15½	— ¼
Paramount Broadway 3s '55	61½	61½	61½	.....
Paramount Pict. 6s '55	96¼	96	96¼	+ ½
RKO 6s '41 pp.	60	60	60	+ ¾
Warner Bros. 6s '39 wd.	81½	81½	81½	.....

(Quotations at close of Sept. 7.)

Profitable Relief Shows Federal Aim

(*Continued from page* 1)

actor relief program, it was announced yesterday.

With many details still unsettled, headquarters of the works program revealed President Roosevelt has approved the expenditure of $27,315,217 for cultural projects intended to give emergency jobs to artists, writers, musicians and actors. Nearly half of the total will be spent for drama projects.

Including vaudeville performers as well as legitimate talent, relief authorities will concentrate on encouraging local activities which in time will become self supporting and will attempt to provide "entertainment to large audiences at low cost."

Equity and stage hands lost their fights for observance of union scales when relief directors announced the subsistence wage schedule, with a maximum of $94 monthly, will be adhered to in the cultural program.

Rush Warner Buildings

Hollywood, Sept. 8.—The $1,500,000 building program at Warners is progressing so rapidly that five of the projected 10 new sound stages will be finished by the end of September. Two already are in work. By the time all 10 are finished, Warners will have 29 sound stages. The building schedule includes a number of storerooms, shops, a crafts building and a props storage building.

Alice McCarthy Back

Boston, Sept. 8.—Alice Jocelyn McCarthy, well known in New York and New England theatrical circles, has recovered from a nervous breakdown and complications, including anemia, and is back as executive secretary to Manager Munro of the Shubert theatres.

Pick National Body On Rogers Memorial

(*Continued from page* 1)

Governor Marland, chairman; Amon G. Carter, Ft. Worth publisher, vice-chairman; Walter Harrison, Oklahoma City newspaperman, secretary; Will H. Hays, Mrs. Roberta C. Lawson, president of the Federated Women's Club, Tulsa; Dr. J. C. Bushyhead, cousin of Rogers, Claremore; Frank Phillips, Bartlesville, Okla., oil man; J. B. Milam, Chelsea, Okla., and T. E. Braniff, Oklahoma City.

The appointment of general, executive and finance committees was discussed, but naming of their personnel is being deferred for several days to permit members of the main committee to obtain acceptances, eliminate duplications and to make sure all interested groups are represented. Adopting part of the national committee already started, the organization committee named John Nance Garner, vice-president of the U. S., as active chairman of the national committee, and Jesse Jones, chairman of the Reconstruction Finance Corp., as treasurer.

The committee did not discuss the type of memorial to be selected, its location or probable cost, leaving these details to be worked out by the full organization. It was agreed, however, that the memorial, or memorials, should be considered from a nationwide viewpoint as well as from the local aspects of birthplace and residence.

Selection of the finance committee is being left to Governor Marland, Carter and Harrison. Members of this committee will be expected to organize the activities of the industries they represent. For example, the film industry would be represented by one man who would be responsible for the participation of actors, producers, distributors and exhibitors.

Lupton Wilkinson of the M. P. P. D. A. represented Hays and the film industry at the organizing meeting here.

Columbia Gets Only Massachusetts Cut

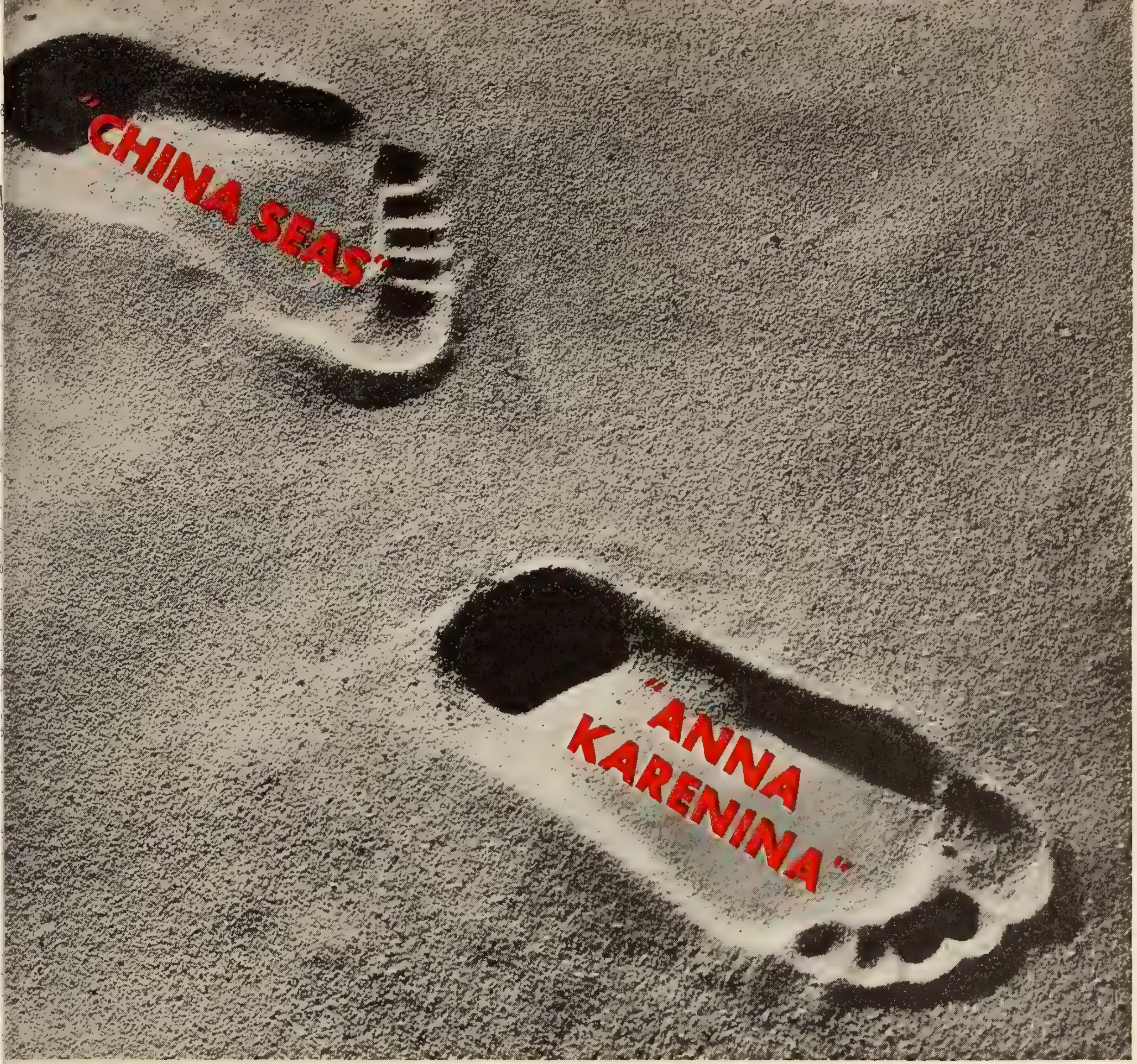
Boston, Sept. 8.—Out of more than two dozen films passed upon by the Dept. of Public Safety, under the Massachusetts Sunday censorship laws, only one picture was given the scissors. The dialogue, "That stuff's bellywash," was ruled out of Columbia's "Western Frontier," according to the latest approved sheet signed by Commissioner Paul G. Kirk.

Eliminations were ordered on nine vaudeville acts on the same sheet, while three were ruled out entirely.

Maryland House Flooded

Federalsburg, Md., Sept. 8.—The Federal, an independent house, was flooded by high waters from the Nanticoke River during the rain and heavy windstorm which swept the Delmarva Peninsula.

Horlacher Delivery Co's truck carrying $2,500 worth of film, was swept into a stream between this town and Denton during the height of the storm. The driver, whose name could not be learned, barely escaped drowning. The truck plunged into the stream when a small bridge gave away.



1935-36 MARCHES ON!

The sensational success of GARBO'S "ANNA KARENINA" *establishes the 2nd Giant hit of M-G-M's Mightiest Year!*

- ★ Great business everywhere. It even tops the famed record-holder "China Seas" in many spots (for instance, Boston, Bridgeport, Harrisburgh, New Haven, New York, Pittsburgh, Reading, Springfield, Philadelphia).
- ★ Four Year Attendance Record, Capitol, N.Y. Held Over 3rd Week!
- ★ Happy hold-overs from Coast to Coast.
- ★ Acclaimed by critics over the entire nation as Garbo's Greatest!
- ★ And now, gentlemen of the motion picture industry, wait and watch for M-G-M's "BROADWAY MELODY of 1936".

All praise to them! *Greta Garbo, Fredric March, Freddie Bartholomew in Clarence Brown's production of* "ANNA KARENINA". *With Maureen O'Sullivan, May Robson, Basil Rathbone. Produced by David O. Selznick.*

Texas Control Of Admissions Being Probed

(Continued from page 1)

cent admission. Interstate has used the clause for some time and it was contested by local subsequent run exhibitors and upheld in the state courts. In effect, the clause involves the legal principles encountered in the use of the contract rider recommended by M. P. T. O. A.

R. J. O'Donnell, general manager of Interstate; John Moroney and George Wright, attorneys for Interstate, have conferred with Savage. According to Moroney, Interstate has a formulated doctrine of economic justification for its use of the restrictive admission clause and that, on those premises, the circuit believes it is within its legal rights under Federal law. He declared, however, that Interstate would abandon its position if it could be conclusively shown that its interpretation of law is at fault. If this was not done authoritatively, he said, Interstate would be forced to accept the issue at law, as it did in the state courts, in the event the Department of Justice presses the issue to that extent.

Also here for conferences with Robb & Rowley circuit officials are Julian Gordon of Jefferson Amusement Co. and R. E. Griffith of Griffith Amusement Co., Oklahoma City, which has Texas interests. All are reported to have clauses similar to Interstate's in their contracts with one or more distributors.

Jersey Allied Board To Meet on Sept. 16

Directors and officers of Allied of New Jersey have decided to hold a regular meeting of the board on the second Tuesday of the month. The sessions will be held at the Lincoln, the unit's headquarters, at 11 A. M.

The next gathering of the membership will be at the Walt Whitman Hotel, Camden, on Sept. 17. Jack Unger of the Mayfair, Hillside, was named chairman of the Dutch Treat luncheon committee and Sidney Samuelson, Dave Snaper and Simon Myers were appointed to arrange for the adjourned session of the Atlantic City convention.

About 15 attended yesterday's meeting which was presided over by Samuelson.

Allied Unit to Meet

Boston, Sept. 8.—The product situation, as well as sales policies, will be discussed at the Tuesday meeting of the Independent Exhibitors of Massachusetts, Inc. The result of recent membership drives in Northern New England, upon which Business Manager A. K. Howard has been devoting considerable time of late, will be discussed. Walter B. Littlefield, Nathan Yamins, and other national officials are scheduled to be on hand.

Form New Film Unit

Albany, Sept. 8.—Mercantile Pictures Corp., New York City, has been incorporated here by Edward Light, Jeannette Herzfeld and Betty Kramer, with a capital of 300 shares of no par value stock, to deal in motion pictures.

Charge F. & M. Seeks Control In St. Louis

(Continued from page 1)

government's show cause order why the injunction should not be granted was signed by Former U. S. Senator James A. Reed of Kansas City, Sam B. Jeffries, Arthur E. Simpson and Paul F. Plummer, all of the Warner legal staff. In their previous answer Warners denied every allegation of the Department of Justice contained in the petition seeking the court restraining order. The new answer sets forth that as a result of the alleged combination of F. & M. and its associates with the operators of the first run Fox and St. Louis, the granting of the injunction would injure the defendants and the public by making possible a complete dominance of the first run situation by the five houses.

The answer further stated that the granting of the injunction would cause the operators of the Shubert-Rialto and Orpheum, the Warner outlets here, large losses in advance of judicial determination of the government's conspiracy charges against them. The answer then added that the disputed facts in the case are the same in the application for the injunction as they are in the conspiracy case, and asserted that the full issues could be heard and determined as speedily at the actual trial of the facts as in the preliminary hearing set for Sept. 10.

The court has set Sept. 30 for trial of the criminal charges against Warners and its subsidiaries, Paramount, RKO and several of their officers.

Whittam Takes Over Trenton, Mo., Spot

Kansas City, Sept. 8.—The Uptown at Trenton, Mo., formerly operated by Glen W. Dickinson, Inc., has been taken over by Frank Whittam, who has been managing the two Dickinson houses in Manhattan, Kan.

Whittam reopened the theatre recently after installing cushioned seats and making other improvements.

It is understood that Lee Jones of the Plaza had a contractual agreement with Dickinson that the latter would not re-enter the town for some years.

Several months ago Jones joined Commonwealth Theatre Enterprises, Inc. When Sam Yoffie's Uptown was purchased by the Kaw Valley Theatre Co., report had it that Jones went to the court and showed that the Kaw Valley was a Dickinson company, securing a temporary injunction enjoining Dickinson from operating in Trenton. Jones' application for a permanent injunction is pending.

Arrest Glen Dickinson

Lawrence, Kans., Sept. 8.—Glen W. Dickinson, circuit head, has been arrested, charged with placing posters and advertising matter on poles not his property. Dickinson posted $100.

The case will be heard Sept. 11, when both Dickinson and his son, Carleton Dickinson, will appear. A conference between Will Johns, chief of police, George Melvin, city attorney, and Donald Hults, Dickinson attorney, resulted in a decision to charge Carleton Dickinson with the same offense.

Casting Note

Having been in retirement in the ink bottles and pens of the Disney artists, Minnie Mouse will soon be seen again co-starring with Mickey in a new Walt Disney production in Technicolor which presents them in a story of the glories of wintry romance. Also cast in the effort are: Donald Duck, Pluto and The Goof.

Lasky Will Protest On Schumann-Heink

(Continued from page 1)

under way. Jesse L. Lasky declared yesterday in a radio message from the *Empress of Australia*, on which he is a passenger en route to Europe.

"Regarding published statements that M-G-M has signed Mme. Schumann Heink to a contract, which would be in violation of my agreement with her," Lasky cabled, "I am submitting the matter to Will H. Hays for adjudication and settlement through orderly industry channels. I cannot reconcile this action by M-G-M in interfering with my negotiations with this artist in the light of past industry ethics.

"A full review of the facts by Hays will establish Pickford-Lasky's rights to produce pictures with Mme. Schumann Heink and will protect our company and other artists from future interferences of this kind."

It is understood that Lasky had an option on Mme. Schumann Heink which he exercised before announcing a film with her for his new producing alliance with Mary Pickford.

Californians Study Suit Against Ascap

Los Angeles, Sept. 8.—Legal moves to get a return of fees paid to Ascap during the past two years are contemplated by Independent Theatre Owners of Southern California. The plan has been prompted by the injunction against Ascap obtained by exhibitors in the state of Washington.

Some definite development is expected within a few days, according to the association bulletin. Exhibitors have been instructed to call at the association's office to discuss the matter so that action will be uniform, if it is started.

Four Pickets Are Held

Grand Island, Neb., Sept. 8.—Hearing was held for four operators yesterday on charges of picketing the Empress. The charges against the four were filed on complaint of William Youngclaus, manager of the Empress.

The four operators were under joint bond of $500.

Youngclaus recently discharged his union operator and engaged a non-union man when the local refused to agree to a lower scale.

Paterson Rialto Opens

Paterson, Sept. 8.—The Rialto, closed for nearly two months for repairs due to fire, has reopened. The theatre, with double features and two changes weekly, has a new seating arrangement, new sound equipment, and a new projection system.

Theatre Taxes Up $765,982 For the Year

(Continued from page 1)

spent more money on amusements during the fiscal year, New York, Chicago and Philadelphia offices all reported smaller receipts.

Smaller collections were recorded in New Jersey, four of the six N. Y. State offices, two of the three Pennsylvania districts, two of the four Ohio districts and in scattered states of the middle west. The Dakotas, Indiana, Iowa, Idaho, Kentucky, Maryland, Delaware, Oklahoma and Wisconsin were affected by the down trend.

With the remainder of the nation giving evidence of business improvement, the Treasury reported particularly gratifying increases in admission tax collections in California, Massachusetts, Michigan, Missouri, Texas, Florida, New Hampshire, Rhode Island and Washington.

Film Profits Given Scrutiny in Mexico

By JAMES LOCKHART

Mexico City, Sept. 8.—Films are a highly profitable business in Mexico, it is indicated by figures gathered by the Ministry of National Economy. Foreign pictures dominate the market. Revenues of nine distributors prompted recommendations to the Federal government that a National Institute for the Cinematographic Industry be organized to enable Mexicans to obtain a greater share of these profits. This institute is to have a state endowment of 2,000,000 pesos (approximately $560,000, U. S.)

Highlights of data obtained by the ministry are:

Nine distributors of foreign pictures are functioning—United Artists, Columbia, Fox, Paramount, M-G-M, Radio, Universal, Warners, First National and German Camus & Co.

The combined capital of these distributors is 469,440 pesos (3.60 pesos per American dollar is the current foreign exchange rate). From 1929 to 1933, these companies imported films and discs to the value of 3,032,455 pesos. During that period, the firms spent 522,697 pesos for wages—40 per cent to executives, 33 per cent to white collar help and 27 per cent to workers—and about 200,000 pesos for publicity and exploitation.

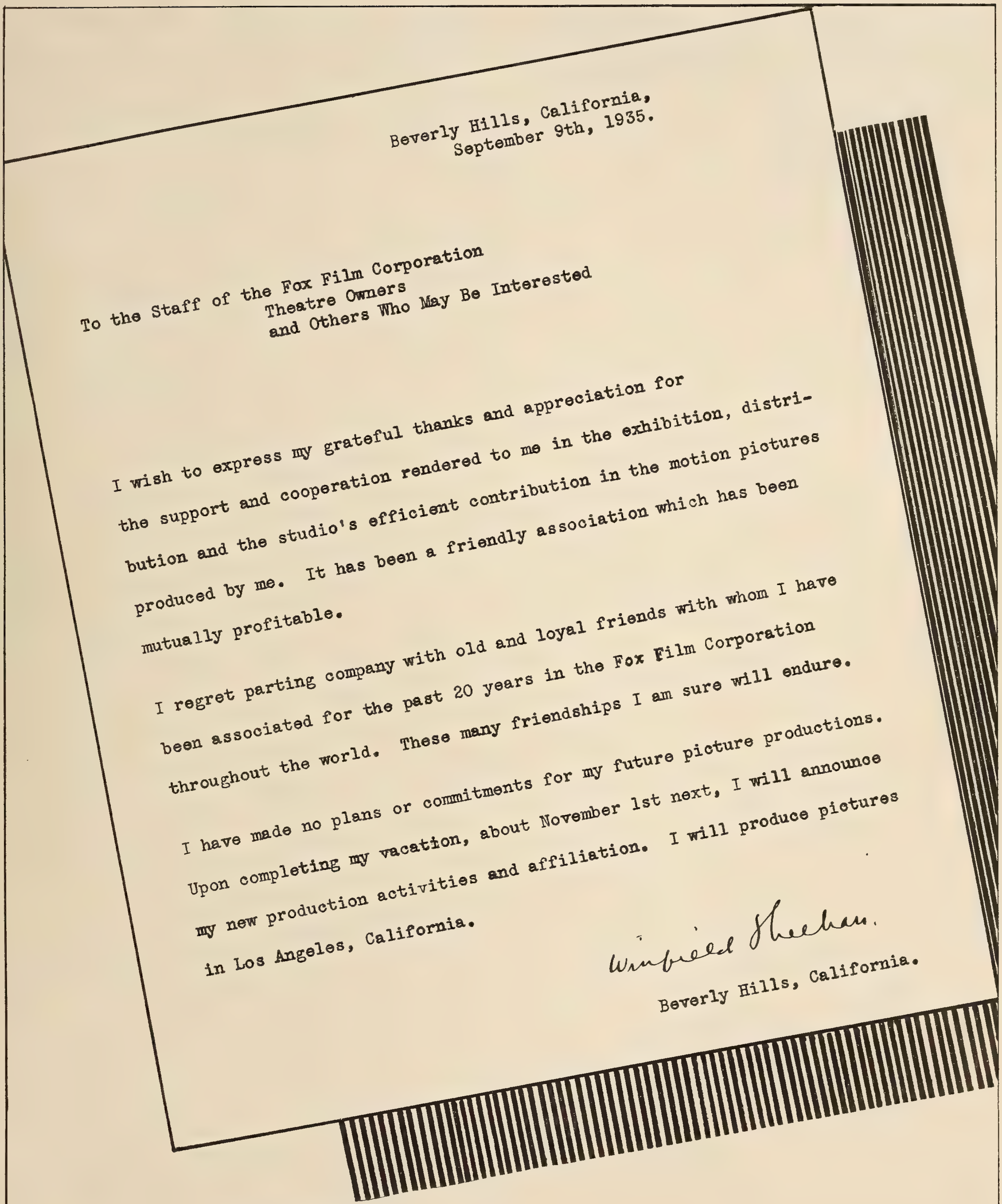
From 1929 to 1933, the companies sent their home offices 7,901,940 pesos, of which 5,690,773 pesos were subject to income tax, which left the distributors a net profit of some 3,061,000 pesos.

Picket Tiffin Theatre

Tiffin, O., Sept. 8.—Members of the operators' and stagehands' local are picketing the Tiffin, which was opened here Saturday by the new lessees, the Theatres Producing Corp. Non-union operators are employed.

Drop "Lucky Legs" Title

Hollywood, Sept. 8.—Warners will release "The Case of the Lucky Legs," Warren Williams' new starring film, under the new title, "The Girl With the Lucky Legs."



Beverly Hills, California,
September 9th, 1935.

To the Staff of the Fox Film Corporation
Theatre Owners
and Others Who May Be Interested

I wish to express my grateful thanks and appreciation for the support and cooperation rendered to me in the exhibition, distribution and the studio's efficient contribution in the motion pictures produced by me. It has been a friendly association which has been mutually profitable.

I regret parting company with old and loyal friends with whom I have been associated for the past 20 years in the Fox Film Corporation throughout the world. These many friendships I am sure will endure.

I have made no plans or commitments for my future picture productions. Upon completing my vacation, about November 1st next, I will announce my new production activities and affiliation. I will produce pictures in Los Angeles, California.

Winfield Sheehan.

Beverly Hills, California.

Current releases

Curly Top, with Shirley Temple, John Boles, and Rochelle Hudson.
The Farmer Takes a Wife, with Janet Gaynor and Henry Fonda.
Way Down East, (all star cast).

"Wild" Leads Big Gains in Philadelphia

PHILADELPHIA, Sept. 8.—Though the rainfall of the last five days has exceeded the average for the entire month of September, the week proved one case where foul weather gave the showman a break. It kept the crowds home on Labor Day and sent most of them to the movies.

The Aldine's opening week-end was one of the best in its history and the house snared $14,000, or double its average for the first week of "Call of the Wild."

"Steamboat 'Round the Bend" was another winner, taking $21,000 at the Fox. The Earle got $14,000 for "Bright Lights" and neither house felt the lack of stage shows. With the musicians still holding out for more men, theatres are in the second stageless week.

Garbo proved a magnet at the Boyd, where "Anna Karenina" grabbed $17,000 for its first week. "Page Miss Glory" took $15,000 at the Stanley.

Total first run business was $94,100. Average is $70,900.

Estimated takings for the week ending Sept. 5:

"BARRETTS OF WIMPOLE STREET"
(M-G-M)
(Revival)
ARCADIA—(600), 25c-40c-50c, 6 days. **Gross:** $1,000. (Average, 6 days, $2,400) "Woman Wanted" (M-G-M), 3 days. **Gross:** $500.

"ANNA KARENINA" (M-G-M)
BOYD—(2,400), 40c-55c, 6 days. **Gross:** $17,000. (Average, $12,000)

"CALL OF THE WILD" (U. A.)
ALDINE—(1,200), 40c-55c-65c, 6 days. **Gross:** $14,000. (Average, $7,000)

"BRIGHT LIGHTS" (F. N.)
EARLE—(2,000), 25c-40c-50c, 6 days. **Gross:** $14,000. (Average, $12,000)

"STEAMBOAT 'ROUND THE BEND"
(Fox)
FOX—(3,000), 40c-55c-65c, 6 days. **Gross:** $21,000. (Average, $12,000)

"WITHOUT REGRET" (Para.)
KARLTON—(1,000), 25c-35c-40c, 6 days. **Gross:** $2,900. (Average, $3,500)

"ACCENT ON YOUTH" (Para.)
(Second Run)
KEITH'S—(2,000), 30c-40c-50c, 6 days. **Gross:** $2,700. (Average, $4,000)

"PAGE MISS GLORY" (W. B.)
STANLEY—(3,700), 40c-55c, 6 days. **Gross:** $15,000. (Average, $12,000.

"DIAMOND JIM" (Univ.)
STANTON—(1,700), 30c-40c-50c, 6 days, 2nd week. **Gross:** $6,000. (Average, $6,000)

Ontario August Tax Totals to $230,978

TORONTO, Sept. 8.—The Provincial Government yesterday reported that amusement tax receipts for August under the new tax regulations totaled $230,978, this figure comparing with a revenue of $44,000 secured by the Ontario treasury from the same source for the corresponding month of last year.

The heavy tax increases went into effect in June. For that month and the two succeeding ones the amount collected totaled $735,000, which almost equals the aggregate of $745,000 obtained during the whole 12 months of the last fiscal period.

At the present rate Ontario will get $3,075,000 in the current 12 months, and exhibitors are extremely blue because every tax dollar means a dollar less in theatre grosses. The campaign for renewal of tax exemption on admissions of 25 cents and under is continuing.

Insiders' Outlook

(*Continued from page* 1)

in its first seven days terminating Wednesday night, grossed $131,200, somewhat shy of the enthusiastic $135,000 to $140,000 predicted for it but very, very handsome nevertheless. A foul final day in the first week stepped between the actual gross and the anticipation.

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Forty separate attractions spread over these fifty-three weeks, twelve of them playing two weeks each and one, three weeks. How was the playing time divided? Interesting query to which the answers are these:

Columbia—four pictures spread over eight weeks.
Fox—twelve pictures over fourteen weeks.
Gaumont British—three over three weeks.
Paramount—two over two.
Radio—thirteen over seventeen.
United Artists—four over seven.
Universal—two over two.

Pictures have to hit a man's-sized stride to rate as holdovers at the theatrical pride and joy of the Rockefellers. What the attractions were that rated consequently makes an interesting commentary.

Columbia had three: "One Night of Love," and "Broadway Bill," two weeks each; "Love Me Tonight," three and the only film in the year that did.

Fox had two: "The Catspaw" and "The Little Colonel."

Radio bulked four: "The Gay Divorcee," "The Little Minister," "Roberta," and "Becky Sharp."

United Artists, three: "We Live Again," "The Scarlet Pimpernel" and "Cardinal Richelieu."

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Nine attractions, one of them "The Little Colonel" on a holdover, fell into the $50,000 to $60,000 gross division, giving the house an aggregate in the lowest bracket of $500,500 for the group or a weekly average over the nine weeks of $50,489. Red ink prevailed for those engagements.

Eleven attractions lodged in the $60,000 to $70,000 classification which embraced second weeks of "The Little Minister," "Cardinal Richelieu," "Becky Sharp" and "Broadway Bill" and a third of "Love Me Forever." In that period, Music Hall business ran to $715,750, or a weekly average of $65,068. The ink began to veer toward the black on these entries.

Twelve films did somewhere between $70,000 and $80,000 each, bearing much in mind that the grouping there included second weeks of "The Catspaw" and "The Scarlet Pimpernel." At a bulked gross of $880,580 for the round dozen or a weekly average of $73,381, the Music Hall here found its best cross-sectional business. Not only did the house enjoy more engagements in the $70,000 to $80,000 division, but, naturally, its biggest consolidated gate. There was profit in those drawing cards.

As receipts went higher, the number of contributing features, of course, grew fewer. Eight attractions banded themselves together in the $80,000 to $90,000 segment, not forgetting in this particular listing a second week for "The Gay Divorcee," "Love Me Forever" and "We Live Again." These eight, in combination, gave the house a total gross of $679,800, or, reduced to averages, a weekly intake of $84,975. Much in the black by this time.

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An even half dozen found their choice way into the $90,000 to $100,000 breakdown, an added distinction accruing to "Roberta," which was extremely strong at $98,000 in its second seven days. Indicative of what this exhibition colossus can do with only six attractions are the figures for this division—$570,000 which gave the house a weekly average in this classification of $95,000, or more profit for each of those six weeks than many theatres gross each seven days.

Into the rarefied atmosphere which surrounds any $100,000-and-over wow, likewise were there an exclusive six, although the Music Hall had seven weeks when its receipts reached and went over this enormous total. "One Night of Love" stayed there for two weeks hand-running. With the six pictures in seven weeks, the gross tallied $720,932, fixing the weekly average at $102,990. Truly an amazing business.

With its low weekly average of $50,489 to its peak weekly aver-

(*Continued on page* 7)

"Diamond" Is Chicago Hit; Gets $24,600

CHICAGO, Sept. 8.—"Diamond Jim" was the big money-maker of the week in spite of the fact that all downtown first runs had a marked pickup over the rainy holiday. The take at the Palace was $24,600, which exceeded normal by $5,600.

"Vagabond Lady" was in the hit class, with Roscoe Ates on the stage, at the Oriental, the take going to $17,700. "Steamboat 'Round the Bend" held up to $14,500 in its second week at the Roosevelt. "China Seas" was still better than par at $17,800 in its holdover at the United Artists.

"Going Highbrow" was strong at $15,400 at the State Lake, and "The Irish in Us" turned in a profit with $34,800 at the Chicago.

Total first run business was $136,800. Average is $132,100.

Estimated takings:

Week Ending Sept. 5:

"THE IRISH IN US" (W. B.)
CHICAGO—(4,000), 35c-50c-68c, 7 days. Stage: Gypsy Nina and Revue. **Gross:** $34,800. (Average, $34,600)

"VAGABOND LADY" (M-G-M)
ORIENTAL—(3,940), 25c-40c, 7 days. Stage: Rosco Ates, Muriel Page and vaudeville revue. **Gross:** $17,700. (Average, $15,000)

"DIAMOND JIM" (Univ.)
PALACE—(2,509), 25c-35c-50c, 7 days. Stage: "Smalltime Cavalcade" and vaudeville. **Gross:** $24,600. (Average, $19,000)

"STEAMBOAT 'ROUND THE BEND"
(Fox)
ROOSEVELT—(1,591), 30c-40c-60c, 2nd week, 7 days. **Gross:** $14,500. (Average, $11,000)

"CHINA SEAS" (M-G-M)
UNITED ARTIST—(1,700), 30c-40c-60c, 2nd week, 7 days. **Gross:** $17,800. (Average, $17,000)

"THE MURDER MAN" (M-G-M)
APOLLO—(1,400), 25c-35c-50c, 8 days. **Gross:** $6,000. (Average, $6,000)

"HERE COMES COOKIE" (Para.)
GARRICK—(900), 25c-35c-50c, 7 days. **Gross:** $6,000. (Average, $6,500)

Week Ending Sept. 6:

"GOING HIGHBROW" (W. B.)
STATE-LAKE—(2,776), 20c-30c-35c, 7 days. Stage: Fred Allen's Amateurs. **Gross:** $15,400. (Average, $13,000)

"Annapolis" Pulls $6,800 Omaha Take

OMAHA, Sept. 8.—"Annapolis Farewell," heading a dual bill at the Omaha, on which "Calm Yourself" was the other half, was the heavy winner of the week here. The $6,800 take was above average by $1,800.

"Bright Lights," on a dual at the Brandeis with "Hot Tip," also was in the money at $5,200, on the profit side by $1,700. "Here Comes Cookie" and "Chinatown Squad" were better than par at $7,650 in the Orpheum.

Total first run business was $19,650. Average is $16,000.

Estimated takings

Week Ending Sept. 4:

"ANNAPOLIS FAREWELL" (Para.)
"CALM YOURSELF" (M-G-M)
OMAHA—(2,200), 25c-40c, 7 days. **Gross:** $6,800. (Average, $5,000)

"BRIGHT LIGHTS" (F. N.)
"HOT TIP" (Radio)
BRANDEIS—(1,200), 25c-35c-40c, 7 days. **Gross:** $5,200. (Average, $3,500)

Week Ending Sept. 5:

"HERE COMES COOKIE" (Para.)
"CHINATOWN SQUAD" (Univ.)
ORPHEUM — (3,000), 25c-40c, 7 days. **Gross:** $7,650. (Average, $7,500)

"Top Hat" and "Diamond Jim" Denver Riots

DENVER, Sept. 8.—"Top Hat" was a smash hit at the Orpheum. It broke all opening day records and all second day records and took $9,000, over par by $4,000. It was held.

"Diamond Jim" also was in the standout division and piled $8,500 in seven days at the Denver. This was over the line by $3,500.

All in all, it was a remarkable week. "Naughty Marietta" hit $1,500 at the Broadway, "Here Comes Cookie" was unusually strong at $6,500 in the Denver, and "We're in the Money" was well on the profit side of the line with $3,000 at the Paramount. "Alice Adams" went to $3,500 in four days at the Orpheum.

Total first run business was $33,100. Average is $19,500.

Estimated takings for the week ending Sept. 5:

"LOVES OF A DICTATOR" (G.B.)

ALADDIN — (1,500), 25c-35c-50c-60c, 3 days following two last week. **Gross:** $300.

"THE MAN WHO KNEW TOO MUCH" (G.B.)

ALADDIN — (1,500), 25c-35c-50c-60c, 5 days. **Gross:** $800. (Average for week, $2,000)

"NAUGHTY MARIETTA" (M-G-M)

BROADWAY—(1,500), 25c-40c, 7 days. **Gross:** $1,500. (Average, $1,000)

"HERE COMES COOKIE" (Para.)

DENHAM — (1,500), 25c-40c, 7 days. **Gross:** $6,500. (Average, $4,000)

"DIAMOND JIM" (Univ.)

DENVER—(2,500), 25c-35c-50c, 7 days. **Gross:** $3,500. (Average, $5,000)

"ALICE ADAMS" (Radio)

ORPHEUM—(2,600), 25c-35c-40c, 4 days, following 3 last week. **Gross:** $3,500.

"TOP HAT" (Radio)

ORPHEUM—(2,600), 25c-35c-40c, 3 days. **Gross:** $9,000. (Average for week, $5,000)

"WE'RE IN THE MONEY" (W.B.)

PARAMOUNT—(2,000), 25c-40c, 7 days. **Gross:** $3,000. (Average, $2,500)

"Top Hat" $15,500 Providence Smash

PROVIDENCE, Sept. 8.—This town has gone "Top Hat" with a bang. With plenty more shekels in the offing, the RKO Albee already has hauled in a week's take of $15,500, unprecedented business for this house.

Other theatres, too, offered plenty of competition. Loew's State raked in $12,500 with "Anna Karenina" and the Strand and Majestic had average weeks with "Without Regret" and "Dante's Inferno."

Total first run business was $50,600. Average is $40,500.

Estimated takings for the week ending Sept. 5:

"DANTE'S INFERNO" (W. B.)
"WELCOME HOME" (Fox)

MAJESTIC — (2,400), 15c-40c, 7 days. **Gross:** $7,000. (Average, $7,000)

"WITHOUT REGRET" (Para.)
"HOPALONG CASSIDY" (Para.)

STRAND—(2,300), 15c-40c, 7 days. **Gross:** $6.500. (Average, $6,500)

"TOP HAT" (Radio)

RKO ALBEE — (2,300), 15c-40c, 7 days. **Gross:** $15,500. (Average, $7,000)

"RED HEADS ON PARADE" (Fox)

FAYS—(1,600), 15c-40c. "Broadway Varieties," revue. **Gross:** $8,100. (Average, $7,000)

"ANNA KARENINA" (M-G-M)

LOEW'S STATE—(3,800), 15c-40c, 7 days. **Gross:** $12,500. (Average, $12,000)

"SHE" (Radio)
"WESTWARD HO" (Republic)

RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $1,000. (Average, $1,000)

Insiders' Outlook

(*Continued from page 6*)

age of $102,990 and points intermediate, the theatre's fifty-three week receipts totaled $4,067,562. By a simple arithmetical problem, the weekly average works out at $76,746.

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This is the story of the latest year in the history of the world's most discussed theatre. If you have gotten thus far, the tale is about done. But if it is additional dope you are after, the figures that follow may shed an additional highlight or two:

$50,000 to $60,000

Picture	*Distributor*	*Week Ending*	*Gross*
Evergreen	G. B.	Jan. 15, 1935	$52,000
Music in the Air	Fox	Dec. 19, 1934	52,000
Ginger	Fox	July 24, 1935	53,000
Our Little Girl	Fox	June 12, 1935	55,000
Under Pampas Moon	Fox	June 5, 1935	56,500
Iron Duke	G. B.	Jan. 30, 1935	58,000
Life Begins at 40	Fox	April 10, 1935	58,000
Little Colonel (2nd week)	Fox	April 3, 1935	58,000
Romance in Manhattan	Radio	Jan. 23, 1935	58,000
Total, 9 pictures			$500,500

$60,000 to $70,000

Picture	*Distributor*	*Week Ending*	*Gross*
She	Radio	July 31, 1935	$60,000
The Informer	Radio	May 15, 1935	62,000
Hat, Coat and Glove	Radio	Aug. 1, 1934	62,200
Star at Midnight	Radio	April 17, 1935	64,000
Break of Hearts	Radio	May 22, 1935	65,000
Little Minister (2nd week)	Radio	Jan. 9, 1935	65,000
Love Me Forever (3rd week)	Columbia	July 17, 1935	65,500
Cardinal Richelieu (2nd week)	U. A.	May 1, 1935	67,000
Becky Sharp (2nd week)	Radio	June 26, 1935	67,750
Power	G. B.	Oct. 10, 1934	68,000
Broadway Bill (2nd week)	Columbia	Dec. 12, 1934	69,300
Total, 11 pictures			$715,750

$70,000 to $80,000

Picture	*Distributor*	*Week Ending*	*Gross*
Catspaw, The (2nd week)	Fox	Aug. 29, 1934	$70,000
Good Fairy	Universal	Feb. 6, 1935	70,000
Richest Girl in World	Radio	Sept. 26, 1934	70,000
Escape Me Never	U. A.	May 29, 1935	72,000
World Moves On	Fox	Aug. 8, 1934	72,000
Whole Town's Talking	Columbia	May 6, 1935	72,500
Scarlet Pimpernel (2nd week)	U. A.	Feb. 20, 1935	72,680
Caravan	Fox	Oct. 3, 1934	75,000
One More Spring	Fox	Feb. 27, 1935	75,000
Judge Priest	Fox	Oct. 17, 1934	77,000
Pursuit of Happiness	Paramount	Oct. 31, 1934	77,000
Scoundrel, The	Paramount	May 8, 1935	77,400
Total, 12 pictures			$880,580

$80,000 to $90,000

Picture	*Distributor*	*Week Ending*	*Gross*
Bright Eyes	Fox	Dec. 26, 1934	$82,500
Catspaw, The (1st week)	Fox	Aug. 22, 1934	83,000
Little Colonel (1st week)	Fox	March 27, 1935	84,000
Age of Innocence	Radio	Oct. 24, 1934	85,000
Gay Divorcee (2nd week)	Radio	Nov. 28, 1934	85,000
Love Me Forever (2nd week)	Columbia	July 17, 1935	65,500
One More River	Universal	Aug. 15, 1934	86,000
We Live Again (2nd week)	U. A.	Nov. 14, 1934	89,000
Total, 8 pictures			$679,800

$90,000 to $100,000

Picture	*Distributor*	*Week Ending*	*Gross*
Roberta (2nd week)	Radio	March 20, 1935	$91,000
Gay Divorcee (1st week)	Radio	Nov. 21, 1934	94,000
Becky Sharp (1st week)	Radio	June 19, 1935	95,000
Scarlet Pimpernel (1st week)	U. A.	Feb. 13, 1935	95,000
Fountain, The	Radio	Sept. 5, 1934	97,000
Roberta (1st week)	Radio	March 13, 1935	98,000
Total, 6 pictures			$570,000

$100,000 and Over

Picture	*Distributor*	*Week Ending*	*Gross*
Broadway Bill (1st week)	Columbia	Dec. 5, 1934	$100,000
We Live Again (1st week)	U. A.	Nov. 7, 1934	100,000
Love Me Forever (1st week)	Columbia	July 3, 1935	100,019
Cardinal Richelieu (1st week)	U. A.	April 24, 1935	103.000
One Night of Love (2nd week)	Columbia	Sept. 19, 1934	103,793
One Night of Love (1st week)	Columbia	Sept. 12, 1934	104,120
Little Minister (1st week)	Radio	Jan. 2, 1935	110,000
Total, 6 pictures			$720,932
Grand Total			$4,067,562

Radio Holds Newman

HOLLYWOOD, Sept. 8.—Radio has taken up the option of Bernard Newman, designer, who created gowns worn in "Roberta" and who now is doing Ginger Rogers' wardrobe for "Public Property."

Proclaim "Bowes Week"

CLEVELAND, Sept. 8.—Mayor Harry L. Davis has signed a proclamation establishing the week of Sept. 20 a "Major Bowes' Week" in honor of the Major Bowes unit which will play an engagement at the RKO Palace.

Photophone Points to Profits

He TOOK DOWN THE SIGN

We know a theatre owner (name on request) who was convinced he couldn't make money, so much so that he offered the house for sale. A buyer turned up who said he knew he could make the place show a profit, by putting in RCA Photophone High Fidelity Sound. This made the exhibitor think that maybe what the Photophone salesman had been telling him was true. So he placed an order with us, knowing that if he wanted to sell later, he could add to the sale price the value of his equity in the Photophone equipment.

The installation was made in a jiffy, and from that day the theatre commenced to show a profit. For sale? NO!

•

★ Photophone builds customer satisfaction, and thereby increases box office receipts. Case after case proves this.

RCA PHOTOPHONE
RCA MANUFACTURING CO., INC.
CAMDEN • NEW JERSEY

A Radio Corporation of America Subsidiary

Switzerland Turns To American Films

Washington, Sept. 8.—Decline in popularity of German films has turned Swiss exhibitors more and more to the United States, reports Consul General A. C. Frost, in Zurich, to the U. S. Department of Commerce.

Swiss imports of German, French and Italian films, he points out, have all shown declines during the current year, while in contrast, imports of American films have increased.

A greater number of original version American films are being shown in the German section of the country, but only because they are not available in the German language. It is believed, the report states, that American shorts of a travelogue or educational type, in which there is little dialogue, could be profitably marketed in Switzerland. Their value would be enhanced if given in a French or German version.

The proposed establishment of a national producing industry in Switzerland is hardly likely to materialize, the Consul General declares. Opposition to the proposition has appeared in several quarters. Critics of the plan point out that the high cost of production, the lack of technical experience and artistic personnel, and dependence upon export would be obstacles.

K. C. Operators Ask 20 Per Cent Raises

Kansas City, Sept. 8.—The operators' union, No. 170, is asking a 20 per cent increase at downtown first run houses. The request is being opposed. Negotiations are proceeding. Contracts expired Aug. 31.

Contracts with stagehands' local, No. 31, according to Felix Snow, I.A.T.S.E. representative, have been signed with no general increase, but with an additional man at the Tower.

A 25 per cent increase for the stagehand at the Royal was effected, Snow said.

Para. Files Claims For Print Damages

Paramount has filed two cases against local exhibitors for arbitration before the New York Film Board. In each instance the distributor alleges prints were damaged.

One of the cases is against Consolidated Amusement's Jerome in the Bronx and the other against Phillip Eisenberg of the Maple, Jeffersonville, N. Y. Hearings are set for Friday. Robert Benjamin, associate of Louis Nizer, will represent the exchange.

"Karenina" at $57,000

"Anna Karenina" ended its first week at the Capitol with a tally of $57,000. This is slightly under the expected $65,000-$75,000 predicted earlier in the week by Loew executives. A bad break in the weather hit not only the Capitol, but all Broadway houses last week.

Roach Studios Reopen

Hollywood, Sept. 8.—The Hal Roach studios here which have been closed for more than a month will reopen tomorrow. Although the studio is seven pictures ahead of schedule, four companies will begin work on the fall production schedule.

Looking 'Em Over

"Red Salute"

(Reliance-U. A.)

Barbara Stanwyck turns in a good performance in her comeback picture, ably assisted by Robert Young, Hardie Albright, Purnell Pratt and Cliff Edwards, but is somewhat handicapped by a drawn out plot in a film which can stand trimming here and there. The heroine is as charming as ever and there is plenty of wisecracking between her and Young. Some of the gags are destined for bellylaughs.

The heroine's main passion while attending college is Albright, whose communistic leanings get him in wrong with Pratt, Miss Stanwyck's father, a colonel in the army. To avoid distasteful gossip, Pratt inveigles his daughter into a trip to Mexico with her mother. When she gets there she escapes from the guardianship of her parent and later meets Young in a cafe. Young, a private, overstays his time and is anxious to get back to headquarters, while Miss Stanwyck cannot wait until she returns to Washington and her boy friend.

Both encounter a series of rough and tumble experiences before they are caught by the army officers ordered by Pratt to get the fugitives. The experiences on the road include a romantic interlude which is climaxed in Young's favor when Albright decided his preachings mean more to him than Miss Stanwyck. However, there's never any doubt that the affair would end that way.

Sidney Lanfield directed this Edward Small production, which makes for satisfactory entertainment.

Previewed without a code seal. Running time, 78 minutes.

"The Girl Who Came Back"

(Chesterfield)

Striking as average entertainment with a measure of action, this is the story of a girl counterfeiter who, turning straight, falls in love, only to have her past catch up with her. Her effort to save her sweetheart and clear her past is successful in a lively climax.

Shirley Grey and Sidney Blackmer head the cast, which contains a few familiar, but no outstanding names. In chief support are Matthew Betz and Frank LaRue. Charles Lamont, in his direction, handled the story in competent fashion, the picture as a whole appearing definitely suitable in dual bill situations as the second half of the program.

Miss Grey decides to give up the racket, double-crosses the gang on a jewel robbery, returns the gems and goes west. She falls in love with her employer, Blackmer, a banker. Her former "friends" find her and plan to rob the bank. When they do, she admits her identity and leads the police to the rescue of Blackmer and the capture of the gang. Blackmer understands and their romance concludes the film.

Production Code Seal No. 873. Running time, 65 minutes. "G."

"Peg of Old Drury"

(British & Dominions)

London, Aug. 29.—The same high standard of technique that marked "Escape Me Never" is observable in this further B. & D. production. It would be a credit to any American studio in this respect, and in entertainment value, variety and acting also does it definitely belong to the select few of British films which have to be compared with the first rank American output.

Outstanding assets are the charm of the London backgrounds, of the 18th century period, and the really fine performance of Sir Cedric Hardwicke as the famous actor, Garrick. Playing Garrick, Hardwicke also plays such of his famous roles as Shylock, Richard III and "The Alchemist" on the stage of Old Drury. The story of his love affair with Peg Woffington, ending with her death in his arms, in her stage dress of Rosalind, is tenderly told and the climax, with Garrick delivering her last message to the audience, is affecting.

Anna Neagle is definitely good as Peg, especially in the comedy interchanges with her rival, Kitty Clive. Maire O'Neill and Hay Petrie are notable in a first class cast.

Of its kind, this is an excellent picture; it must be taken into very serious consideration in any territory where production artistry and good acting are appreciated.

Running time, 75 minutes. "G." ALLAN

Frisco Fox Tries Duals

San Francisco, Sept. 8.—The Fox, 4,600-seater, has dropped stage shows and will use double bills. During the past few weeks the theatre has featured Eddie Cantor, the Duncan Sisters and the Fanchon chorus revue.

Two-Year Picketing Ends

Kansas City, Sept. 8.—For two years the Murray, operated by E. C. Hartman, whose brother operates the projection equipment, has been picketed. The other day the union gave up and removed the picket.

Short Subjects

"All American Drawback"

(Vitaphone)

If you can conceive a ventriloquist's dummy playing the star role on a college football team and between games trying to make love to whatever girl comes his way, this subject will hold your interest. However, Edgar Bergen coaches his dummy through the various scenes, but the final sequence shows the dummy doing all right by himself when he is pitted against the college's board. They start out to give him an oral examination and the number winds up with the board members on the floor in a football huddle. The act depends on local audiences and may get better reaction from them than from this reviewer. Production Code Seal, No. 0503. Running time, 10 mins. "G."

"Three Lazy Mice"

(Universal)

An artistically done short, "Three Lazy Mice," in the Color Cartune group rates with the best of the type. The whimsical story of three mice in the mouse kingdom revolves around their evasion of work by pretending to be blind. Beggary takes them outside the walls of micedom where they become the prey of a marauding cat. Follows the usual chase with the mice back and put to work at dishwashing. Recommended. Production Code Seal No. 704. Running time, 9 min. "G".

"Scottie Finds a Home"

(Van Beuren-RKO)

A good color cartoon of the Rainbow Parade series, this presents the story of the little boy who, wanting a dog for a pet, finds one but is refused permission by his grandmother to bring it into the house. A visit from a tramp provides the dog with an opportunity of becoming a hero and winning a home. The animation is good and so is the color. Production Code Seal No. 0504. Running time, 6 mins. "G."

"Land of the Eagle"

(Van Beuren-RKO)

This travelogue on Guatemala is an addition to the "World on Parade" series. It presents glimpses of Indian life and customs and native crafts, such as pottery making and weaving. Native scenery and ancient Aztec and Spanish architecture are other subjects included. It is an interesting reel, splendidly photographed. Production Code Seal No. 0540. Running time, 11 mins. "G."

"Pathe Topics—No. 6"

(Radio)

The subject matter of this release is more or less routine, with the high spot of interest going to glass reproductions, enlarged one million times, of microscopic life observed in a drop of water. Other subjects presented are views of cathedral towns of England, tricks of magic and dances in slow motion. Production Code Seal No. 0507. Running time, 9 mins. "G."

J. W. Davis in Hospital

Kansas City, Sept. 8.—J. W. Davis, operator of the Davis, Higginsville, Mo., is in St. Luke's Hospital here. Davis's ailment, described as severe, has not been diagnosed.

The Leading
Daily
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Motion
Picture
Industry

MOTION PICTURE DAILY

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Branches

VOL. 38. NO. 60 NEW YORK, TUESDAY, SEPTEMBER 10, 1935 TEN CENTS

No Movements For Increases Seen in Texas

Present Rates Are Due To Many Experiments

This is the eighth instalment in a national survey on the trend of admission prices.

DALLAS, Sept. 9.—No general movement in price increases is apparent in Texas except the contractual one requiring 25-cent admissions for "A" pictures in subsequent runs. This is a stipulation insisted upon by the Interstate circuit to protect its first runs and has been the object of attack by Allied.

The peak was set in '29 when box-office scales throughout Texas reached 60 cents for metropolitan first runs and 40 cents and 35 cents were common even down to towns of 1,500.

(*Continued on page* 3)

Center Understood After the "Dream"

The Rockefeller Center is understood to be after "A Midsummer Night's Dream" for its opening attraction under the extended run film policy which that theatre is about to launch. "The Great Waltz," stage musical, which reopened there recently is about to terminate its run.

Warners are arranging to bring on the entire cast and executive production staff for the opening which, unless switched, is slated for the Hollywood Oct. 9. Max Reinhardt, the producer, now in Europe, will return for it.

Florida's Theatres Are Damaged Little

TAMPA, Sept. 9.—The tropical hurricane, which swept up the gulf coast of Florida Tuesday and Wednesday, did very little damage to theatres, according to reports.

At Tampa, where the storm struck Tuesday night, the Ritz, in the Ybor City section, was forced to close when several light poles were blown down. All lights were turned off at midnight

(*Continued on page* 3)

Ohio Playdate Test Coming Up Sept. 23

COLUMBUS, Sept. 9.—The RKO case against Attorney General Bricker to test the validity of the bill outlawing preferred playing time in Ohio, will be heard in Federal court of Columbus Sept. 23.

Chicago Exhibitors Now Give Awards Every Night

CHICAGO, Sept. 9.—Local exhibitors are trying to figure a way to get more than seven nights into one week. At present most of them are playing Screeno three to five nights a week, Bank Night two nights and are using giveaways the other nights. If anything else of this nature comes along, it will have tough going finding a night to show anything.

While in other cities police are bearing down on giveaway nights here they are helping out. Crowds ranging from 1,000 to 20,000 on Bank Nights when the award is at a high figure necessitate the use of police to handle traffic. Last Thursday night at the Southtown, 20,000 persons attended. At 3:20 o'clock the 3,200-seat house was sold out and at 5 o'clock all standing space in the theatre and 400 ticket holders outside in a parking lot—reserved that day for people and not cars—awaited the drawing which was scheduled for 8 o'clock.

On other nights theatres have china and glassware, or some such nights. During the past few months beauty and screen test nights have been prevalent and amateur nights also.

Exhibitors claim that these forms of added attractions have kept more than 60 theatres, usually dark in the summer, from closing and have given them more cash than they have had in the past five years.

Exchange men who at first were strongly against the giveaway games are changing their minds after a perusal of books which show the advance in grosses. They claim that the double-bill threat will not be of any consequence as long as the chance games continue. And most of them feel the games are preferable to the double features.

Five Million Bet

Pawtucket, R. I., Sept. 9.—The first dozen days of pari-mutuel betting at the Narragansett Track drew $5,317,526 from New England fans, while other unestimated millions have gone to bookies, board rooms, etc. This is a record daily average of $443,126, continued despite the fact that only 12 favorites have come through in 72 races. Theatres are suffering.

ITOA Plans Court Test on All Games

Test cases of every chance game on the local market will be made by the I.T.O.A., it was stated by Harry Brandt, president, yesterday. The move is to give members official opinions and decisions on what games can and cannot be played.

Two games, Lucky and Movie Sweepstakes, have already been passed upon favorably by two magistrates in Brooklyn. The Glenwood had been playing Lucky and the Oceana, Movie Sweepstakes, when both exhibitors were haled into court on charges of violating the lottery laws. In both

(*Continued on page* 3)

Schedule in N. Y. Declare K. C. Men

KANSAS CITY, Sept. 9.—Commenting on the New York report that Kansas City's zoning schedule was missing somewhere between here and there, Emanuel Rolsky, vice-president of the I. T. O., said no copies were forwarded direct by independent exhibitors to New York, but were presented to each manager here. The

(*Continued on page* 3)

Little Change in Cleveland by M-G-M

CLEVELAND, Sept. 9.—In answer to the charge that M-G-M plans to upset local clearance and zoning by selling greater protection than stipulated in the schedule, Frank D. Drew, M-G-M branch manager here, states that this season there is very little change of setup for film distribution in the Cleveland territory from previous seasons. The only major change of policy, according to Drew, is that this season M-G-M in no instance is making admission price a factor in establishing protection.

"We are selling protection according

(*Continued on page* 3)

Tax Threatens Film Stoppage in Mexico

Confronted by an impossible situation of what has been called "confiscatory" taxation on the part of the Mexican government, all major companies have invoked a protective clause inserted in exhibition contracts about a year ago, and last week gave notice to all Mexican exhibitors that they will cease film service in 30

(*Continued on page* 3)

Film Leaders In St. Louis Court Today

Preliminary Battle Aims To Prevent Injunction

By BILL ORNSTEIN

ST. LOUIS, Sept. 9.—Film men and attorneys are here in force for the legal battle tomorrow in Federal court which will precede the general defense of anti-trust charges brought by the Government.

Warners offered a motion for postponement, due to the absence of former Senator James A. Reed, its attorney, who is en route to Portland, Ore., following the death of his sister. The motion was taken under advisement. Counsel for Paramount and RKO are ready to go ahead. William Benton of Washington is assisting District Attorney Russell Hardy.

Tomorrow's hearing is an argument by the principal defendants, RKO, Warners, and Paramount, to convince

(*Continued on page* 3)

Coast Maps Battle On Copyright Bill

HOLLYWOOD, Sept. 9.—A Hollywood committee has been appointed to organize a west coast campaign against the Duffy copyright bill removing the maximum penalty for copyright infringements. On the committee are Irving Berlin, Al Jolson, Gus Kahn, Wolfe Gilbert, Bert Kalmar and Al Dubin. The committee will work in conjunction with Nathan Burkan, New York counsel for Ascap.

Burkan, addressing a meeting of 60 studio composers here recently, described the Duffy bill as "tantamount to licensed piracy." The bill has been passed by the Senate but failed to emerge from a House committee. It is slated to be revived at the next session of Congress.

"Top Hat" Heads to $114,000 2nd Week

"Top Hat" at its present pace will gross between $112,000 and $114,000 in its second Music Hall week which closes tomorrow night. If this figure is reached, the Astaire-Rogers film in its second stanza will break the previous high for the house formerly held by the first week of "Little Minister" in its first week at $110,000.

Without fanfare, the Music Hall has put into effect a slight increase in prices. In view of the management's assertion that there has been no complaint, the increase will remain. The

(*Continued on page* 6)

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Wall Street

Fractional Losses on Big Board

	High	Low	Close	Net Change
Columbia Pict. vtc.	67¾	65¾	66	—1½
Consolidated Film Industries	4¾	4⅝	4⅝	— ⅛
Consolidated Film Ind. pfd.	16¾	16¾	16¾	.....
Eastman Kodak	153½	152	152	.....
Loew's Inc.	44¼	43⅜	43⅝	.....
Loew's Inc. pfd.	106	106	106	+ ½
Para.-Publix	10⅞	10½	10⅝	— ⅛
Paramount 1 pfd.	93½	92⅝	93	— ½
Paramount 2 pfd.	12¼	11⅞	11⅞	— ⅜
Pathe Film	6⅞	6⅜	6½	+ ¼
RKO	4⅛	3⅞	3⅞	— ⅛
20th Century-Fox	18	17¾	17¾	— ⅜
20th Century pfd.	26⅝	26⅜	26⅜	— ⅛
Warner Bros.	6⅞	6½	6½	— ⅛
Warner Bros. pfd.	43½	42	42	—1

Technicolor Up ⅞ on Curb

	High	Low	Close	Net Change
Sonotone	2	1¾	2	.....
Technicolor	20½	20	20½	+ ⅞
Trans-Lux	3¼	3	3¼	+ ¼

RKO Bonds Gain 1¼ Points

	High	Low	Close	Net Change
General Theatre Equip. 6s '40	16	15½	16	+ ⅛
General Theatre Equip. 6s '40 ctf	16	15¾	16	+ ½
Keith B. F. 6s '46	90⅛	88⅝	90⅛	+ ¾
Loew's 6s '41 ww deb rights	105	105	105	+ ⅝
Para. Picts. 6s '55	96¼	96	96	— ⅛
RKO 6s '41 pp	65	62	65	+1¼
Warner Bros. 6s '39 wd	82½	81¾	82	+ ½

(Quotations at close of Sept. 9)

Purely Personal

Ned E. Depinet was 4? Saturday and that seemed to make a party fitting and proper. Whereupon Mrs. Depinet, leaving a sickbed to play hostess, determined upon the Westchester Country Club as the principal scene of celebration. By friendly collusion between Sam Dembow and Leslie E. Thompson, who wields large influence with the club's board of governors, the orchestra, hammering away valiantly in deliberate discords, finally got to Depinet's table and deposited around his broad shoulders a huge floral horseshoe. There was nothing left for Ned but to get on his two feet and bow, although not without embarrassment. The merrymakers included the George Skourases, Eddie Alpersons, Leslie Thompsons, Sam Dembows, Willard McKays, Grad Sears(es), George Garvins, Margaret Cammack, "Tootise" Bartlett and Charlie Skouras. The latter, by the way, plans to leave for Los Angeles tonight by plane.

•

Mrs. Astor's boarding house was jammed with film men for lunch yesterday including Leon Netter and Tracy Barham, the latter operating Paramount houses in Marion, Middletown and Hamilton, O.; Harry Buckley, Si Fabian and Sam Rosen, who recently became a papa for the fourth time, giving him three boys and one girl exactly like Brother-in-Law Si; Leslie E. Thompson, who says he doesn't break this column very often; Nate Blumberg and Johnny O'Connor; Herb Ebenstein, Emil Jensen, Ed Davidow and Arthur Hirsch ; Jack Cosman and John Weber; Herman Gluckman and Joe Simmonds.

•

Fred Barth, pleasant warbler at the Westchester club where his singing is preferred among the many film people who are members there, may transfer his vocalizing to the Biltmore for the fall and winter.

•

Allyn Butterfield will occupy W. French Githens' editorial chair at Pathe News while the latter temporarily takes charge of the promotion and expansion activities of Newsreel Theatres, Inc.

•

Roland Young will play the male lead in "A Touch of Brimstone" which opens at the Golden Sept. 22. It's a stage play, of course.

•

Arthur Jarratt, chief film booker for G. B. theatres, arrives from London on the *Majestic* today. He plans a Hollywood visit.

•

Fanny Heaslip Lea's "Anchor Man," now appearing serially in the *Saturday Evening Post,* has been purchased by M-G-M.

•

Harry Huffman, Denver theatre operator who has been in town for the past several days with Mrs. Huffman, started west again last night.

•

Ed Kuykendall, M.P.T.O.A. president, is due in town in about a week from his Columbus, Miss., home.

•

Oliver H. P. Garrett and Cornelius Vanderbilt are due on the *Santa Elena* today from California.

•

Alexander Korda, Stephen Pallos and Sir Connop Guthrie are scheduled to leave the coast tomorrow by plane and are due here Thursday morning.

•

Nathan Burkan is due in today from Hollywood where he has been on United Artists and Ascap business.

•

Hobart Cavanaugh is here to begin rehearsals for Herman Shumlin's new play, "Sweet Mystery of Life."

•

Damon Runyon's play, "A Slight Case of Murder," opens Wednesday at the Forty-Eighth Street theatre.

•

Mildred Ginsberg did not go west with Henry, but remains here for a week visiting family and friends.

•

Milton Hartmann and Dr. Berta Coninx, German photographers, arrived on the *St. Louis* yesterday.

•

Lou and Mrs. Edelman have arrived in town from the coast. They are at the Warwick.

•

Major Fred Herron of the M.P.P.D.A. is back in town following a vacation.

•

Ruth Chatterton, in town now, may play the lead in "First Lady," stage play.

•

Maurice MacKenzie has gone into the Medical Arts Center for observation.

•

Felix F. Feist is due back from his European holiday on the 16th.

•

Phil Reisman is due back from Europe early in October.

•

S. Charles Einfeld off by air to Detroit today.

•

Maurice Goodman back from Europe.

•

Francis Lederer has returned to the coast.

•

. . . London

Albert Parker dined by W. J. Hutchinson; inaugural feast for production on "Late Extra" for Fox-British.

Reginald Pound, lately literary editor of the *Daily Mail,* has taken charge of the story department of Fox-British at Wembley.

James B. Sloan, recently loaned by British National Films to Garrett-Klement Prod., has joined the latter permanently as a production executive.

George H. Broadhurst, author of many stage farces successful in both U. S. and U. K., has been engaged to revise screen dialogue for Twickenham's "The Private Secretary" with the American market in view.

Charles Phillipp of Fox dined by home-office staff, with W. J. Hutchinson presiding, on leaving for extended sick leave. Cables from S. R. Kent and Clayton Sheehan read, expressing appreciation for his services and wishes for an early restoration to health.

Jack Davis plans a news theatre in the Queen's Hotel, Leicester Square, next door to M-G-M's Empire.

Warner to Open 3 In New Haven Area

New Haven, Sept. 9.—Three closed Warner theatres in the New Haven territory will be reopened by Sept. 20. The Broadway, Norwich, a subsequent run, will resume operation under direction of Angelo Sette, for four years connected with the Roger Sherman in New Haven. The Bristol, Bristol, which remained dark last year, will open with Thomas Grace as manager. Grace was former assistant at the Strand, New Britain. Joseph Borenstein, until recently with Arthur Lockwood in Middletown and Wallingford, will manage the Embassy, New Britain, which has been closed during the summer.

The Tremont, Ansonia, will definitely open for six months under terms of a Warner agreement, but no definite announcement as to date has been made. B. Shields, who operates the Capitol, Ansonia, will probably be in charge at the Tremont as well. It is also expected that the Circle, South Manchester, unopened for a year, will operate part time.

Pennsylvania Votes On Open Sunday Set

Sharon, Pa., Sept. 9.—Sunday films will come up for vote in November in three Pennsylvania towns in this territory. The Sharon City Council has approved on first reading an ordinance calling for printing the question on the ballots.

The Franklin and Oil City governing bodies have completed passage of enabling ordinances, and the question has been disposed of at Butler by the filing of a petition with the county commissioners.

"Seas" Starts FWC Drive

Los Angeles, Sept. 9.—Fox West Coast has chosen M-G-M's "China Seas" to open the annual "Greater Movie Season." It is booked for two weeks at Loew's State and Grauman's Chinese. On Sept. 25 it goes to the Fox Wilshire for a week, instead of playing an extended first run at the United Artists downtown, giving one week's clearance only. On Oct. 2 it goes to 12 subsequent run houses.

Mitchell in from Coast

Gordon S. Mitchell, chairman of the research division of the Academy of M. P. Arts & Sciences, arrived from the coast yesterday to discuss the proposed adoption of a standard 2,000-foot reel with distributors. A meeting of representatives of all national distributors and of S. M.P.E. branches at M.P.P.D.A. headquarters Thursday will be addressed by Mitchell.

To Resume Fox Hearings

Closed hearings on the Chicago Title & Trust Co.'s action to recover $1,000,000 from William Fox as a result of a default of a guaranteed redemption of Roxy Theatre Corp. stock were resumed yesterday before Referee Sol Stroock after a summer's adjournment. The hearing will resume again on Thursday.

Cooper May Do Musical

Hollywood, Sept. 9.—Merian C. Cooper's first picture under the Pioneer banner will be a Technicolor musical, it is understood. James Dunn is being considered for a top role.

No Movements For Increases Seen in Texas

(Continued from page 1)

The recession from this peak, in the main, has stabilized tops at 50 cents and 25 cents.

First need for change was shown in "horse opera" releases. This state has been a consistently good market for this type of release, show time for them usually being Friday and Saturday. However, receipts became so meagre at 25 cent scales that many houses abandoned these showings, with a resultant loss of the farmer Saturday trade. The western became a drug on the market. Gradually individuals adjusted prices to 15 cents and even 10 cents for this class and there was an immediate revival of patronage. For a time there was a shortage of good westerns—possibly for two years. Then with the redemand came a new supply in adequate quantity. All operators in Texas are involved in this trade, big chains along with small independents.

The matter of price scales bothered everybody in the trade. It took long-time study, some experiment, and a gradual removal of reluctance to change scales to effect these shifts. After it had been done, those who could see the result concluded that it was an adjustment of admission prices to the economic level of commodity prices and the rates of wages—the re-attraction of the biggest segment of low income trade in the state, which had been alienated by prices beyond its ability to pay.

Wide Range of Prices

Out of this experience came adaptations for other types of releases. Sunday towns generally maintained a 25 cent price, with week day adjustments ranging from straight price lowering to bargain days, family rates and other methods. All of these plans proved themselves favorably and they remain in operation now. The result is that in the bulk of Texas towns there is a range of price scales to take care of classes of trade and to sustain the gross for the week.

Another modification is the chain-closed town, where "A" and "B" houses and subsequents are scaled to classification. Some circuits have maintained prices at a low of 25 cent first run, especially in closed towns. Others have adjusted prices due to local competition and out of this experience have lowered prices in closed spots.

With a resurgence of business, some independents are adding new houses in which they will establish 35 cent or 25 cent rates, continuing low prices in present houses.

Interstate Circuit is stiff in its determination to maintain prices. Its new Dallas neighborhood will be scaled at 35 cents.

R. & R. Theatres lately reduced scales over the whole circuit for mid-week days. H. B. Robb, president, says it has produced substantial increases in the gross.

In the prosperous oil towns of the East Texas Theatres there is no need for reductions. Although this company, also, has been led to meet competitive prices.

Little Change in Cleveland by M-G-M

(Continued from page 1)

to the policy of the house as we see it," Drew explained, "and our established policy is to sell clearance as clearance is deserved in our estimation with no regard to admission prices.

"We furthermore reserve the right to determine what protection we will give to double feature houses," Drew said.

In order to make it clear that this is the policy of M-G-M and does not involve policies of other local distributors Drew stated: "I have never discussed clearance or protection with any other local exchange representative, but in my opinion our policy is equitable to both distributor and exhibitor."

Loew's, local M-G-M first run account, as in former seasons, is taking 35 days' protection over de luxe suburban houses, but has increased its protection over 15-cent and double feature houses to 77 days instead of the former 63 days.

Contrary to the statement that selling in Cleveland is slow, Drew reports that he has sold earlier this season than at any time in his eight years' experience as Cleveland M-G-M branch manager. He announces he has closed every account in the Greater Cleveland area including both circuits and independents.

Tax Threatens Film Stoppage in Mexico

(Continued from page 1)

days, unless the Mexican government rescinds its recent tax rulings within 30 days.

Discussions had been held with the Mexican government over a long period, it was said, but no concessions had been forthcoming. The most recent order required that distributors in Mexico post a bond to guarantee that they would not exceed the import quota. Distributors could get no better satisfaction, it was learned, as a result of appeals to American authorities. Consequently, it was determined that the only positive way of obtaining vitally necessary concessions in the matter of taxation from the Mexican government was to invoke the cancellation clause in the standard contract universally used by American companies in Mexico. The notices have been sent to exhibitor accounts, with the expectation that, lacking necessary product, and facing the prospect of being forced to close their theatres, Mexican exhibitors will bring pressure to bear on the government looking to a moderation of its taxation program.

Florida's Theatres Are Damaged Little

(Continued from page 1)

Tuesday so that the streets could be cleared of fallen wires. Service was restored in the down town section on Wednesday.

Both radio stations, WDAE which has the Columbia service and WFLA, an NBC outlet, suffered severe damage, and both stations were off the air from Tuesday night until Thursday.

At Cedar Keys a theatre, which has been dark for some time, was completely demolished. This was the only real damage to theatre properties so far reported.

Film Leaders In St. Louis Court Today

(Continued from page 1)

U. S. District Judge George Moore that no preliminary injunction should be issued to prevent the defendants from carrying out an alleged agreement not to sell film to Fanchon & Marco's Ambassador, Missouri and New Grand Central theatres.

Warners and their affiliates are contending that no injunction is necessary, as the same issues are covered in the trial of the anti-trust charges set for Sept. 30. RKO and Paramount contend there is no agreement not to sell to the theatres. Warners make the additional contention that any injunction that might force film sales to F. & M. would place this company in absolute control of the local first run situation, as F. & M., the company charges, has an agreement covering the Fox and St. Louis theatres.

Indictments in the case were returned several months ago.

Subpoenaed for the action are Neil Agnew, Austin Keough and Norman Collyer for Paramount, Jules Levy and Cresson Smith for RKO, E. K. Hessberg and Robert W. Perkins for Warners. Subpoenaed locally are: Louis Ellman, RKO; Maurice Schweitzer, Paramount; James Winn, Warners; Clayton Lynch, Metro; Harry Scott, U.A.; Joseph Garrison, Universal; Byron S. Moore, Shubert Theatre; Robert Hicks, Orpheum; Harry Greenman and Charles Kurtzman, Fox Theatre; Clarence M. Turley and Allen L. Snyder, Ambassador; Tom K. Smith and Jacob Chasnoff of Boatmen's Bank; John S. Leahy, Bank of Commerce; Thomas M. Dysart, Frederick H. Keisman, Joseph H. Grand, Fred Wehrenberg and Bruce Barnes. From out of town are Harry C. Arthur, Irving Lesser, Jack Partington and Spyros Skouras, from New York; J. M. Ulmer and B. D. Gordon, from Cleveland; David Levinson, M. A. Rosenthal and Frederick W. Straus, the last named of Straus Securities Corp., from Chicago; Milton B. Arthur of Cabart Theatres Corp., Los Angeles, who was met by his brother Harry on his arrival from the Coast by plane.

Irving Lesser arrived by plane from New York tonight.

ITOA Plans Court Test on All Games

(Continued from page 1)

instances the magistrates declared the games legal.

Within the next few weeks, Bank Night, Prosperity Night, Bingo, Screeno, Keno and other games will be tested in the courts. Milton C. Weisman, attorney for the I.T.O.A., will represent the member exhibitor brought up as a defendant.

Loew's and Consolidated plan to reinstate chance games either this week or next. The circuits stopped playing Screeno and Lucky when the police notified managers to drop the games.

Schedule in N. Y. Declare K. C. Men

(Continued from page 1)

managers said, according to Rolsky, that they would forward the petitions to their sales managers for action. E. S. Young and E. E. Webber also were on the committee which contacted managers.

It is understood that Universal has sold Fox Midwest, but without including a clearance and zoning arrangement, which the home office indicated would have to be worked out locally.

That New York executives are at a loss to explain why the schedule, "if one actually exists," would be forwarded to New York, since New York would have nothing to say about it one way or another anyway, is surprising in view of the answer exchange managers are reported to have made to independents when presented the petition. If New York executives have nothing to say in the matter, and Kansas City managers are waiting for them to okay the schedule, then that document already has been "pocket vetoed," and is "lost."

This would not be surprising to some exhibitors here who have felt that the schedule did not have a chance without the signature of Elmer C. Rhoden, Fox Midwest head.

Schreiber Lottery Charge Is Quashed

DETROIT, Sept. 9.—Handing down a delayed decision in the case of Jacob Schreiber, Colonial, charged with violation of the state lottery laws by using cash giveaways, Judge Christopher E. Stein of Records Court has ruled that the giveaways are not a lottery, inasmuch as no charge is made for the chance to win. The charge was dismissed.

THEATRE ACCOUNTING

by WILLIAM F. MORRIS, is still the best bookkeeping system for theatres. It not only guides you in making the proper entries but provides sufficient blank pages for a complete record of your operations for each day of the year. Notable for its simplicity.

Order Now—$3.00—Postage Prepaid

QUIGLEY BOOKSHOP
1790 BROADWAY NEW YORK CITY

" 'The Dark Angel" is about as full and satisfactory an afternoon or evening as you could hope to spend in the cinema. Beautiful, heartwarming and completely satisfying."

— William Boehnel
New York World Telegram

"Plumbs the depths of audience sympathy, reaching always for the heartstrings of emotion and playing upon them with great skill."

— Regina Crewe
New York American

"The tribute paid to Samuel Goldwyn's 'Dark Angel' by critical Hollywood was a profound silence at the close of the preview. Every one was just too choked up to speak, but later there was plenty of conversation about this picture which is one of the loveliest films ever put on the screen."

—Louella O. Parsons,
Universal Service.

"Love story that will never lose its audience and its audience should be legion. It all sums up to the fact that not only has Golwyn got a box-office picture but an artistic triumph as well—which raises even the Goldwyn standard for good taste."

—Hollywood Reporter.

"Rank this as one of the most finely acted pictures of any season. Dramatic developments are tense and builds to a terrific climax."

—Film Daily.

"You can always depend upon Samuel Goldwyn for a good picture. 'The Dark Angel' is a typical Goldwyn product. An outstanding dramatic piece of photography, tastefully mounted, sensitively acted and expertly directed."

—Jim Crow,
Hollywood Citizen-News.

"Dramatic vitality and powerful audience appeal of 'The Dark Angel.' A picture of solid worth and of heavy box-office indications!"

—Daily Variety.

From PREVIEW TO WORLD PREMIERE IT WON THE UNQUALIFIED PLAUDITS OF TRADE AND NEWSPAPER CRITICS ALIKE!

World premiere crowds at Rivoli Theatre, New York, send opening week-end receipts to new record high as motion picture reviewers go into ecstasies over the emotional power of this tender love story!

"A happy adventure and sentimental romance. It promises to be one of the popular pictures of the season."

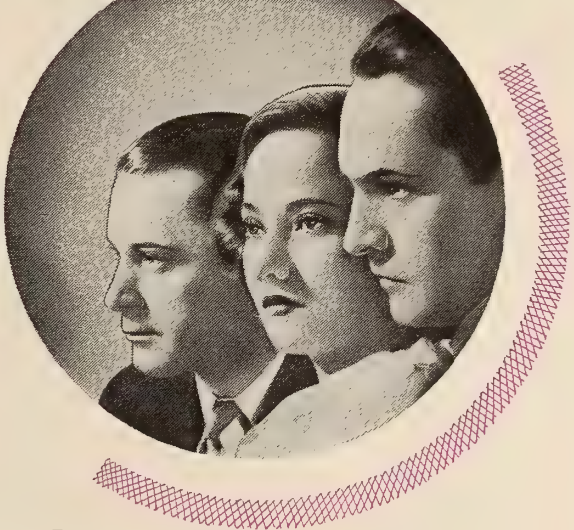
— Andre Sennwald
New York Times

"Skilled performances will wring tears from all the women. Miss Oberon takes her place beside the Hollywood stars."

— Bland Johaneson
New York Daily Mirror

"'The Dark Angel' is an excellently acted and romantic drama, absorbing and expertly handled in every detail."
— Rose Pelswick
New York Evening Journal

"It reaches virtual perfection. The most honest and effective sentimental drama of the season . . . a masterpiece."
— Richard Watts, Jr.
New York Herald-Tribune



Samuel Goldwyn PRESENTS

FREDRIC MARCH
MERLE OBERON
HERBERT MARSHALL

in THE

DARK ANGEL

om the play by Guy Bolton Directed by SIDNEY FRANKLIN creator of "Smilin' Thru" and "The Barretts of Wimpole Street"

"Excruciatingly beautiful in photography, timely and significant, 'The Dark Angel' is one of the outstanding products of the 1935 Season."
—Eleanor Barnes,
Los Angeles Illustrated Daily News.

"Here is a finely sensitive, rare pictorial quality and superb action. Here is a camera that finds magic at times and here is sensitive direction by Sidney Franklin which makes of 'The Dark Angel' a picture you will never forget!"
—Mollie Merrick,
North American Newspaper Alliance.

"One of the finest romantic studies yet given to the screen 'The Dark Angel' will unquestionably be remembered as a great picture. Should enjoy the laurels of a popular triumph and exert an enduring effect in the annals of the screen. It is one of the best!"
—Edwin Schallert,
Los Angeles Times.

"One of those exceptional productions that by sheer artistry and concentration upon an objective make themselves memorable. It ought to be big at the box-office."
—Motion Picture Daily.

"Rivoli audience last night enjoyed it hugely. 'The Dark Angel,' one of the year's most polished productions will probably be one of the year's biggest hits as well."
—Eileen Creelman,
New York Sun.

"A strong appeal to the emotions...an enormous success. An entirely sentimental film that has been produced and directed with care."
— Kate Cameron
New York Daily News

Released thru
UNITED ARTISTS

"Escape" Ends 9-Week Stay, Minneapolis

MINNEAPOLIS, Sept. 9.—"Escape Me Never" closed at the 400-seat World at the end of its ninth week with a take of $2,500, only $500 under a first week's par, and opened at the St. Paul World with a take of $2,000, over the line by $500.

Olsen and Johnson boosted "Hot Tip" to a good $6,500, up by $1,000 at the Orpheum, and "Every Night at Eight" did well on a take of $4,760 at the Century. "Bright Lights" reached $4,500 at the St. Paul Orpheum.

Total first run business in Minneapolis was $22,500. Average is $21,000. Total first run business in St. Paul was $17,200. Average is $16,000.

Estimated takings:

Minneapolis:

Week Ending Sept. 4:

"EVERY NIGHT AT EIGHT" (Para.)
CENTURY—(1,680), 25c-40c, 7 days. **Gross:** $4,700. (Average, $4,000)

"HOP ALONG CASSIDY" (Para.)
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,800. (Average, $1,500)

Week Ending Sept. 5:

"HOT TIP" (Radio)
ORPHEUM—(2,300), 25c-40c, 7 days. Olsen and Johnson in person. **Gross:** $6,500. (Average, $5,500)

"ANNAPOLIS FAREWELL" (Para.)
STATE—(2,300), 25c-40c, 7 days. **Gross:** $5,500. (Average, $5,500)

"HEADLINE WOMAN" (Mascot)
TIME—(300), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

"ESCAPE ME NEVER" (U. A.)
WORLD—(400), 25c-55c, 7 days, 9th week. **Gross:** $2,500. (Average, $3,000)

St. Paul:

Week Ending Sept. 5:

"ANNAPOLIS FAREWELL" (Para.)
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $5,500. (Average, $5,500)

"ACCENT ON YOUTH" (Para.)
RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $3,500. (Average, $3,500)

"BRIGHT LIGHTS" (F. N.)
ORPHEUM—(2,000), 25c-40c, 7 days. **Gross:** $4,500. (Average, $4,000)

"HOP ALONG CASSIDY" (Para.)
TOWER—(1,000), 15c-25c, 7 days. **Gross:** $1,700. (Average, $1,500)

"ESCAPE ME NEVER" (U. A.)
WORLD—(400), 25c-35c, 7 days. **Gross:** $2,000. (Average, $1,500)

"Steamboat" Hits Record at Lincoln

LINCOLN, Neb., Sept. 9.—"Steamboat 'Round the Bend" set a house record at the present scale for the Stuart and ran up to the highest figure in the past four years, $6,800. This is more than double normal.

At the same time "Curly Top," another Fox film, went into an exceptional $4,000 at the Lincoln, $1,800 to the good. "Welcome Home" and "Redheads on Parade," two more Fox films, were better than normal at $2,800 in the Orpheum.

Columbia's "Love Me Forever" proved a flop as a holdover at the Varsity and "The Black Room" was rushed in to save the day. Even so the week's gross was only $950.

Total first run business was $12,400. Average is $9,150.

Estimated takings:

Week Ending Sept. 4:

"OUTLAW DEPUTY" (Puritan)
"WESTWARD HO" (Republic)
COLONIAL — (750), 10c-15c, 7 days.

(*Continued on page 7*)

"Karenina" Heavy New Haven Grosser

NEW HAVEN, Sept. 9.—"Anna Karenina" ran ahead of all competition here. As the top half of a dual bill at the Poli it grossed $10,300, above average by $3,800.

"Page Miss Glory" and "Little Big Shot," also a dual, were well on the profit side of the line at the Roger Sherman, the take running to $5,200. "Dante's Inferno" was $1,000 up on a gross of $3,700 at the College, and "Here Comes Cookie" and "Without Regret" was somewhat better than par on a gross of $5,500 at the Paramount.

Total first run business was $25,700. Average is $18,500.

Estimated takings for the week ending Sept. 6:

"HERE COMES COOKIE" (Para.)
"WITHOUT REGRET" (Para.)
PARAMOUNT—(2,400), 35c-50c, 7 days. **Gross:** $5,500. (Average, $4,800)

"ANNA KARENINA" (M-G-M)
"THE GIRL FRIEND" (Col.)
POLI—(3,040), 35c-50c, 7 days. **Gross:** $10,300. (Average, $6,500)

"PAGE MISS GLORY" (W.B.)
"LITTLE BIG SHOT" (W.B.)
ROGER SHERMAN—(2,200), 35c-50c, 7 days. **Gross:** $6,200. (Average, $4,500)

"DANTE'S INFERNO" (Fox)
"PURSUIT" (M-G-M)
COLLEGE—(1,960), 25c-35c, 7 days. **Gross:** $3,700. (Average, $2,700)

Grosses Take Dazzling Jump In Pittsburgh

PITTSBURGH, Sept. 9.—Pittsburgh hasn't seen anything like last week's theatre business in years. It was a bonanza, with takings skyrocketing to almost double average, and the Sunday midnight show before Labor Day resembling a New Year's Eve crush.

Each of the four first runs stood out, with "Steamboat 'Round the Bend" zooming to $13,000 at the Alvin and "Anna Karenina" clocking off a sizzling $19,000 at the Penn. In addition to this, the Stanley, with Ted Weems and The Three Stooges on the stage to bolster "Bright Lights," crashed through to $25,000, which represents more profit than the site has counted in some time.

Just to keep the sudden prosperity all even, the Warner took "China Seas" after its sensational week at the Penn and in five days did $8,000.

Total first run grosses were $65,000. Average is $35,000.

Estimated takings for the week ending Sept. 5:

"STEAMBOAT 'ROUND THE BEND" (Fox)
ALVIN—(2,000), 25c-40c, 6 days. **Gross:** $13,000. (Average, $5,500)

"ANNA KARENINA" (M-G-M)
PENN—(3,300), 25c-40c, 6 days. **Gross:** $19,000. (Average, $10,000)

"BRIGHT LIGHTS" (F.N.)
STANLEY — (3,600), 25c-55c, 6 days. Stage: Ted Weems' orchestra and the Three Stooges. **Gross:** $25,000. (Average, $15,000)

"CHINA SEAS" (M-G-M)
WARNER—(2,000), 25c-40c, 5 days, 2nd run. **Gross:** $8,000. (Average, for 6 days, $5,000)

Reopen Pasadena House

PASADENA, Sept. 9.—The Florence, closed for repairs, has been reopened as the State.

"Top Hat" Leader In Montreal Gain

MONTREAL, Sept. 9.—The rush is on! Film fans surged back to the first run houses during the week ending Sept. 7 and the first result was a holdover of two attractions. "Top Hat" at the Palace leaped to $13,500, the finest gross in weeks and weeks, and the picture slid into a second week with the greatest of ease.

The Capitol also did well at $9,500 with a screen show headed by "Accent on Youth," but this house is crowded with bookings and there was no holdover.

Loew's and the revamped Imperial got under way again Sept. 7 after a long lay-off.

Total first run business was $32,000. Average is $26,500.

Estimated takings for the week ending Sept. 7:

"ACCENT ON YOUTH" (Para.)
"SMART GIRL" (Para.)
CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $9,500. (Average, $9,500)
IMPERIAL and LOEW'S—Dark.

"TOP HAT" (Radio)
PALACE—(2,600), 25c-35c-40c-50c-65c, 7 days. **Gross:** $13,500. (Average, $11,000) Held over.

"LOVE ME FOREVER" (Col.)
"EIGHT BELLS" (Col.)
PRINCESS—(2,272), 30c-35c-50c-65c, 7 days. **Gross:** $9,000. (Average, $6,000) Held over.

"Karenina" Is $18,000 High In St. Louis

ST. LOUIS, Sept. 9.—"Anna Karenina" ran 100 per cent over average at Loew's State, getting a total of $18,000.

"Steamboat 'Round the Bend," playing on a dual with "Dressed to Thrill" in the Ambassador and Fox, was strong in both spots. It was $2,500 up on a take of $12,500 at the former and the same amount over par on a gross of $14,500 at the latter.

"Page Miss Glory" had a good second week at the Orpheum, going to $9,500, over average by $1,000.

Total first run business was $70,700. Average is $53,800.

Estimated takings for the week ending Sept. 5:

"STEAMBOAT 'ROUND THE BEND" (Fox)
"DRESSED TO THRILL" (Fox)
AMBASSADOR — (3,018), 25c-35c-55c. **Gross:** $12,500. (Average, $10,000)

"STEAMBOAT 'ROUND THE BEND" (Fox)
"DRESSED TO THRILL" (Fox)
FOX—(5,038), 25c-35c-55c. **Gross:** $14,500. (Average, $12,000)

"ANNA KARENINA" (M-G-M)
LOEW'S STATE—(3,162), 25c-35c-55c. **Gross:** $18,000. (Average, $9,000)

"THE 39 STEPS" (G.B.)
"SOCIETY FEVER" (Judell)
MISSOURI — (3,514), 25c-40c. **Gross:** $7,700. (Average, $8,000)

"PAGE MISS GLORY" (W.B.)
ORPHEUM — (1,950), 25c-35c-55c, 2nd week. **Gross:** $9,500. (Average, $8,500)

"FAREWELL TO ANNAPOLIS" (Para.)
"HOT TIP" (Radio)
SHUBERT-RIALTO—(1,725), 25c-35c-55c. **Gross:** $7,500. (Average, $6,500)

Boston Film Cuts Few

BOSTON, Sept. 9.—Censorship difficulties are now trifling. The latest list from the Sunday censorship board approves 38 films without a cut.

"Steamboat" Seattle Top Gets $9,250

SEATTLE, Sept. 9.—This town went for "Steamboat 'Round the Bend" in a big way and piled up a neat $9,250, above par by $2,250, at the Fifth Avenue. The picture was moved to the Music Box for an extended run.

"China Seas" was continued at the Blue Mouse after going $400 over a first week's average on a take of $4,400. "Bright Lights" was in the money at $6,650 in the Orpheum, and a dual, "After the Dance" and "Westward Ho," pulled $4,100 at the Liberty.

Total first run business was $32,350. Average is $30,000.

Estimated takings for the week ending Aug. 31:

"CHINA SEAS" (M-G-M)
BLUE MOUSE—(950), 25c-40c-55c, 7 days, 3rd week, extended run from Fifth Avenue. **Gross:** $4,400. (Average, $4,000)

"STEAMBOAT 'ROUND THE BEND" (Fox)
FIFTH AVENUE—(2,500), 25c-40c-55c, 7 days. **Gross:** $9,250. (Average, $7,000)

"AFTER THE DANCE" (Col.)
"WESTWARD HO" (Monogram)
LIBERTY—(1,800), 10c-15c-25c-35c, 7 days. **Gross:** $4,100. (Average, $4,000)

"ESCAPE ME NEVER" (U. A.)
MUSIC BOX—(950), 25c-40c-55c, 7 days. **Gross:** $3,750. (Average, $4,000)

"BRIGHT LIGHTS" (W. B.)
ORPHEUM—(2,450), 25c-40c-55c, 8 days. **Gross:** $6,650. (Average, $6,000)

"BONNIE SCOTLAND" (M-G-M)
"SMART GIRL" (Fox)
PARAMOUNT—(3,050), 25c-30c-40c, 7 days. **Gross:** $4,200. (Average, $5,000)

"Top Hat" Heads to $114,000 2nd Week

(*Continued from page 1*)

40-cent bracket which prevails from opening until 1 P.M. remains without change. The 60-cent bracket has been hiked to 66; the 75-cent division to 77, and the 85-cent classification to 88, but the 99-cent division is unchanged. Loges have gone from 99 cents to $1.10.

"Hat" Set for N. O. Record

NEW ORLEANS, Sept. 9.—"Top Hat" at the Orpheum promises to break all house records. In order to accommodate the crowds Manager Vic Meyers has arranged to open the house at 9:15 o'clock in the morning and to hold a late show at 11:15 at night.

Bar Louisiana Pictures

BATON ROUGE, LA., Sept. 9.—Newsreel and newspaper cameramen have been barred from making any pictures at the scene of the attack on U. S. Senator Huey Long in the Capitol. The orders were issued by Gen. Louis Guerre, head of the state police.

Garvey Resigns at Fox

HOLLYWOOD, Sept. 9. — Stanley Garvey has resigned from the story department of Twentieth Century-Fox. He will be replaced by Karl Tunberg, who was formerly in the department under Jason Joy. Tunberg will act as assistant to Julian Johnson.

"Mob Rule" for Lang

HOLLYWOOD, Sept. 9.—"Mob Rule," an original by Norman Krasna, will be Fritz Lang's first under his M-G-M contract.

"Steamboat" Is Frisco's High Grosser

San Francisco, Sept. 9.—In a week of generally improved business "Steamboat 'Round the Bend" pulled $24,000 at the Warfield, topping normal by $4,000.

"Accent on Youth" and "Here Comes Cookie" were also good moneymakers at the Paramount, the $13,000 take being over the line by $3,000. "Hot Tip" took a profitable $13,500 at the Golden Gate.

"Top Hat" got off to a terrific start at the Golden Gate on Sept. 4 and seems destined for a record. On Wednesday it reached $3,500; on Thursday, $3,200; Friday, $3,200; a $9,000 total for the first three days.

Total first run business, not including "Top Hat," was $81,600. Average is $78,200.

Estimated takings:

Week Ending Sept. 3:

"HOT TIP" (Radio)

GOLDEN GATE—(2,800), 25c-35c-40c, 7 days. Stage, band. **Gross:** $13,500. (Average, $13,000.)

Week Ending Sept. 4:

"DIAMOND JIM" (Univ.)

ORPHEUM—(3,100), 15c-35c-40c, 7 days, 2nd week. **Gross:** $8,000. (Average, $7,500.)

"ACCENT ON YOUTH" (Para.)

"HERE COMES COOKIE" (Para.)

PARAMOUNT — (2,670), 25c-35c-40c, 7 days. **Gross:** $13,000. (Average, $10,000.)

Week Ending Sept. 5:

"SMILIN' THROUGH" (M-G-M)

"DRESSED TO THRILL" (Fox)

FOX—(4,600), 10c-25c-35c, 7 days. **Gross:** $6,000. (Average, $7,000.)

"PAGE MISS GLORY" (W. B.)

ST. FRANCIS—(1,400), 15c-30c-40c, 7 days. **Gross:** $6,000. (Average, $8,000.)

"STEAMBOAT 'ROUND THE BEND" (Fox)

WARFIELD—(2,700), 25c-35c-40c-50c, 7 days. Stage, band. **Gross:** $24,000. (Average, $20,000.)

Week Ending Sept. 6:

"KLINNORNA KRING LARSSON" (Swedish)

CLAY—(400), 25c-35c, 7 days. **Gross:** $1,100. (Average, $700.)

"CALL OF THE WILD" (U. A.)

UNITED ARTISTS—(1,400), 7 days. **Gross:** $10,000. (Average, $11,000.)

"Steamboat" Hits Record at Lincoln

(Continued from page 6)

Gross: $1,050. (Average, $850)

Week Ending Sept. 5:

"CURLY TOP" (Fox)

LINCOLN—(1,600), 10c-20c-25c, 7 days. **Gross:** $4,000. (Average, $2,200)

"WELCOME HOME" (Fox)

"REDHEADS ON PARADE" (Fox)

ORPHEUM—(1,200), 10c-15c-25c, 7 days. Includes 3 days of vaude. **Gross:** $2,800. (Average, $2,000)

"LOVE ME FOREVER" (Col.) (2nd week)

"BLACK ROOM" (Col.)

VARSITY—(1,100), 10c-15c-25c, 7 days, split when "Forever" failed to hold up. **Gross:** $950. (Average, $1,000)

Week Ending Sept. 6:

"STEAMBOAT 'ROUND THE BEND" (Fox)

STUART—(2,000), 10c-25c-40c, 7 days. **Gross:** $6,800. (Average, $3,100)

Hearing Postponed

The hearing in an application for a temporary injunction against Columbia to restrain it from paying Rex Film Corp. royalties on the "Voice of Experience" shorts, has been put over until Friday. Motion was asked by the defendants, and consented to by Samuel J. Josephs, attorney for Harry Levey, plaintiff.

Out Hollywood Way

Hollywood, Sept. 9. — Lindsley Parsons, Republic publicity chief, vacationing. . . . Harry N. Blair motoring to New York. . . Eddie Cantor principal speaker for Los Angeles Community Chest dinner Sept. 8. . . . "Seven Keys to Baldpate" starts at Radio.

Charles Boyer cables Paramount he will remain in France to make "Mayerling." . . . Arlene Judge and Edmund Lowe nursing sprained ankles. . . . Tom Brown re-signed by Paramount. . . . Dennie Moore busy on wardrobe for "Sylvia Scarlett" at Radio.

Lew Seiler's bride going to cooking school. . . . Alice Faye resting at Catalina. . . . Cary Grant practicing surf board riding at Santa Monica. . . . Lewis Stone back from a vacation in Canada. . . . Edwin B. Willis on way to England to get furniture for M-G-M's "Romeo and Juliet." . . . Jean Harlow to have brown hair in her next, "Riff Raff."

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Casting—Norman Willis, William Dillon and Jack Morner in "Mary Burns, Fugitive," Walter Wanger's next for Paramount. . . . John Boles switched to "The Littlest Rebel" as result of delay on "Ramona," Twentieth Century-Fox. . . . Loretta Young ill. . . . Hale Hamilton in Warners' "Hard Luck Dame." . . . Leonard Mudi, British actor, and Countess Iphegenie Castiglione signed by Warners for "Enemy of Man."

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Michael Visaroff in "Sylvia Scarlett," Radio. . . . Clarence Wilson in "Love Song," same studio. . . . Charles Boyer borrowed from Walter Wanger by Paramount for "Invitation to Happiness." . . . Warren Hymer, Evalyn Knapp and Donald Cook in "Confidential," Republic. . . . Nat Levine gets Lew Ayres for "The Leathernecks Have Landed." . . . Alma Lloyd, daughter of Frank, lead in "Prairie Schooners," Warners. . . . Hobart Cavanagh, Donald Meek and Mary Forbes in "Captain Blood," same studio. . . . Pinky Tomlin lead in Jane Withers' next, "The Little Immigrant," Twentieth Century-Fox. . . . Edward Morris borrowed by Twentieth Century-Fox from M-G-M for "Snatched." . . . Samuel Goldwyn signs Ivan Simpson for "Splendor." . . . Sam Cohn, Roach publicity chief, back from northwestern vacation. . . . Percy Warum back to New York for stage role.

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Lionel Stander to "I Live My Life," the next Joan Crawford picture. Claudia King in "The Perfect Gentleman." Eric Wilson in "The Bishop Misbehaves." All at M. G. M. . . . Frank Fay for "Stars Over Broadway" at Warners. . . Robert McWade and Willard Robertson in "His Night Out" starring Edward Everett Horton at Universal. . . . Montagu Shaw, Larrimore Johnstone, Ethel Ransom and Alex Hanford in Radio's "Sylvia Scarlett" starring Katharine Hepburn. . . . Lew Fields for an untitled Radio "Headliner" comedy. . . .

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Allan Scott, currently writing "Follow the Fleet" at Radio, signed to a five year contract. . . . John Broght and Robert Tasker, having completed current assignments, are off the Paramount lot.

Ask Examination in Suit Against M-G-M

A motion was filed in Federal Court yesterday to examine E. F. Bitner, president of Leo Feist, Inc., in connection with a suit brought by that firm against M-G-M for alleged infringement of copyright on "Since I've Been Knowin' You." The complaint sets forth that on Nov. 19, 1930, Nacio Herb Brown and Raymond B. Eagan wrote the music and lyrics and transferred all rights to Nacio Herb Brown Inc. Thereafter, Nacio Herb Brown delivered to the defendants the melody, together with lyrics written by Arthur Freed, then in the employ of M-G-M.

This composition, the plaintiff charged, was entitled "A New Moon Is Over My Shoulder" and was used by the defendants in "Student Tour." The plaintiff states that it has been damaged to the extent of $100,000. Defendant entered a general denial and further set forth that Nacio Herb Brown, Inc., assigned rights to the composition to the Robbins Music Corp. and to the defendant.

W. C. Fields Gaining

Hollywood, Sept. 9.—W. C. Fields has returned to his Encino Ranch after a two-week stay at Sheba Springs. Paramount will delay his next picture until November to insure his complete recovery.

Equity Favors Vote On Any League Pact

A recommendation to the council of Actors Equity Ass'n. was voted at the organization's quarterly membership meeting at the Astor yesterday, asking that if and when a basic agreement establishing theatre working conditions for a definite period of time is negotiated with the League of N. Y. Theatres that it be submitted to the Equity membership before final ratification.

No date has been set yet for a meeting between Equity representatives and theatre managers to open negotiations on the basic agreement.

Reports were read to approximately 450 Equity members at the meeting on new policies adopted since the annual meeting last June, including the recent Sunday show and rehearsal pay actions.

Informal meetings for the discussion of Equity policies and problems which are not considered at formal meetings because of lack of time will be held from time to time beginning next month, the meeting was advised. Reports on the recent successful strike of burlesque performers were given to the meeting by Thomas J. Phillips, president of the Burlesque Artists Ass'n., and unanimous approval of the conduct of the strike was voted.

Allan Corelli, executive secretary of the Theatre Authority, reported on the collection and disposal for theatrical relief of $15,000 from benefits.

"Top Hat" Is Boston Smash; Gets $33,000

Boston, Sept. 9.—"Top Hat" was a sensation at Keith's Memorial. Standouts were the rule all week and the take piled up to $33,000, over normal by $21,000.

The return of stage shows to the RKO Boston, with an introductory bill made up of "Folies Bergere" and "Hot Tip" (film) clicked heavily at $35,000, but the straight picture standout of the week was "Top Hat."

"Anna Karenina," playing day and date at Loew's Orpheum and Loew's State, was strong in both spots. It took $15,000 in the former and $13,000 at the latter. "Annapolis Farewell," with a stage show, held up to $23,000 at the Metropolitan in spite of the competition.

Total first run business was $133,500. Average is $80,500.

Estimated takings for the week ending Sept. 6:

"STEAMBOAT 'ROUND THE BEND" (Fox)

"WITHOUT REGRET" (Para.)

FENWAY—(1,382), 30c-50c, 7 days. **Gross:** $6,500. (Average, $4,500.)

"TOP HAT" (Radio)

KEITH'S MEMORIAL—(2,907), 25c-65c, 7 days. **Gross:** $33,000. (Average, $12,000.)

"ANNA KARENINA" (M-G-M)

LOEW'S ORPHEUM—(2,970), 25c-55c, 7 days. **Gross:** $15,000. (Average, $12,000.)

"ANNA KARENINA" (M-G-M)

LOEW'S STATE—(3,537), 25c-55c, 7 days. **Gross:** $13,000. (Average, $12,000.)

"ANNAPOLIS FAREWELL" (Para.)

METROPOLITAN — (4,332), 35c-65c, 7 days. Stage: WHN'S Radio "Barn Dance." **Gross:** $23,000. (Average, $22,000.)

"STEAMBOAT 'ROUND THE BEND" (Fox)

"WITHOUT REGRET" (Para.)

PARAMOUNT—(1,793), 25c-50c, 7 days. **Gross:** $8,000. (Average, $7,000.)

"HOT TIP" (Radio)

RKO BOSTON—(3,248), 35c-65c, 6 days. Stage: "Follies Bergere." **Gross:** $35,000. (Average, $11,000.)

Korda Party Returning

Hollywood, Sept. 9.—Alexander Korda, Sir Connop Guthrie and Etienne Pallos leave for New York by air either Wednesday or Thursday. Maurice Silverstone and his wife entrained for the east Sunday night.

Kelly Sees Gain in Deal

Entrance of Alexander Korda into a full-fledged partnership at United Artists, uniting studio facilities in Hollywood and London, was viewed yesterday by Arthur W. Kelly, U. A. foreign sales chief, as a potential means of improving product from both centers by dividing the total output over the two points.

Mrs. Beery Goes Home

Baltimore, Sept. 9.—Mrs. Wallace Beery, who was a patient of Dr. Louis P. Hamburger at Johns Hopkins Hospital here, has gone on her way to Beverly Hills. Beery is to leave London to rejoin his wife in California about Sept. 15.

G. B. Set in St. Louis

George W. Weeks, general sales manager for G. B., said yesterday that Jack Harris, company manager in St. Louis, has sold the entire 1935-36 G. B. lineup to the St. Louis Amusement Co. for all its theatres there.

Bergen Threatens to Quarantine Children

RUTHERFORD, Sept. 9.—Latest move of Bergen health authorities, despite the slackening of the infantile paralysis epidemic, is an announcement that all children under 14 years found attending theatres will be quarantined for 14 days.

School openings have been delayed at Hackensack, Englewood, Hasbrouck Heights, Rutherford, Paramus, Fort Lee, Closter, East Rutherford, Cliffside Park, Alpine, Maywood, Lyndhurst and Woodridge.

Calgary Bans Children

TORONTO, Sept. 9.—The scattered appearance of infantile paralysis in Canada became more than a scare on Sept. 7 when the decision was reached by the Board of Public Health at Calgary to place a ban on the admission of children under 16 years of age to all local theatres.

The action was considered premature, however, because only three cases had been reported in that city and there was no evidence of an epidemic. There is nothing in the way of widespread nature in the occurrence of the disease in any section of the Dominion and no intimation has been made by any other municipality that Calgary's example will be followed. The Calgary move has been widely reported and it may have a deterrent effect upon theatre patronage everywhere.

Pittsburgh's Pool Hits Fulton Plans

PITTSBURGH, Sept. 9.—Chiefly because of the recent pooling agreement between Warners and Loew's, the future of Mort Shea's Fulton remains in doubt. The house, closed for the last two months, was originally scheduled to reopen several weeks ago, but so far there has been no announcement as to when it will resume.

The problem is chiefly a matter of product. In the past, the Shea house has filled in its Fox and Universal splits with M-G-M and United Artists sloughs that the Penn didn't use as well as most of the G. B. output.

Under the Warner-Loew pool, however, the Warner, a double feature house, will get all of the M-G-M and U.A. product the Penn and Stanley do not use, while the Harris-Alvin has already signed with G. B. That leaves the Fulton with only a third of Fox and one-half of Universal.

Whether this will be enough remains to be determined by Shea.

Films on Air at K. C.

KANSAS CITY, Sept. 9.—A radio movie column dubbed Paul Henning's "Parade of Stars" goes on the air Monday, Wednesday and Friday of each week over KMBC beginning today.

Henning will, in the 15-minute periods at 9:15 A.M., chatter about films, with comments on pictures, stars, Hollywood news, etc. The morning spot was selected to reach housewives. Marshall's U. S. Auto Stores are the sponsors.

A supplementary idea is to interview stars when they come through Kansas City, and for this purpose the station will use its "Newscaster" car equipped with short wave apparatus. Henning is now in Hollywood arranging material.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"King Solomon of Broadway"

(Universal)

HOLLYWOOD, Sept. 9.—Edmund Lowe, gambler, losing his night club to some pals in a card game, gets involved with a dancer, Dorothy Page, an heiress; Louise Henry and his partner, Edward Pawley, who is just out of Sing Sing. The story is rather well known, but is diversified by the singing of Pinky Tomlin and Dorothy Page.

The original story and screenplay by Albert J. Cohen and Robert T. Shannon in the atmosphere of gangster, night club and society is more or less formula with the loose ends untied. The dialogue by Henry Clork and Doris Malloy is a redeeming feature.

The picture starts well, holding interest until a masked marvel dance. Then the plot goes off on a tangent. The picture has laughs and mild entertaining quality.

Besides Edmund Lowe, Dorothy Page, Pinky Tomlin, Louise Henry and Edward Pawley the cast includes Charles Grapewin, Bradley Page, Arthur Vinton and Clyde Dilson. Four songs were especially written for the production with "Moaning in the Moonlight" a popular possibility.

On duals and in B houses this should be acceptable.

No production code seal. Running time 70 minutes. "G"

"Fighting Youth"

(Universal)

HOLLYWOOD, Sept. 9.—Attempting a new angle for football stories, this picture frequently reflects confusing tendencies in the story.

Charles Farrell, football star, quarrels with his sweetheart, June Martel and becomes a follower of Ann Sheridan who is the leader of the campus radicals. The student society led by Miss Sheridan is attempting to destroy the varsity although the motive is not clearly defined. Farrell slips badly as the football player who is accused of sabotage, is fired from the team and restored only in the last five minutes of the big game after school authorities have probed radical activities.

Scoring two touchdowns to win the game, Farrell is reunited with Miss Martel. The story is played against a college background with Andy Devine furnishing most of the comedy with the assistance of Phyllis Frazer and Herman Bing. The balance of the cast, which includes All-American football stars, play capably.

The production by Fred Meyer and the direction by Hamilton MacFadden get the most from the screenplay by Henry Johnson, Florabel Muir and MacFadden.

Production Code Seal No. 1,313. Running time 76 minutes. "G"

U. S. Leads Awards

VENICE, Sept. 9.—Italian awards at the Third Biennial Motion Picture Exhibit went largely to American productions. The Mussolini Cup was awarded "Anna Karenina," an official communique commenting on Greta Garbo's interpretation of the Tolstoy character. A gold medal went to Walt Disney's "Band Concert." For his direction of "The Wedding Night," King Vidor was awarded the government bureau's cup. An award for the best color film went to "Becky Sharp."

Lewis Joins Agency

HOLLYWOOD, Sept. 9.—John B. Lewis, former press representative for the Producers Ass'n, has joined Eckels and Ford, Inc., newly formed advertising, publicity and exploitation agency, in a similar capacity. Eddy Eckels, former press agent for the Radio studio, is a member of the firm which also includes Hubbard Robinson, formerly with Warner theatres in this area; Al Rackin, who is business manager; and George Ward, former Fanchon and Marco exploiteer.

Cohn Sells His VTC's

WASHINGTON, Sept. 9.—Harry Cohn, president of Columbia, has sold 8,000 voting trust certificates for Columbia common since March. He reported a sale of 3,000 in that month, 3,800 in May and 1,200 in June. At the end of June, he was owner of 995 shares and certificates for 46,301 shares. The reason for the sales of such holdings is not required under the law.

Bielenson Going Abroad

HOLLYWOOD, Sept. 9.—Larry Bielenson, counsel for the Screen Actors' Guild and Screen Writers' Guild, leaves tonight on the Chief. He is headed for Europe and will sail on the *Lafayette* the day after his arrival in New York.

Delivery by Plane

PHILADELPHIA, Sept. 9.—Horlacher Delivery Service here has been using planes for pickup and delivery of film on the eastern shore of Maryland, as a result of the flood conditions which have made road or rail communication impossible.

Compromise Reached On K. C. Film Deal

KANSAS CITY, Sept. 9.—A compromise agreement intended to enable R. H. Montgomery to get product for the Mainstreet has been worked out by the grievance committee of the K.M.T.A. and submitted to the home offices of major distributors for approval.

The committee conferred with Montgomery and William Wagner, Beldorf, Independence, Kan. Montgomery complained that Wagner's purchase of first run product left his house without any. Montgomery and Wagner agreed to the proposition submitted to exchange managers for transmission to home offices.

No details were given out by Frank Cassil, A. J. Simmons and Tom Edwards, members of the grievance board.

California's Chain Store Tax on Skids

SAN FRANCISCO, Sept. 9.—California's new chain store tax which, it has been feared, might apply to theatres, now seems to be destined for a long period of non-enforcement or repeal.

A petition for a referendum, now being tabulated, has 250,000 signatures and it is predicted from 170,000 to 175,000 will prove legal. This would automatically stay enforcement. Attacks on the constitutionality of the act also are in the offing.

Actor Guild Plans Wagner Bill Moves

HOLLYWOOD, Sept. 9.—Directors of the Screen Actors' Guild are discussing the organization's future plan of action to secure recognition from producers for bargaining under the Wagner Bill.

The guild has been working on a form of procedure for the past two weeks, but has not hit on anything definite for presentation to studio heads.

Shift F. D. Boston Staff

BOSTON, Sept. 9.—First Division men here have been shifted by Division Manager Harry Segal. Gene Gross, recently office manager for Franklin Prod., has been made office manager.

Zippy Goldman, formerly with American Pictures, has been added to the sales staff. Mike Thomas, brother of Harry Thomas, has been given the Maine territory, Jeremiah Swaede assigned to New Hampshire and Vermont and Hyman Levine to Southern New England.

Lasky's Unit Moves

HOLLYWOOD, Sept. 9.—The Lasky unit moved today from Twentieth Century-Fox to United Artists studio. Included in the group were Phil Friedman, executive assistant to Lasky; Maurice Hanline, story editor; Max Parker, art director, and Lincoln Quarberg, publicity director.

Burlesque Pay Raised

After several days of darkness burlesque theatres are again operating. The striking performers returned with a raise. The girls will get $22.50 while in New York and $25 per week on the road.

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MOTION PICTURE DAILY

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VOL. 38. NO. 61 NEW YORK, WEDNESDAY, SEPTEMBER 11, 1935 TEN CENTS

Para. Quarter Receipts Hit $1,582,500

Earnings After Charges Put at $796,000

Substantial improvements in Paramount earnings are shown in the first report issued by Paramount Pictures, Inc., for its wholly-owned or substantially owned subsidiaries since the reorganization. The report covers the second quarter of 1935 and before the reorganization and shows total receipts of $1,582,500, with estimated earnings after various deductions of $796,000.

During the nine-month period which covered the last quarter of 1933 and the first two quarters of 1934 the company's total receipts were $2,244,747, according to the trustees' reports. The report discloses, therefore, that the second quarter earnings for this year are within $662,247 of the total for a nine-month period which included the first half of last year.

Of the total receipts of $1,582,500 for April, May and June, $1,289,500 was credited to operating earnings of

(*Continued on page* 11)

Coast Production Pace Is Unchanged

Hollywood, Sept. 10.—Production remained unchanged last week, showing the same figures registered the preceding week. There were 37 features and five shorts in work. Cutting rooms are now bearing the burden of the summer shooting spree with 47 features and 13 shorts.

Warners headed the list in the feature category with eight shooting, one preparing and slated for cameras within two weeks and seven in the cutting room. Paramount had six, three and 11; Fox, five, two and five; Universal, four, two and two; Radio,

(*Continued on page* 12)

Mexican Producers To Raise Budgets

Washington, Sept. 10.—Mexican producers, who have lost ground recently, have decided to increase their budgets on future feature production, according to a report to the U. S. Dept. of Commerce from Horton Henry, assistant trade commissioner at Mexico City. It is expected the present average feature cost of 60,000 pesos will be increased to 100,000 pesos.

The report indicates the Mexican

(*Continued on page* 12)

Moves Begun For Merging 306-Allied

Picketing Ends Pending Further Negotiations

Efforts will be made to merge Allied M. P. Operators' Union with Local 306 in order to bring about an amicable settlement of the strife which has been raging between the two organizations since the formation of Allied nearly three years ago, representatives of the two unions stated yesterday.

The first discussions on the merger were scheduled to begin late yesterday with Harry Brandt, I. T. O. A. president, representing Allied; Joseph D. Basson, president of Local 306, and Frank Tichenor, labor representative for Mayor LaGuardia, participating. Pending the outcome of the negotiations a truce was agreed upon late Monday night by the two unions which brought picketing of both 306

(*Continued on page* 11)

Loew's Not to Rule In Hurry on Games

Loew's will make no immediate decision on reinstating chance games in their local houses despite recent decisions in municipal courts here holding various forms of games not to be in violation of the lottery laws, a spokesman for the company said yesterday.

It was intimated that, while appeals on these favorable decisions on the games were still pending in the courts and orders from district attorneys of all five boroughs to discontinue the games still stood, Loew's would take no hasty action in resuming the policy. Eight Loew theatres were playing Screeno when the police orders were issued about three weeks ago.

Consolidated Amusements, which discontinued Lucky at eight theatres at the same time, is reported ready to resume the feature as a result of the recent favorable court decisions.

Masquers—Wampas To Vote on Merger

Hollywood, Sept. 10.—Within the next few days, members of The Masquers and Wampas will vote on a proposal to have members of the latter organization absorbed into the former. The Wampas, once a powerful organization in Hollywood, famous for its nominations of "Baby Stars," has lost much ground during the last few years.

One Way

Boston, Sept. 10.—Here's a theatreman who has found a way to increase his take because of pari-mutuel dog races, bane of many exhibitors. He is Al Worrell, Massachusetts chain operator. A new track on Cape Cod does not bother Worrell at all.

His formula is simple. He has acquired the concessions franchise at the track.

San Antonio Not Planning Scale Boosts

This is the ninth installment in a national survey on the trend of admission prices.

San Antonio, Tex., Sept. 10.—Admission prices are not likely to be raised in the San Antonio territory for the time being. The impression among theatre managers is that they are as high as the traffic will bear.

In this city, the Interstate circuit controls all downtown houses. In the ace houses—Majestic and Aztec—top prices are 50 cents. Occasionally the

(*Continued on page* 12)

Essaness and M-G-M Reported in Dispute

Chicago, Sept. 10.—A reported disagreement between M-G-M and the local Essaness circuit over plans for the new Oak Park, now under construction, and the contemplated operating policy of the Sheridan is said to be holding up signing of the crucial film deal agreed upon between the two some weeks ago.

Loew's began construction of the Oak Park following collapse of negotiations for product between M-G-M and Essaness, but renewed talks resulted in an agreement on product and operation of the Oak Park was

(*Continued on page* 12)

Allied Asking "Hat" On Last Year Pacts

Boston, Sept. 10.—Members of Independent Exhibitors of Massachusetts, an Allied States' unit, are advised in an organization bulletin that those exhibitors "who contracted for the 1934-35 RKO product" should "notify the company by registered mail that they will insist upon the de-

(*Continued on page* 12)

Put Over Case In St. Louis To October 1

Postponement Reached Following Conference

By BILL ORNSTEIN

St. Louis, Sept. 10.—Following a two-hour conference at which Warner, RKO and Paramount attorneys were unable to reach an agreement with District Attorney Russell Hardy on a date for continuance, Federal Judge George Moore today set Oct. 1 for the hearings on the Government's preliminary injunction suit against the three major companies and subsidiaries for alleged conspiracy to withhold films from Fanchon and Marco's Ambassador, Missouri and Grand Central.

Judge Moore opened the session at 10:30 A. M. before a crowded courtroom of attorneys and eastern and local sales executives.

Samuel B. Jeffries, local Warner attorney, immediately asked for an ad-

(*Continued on page* 11)

Dallas Men Divided On Federal Queries

Dallas, Sept. 10.—Exchange managers are divided in their reactions toward the questionnaire put out by Dwight L. Savage, special assistant to the attorney general.

Some of the offices state that they will answer all the questions; others that the clerical labor involved is too great and that the matter has been referred to home offices; others that action will depend on instructions. George Wright, film companies' attorney, declined to divulge his advice.

As a general thing the independent exchanges will answer.

Savage is expected to conclude his preliminary work here this week and to depart. Prior to his return to Washington, it is likely that he will visit other Texas towns for personal contacts.

Nebraska-Iowa Unit Will Meet Oct. 8-9

Omaha, Sept. 10.—Charles E. Williams, president of Nebraska-Western Iowa M. P. T. O., has issued a call for the fall meeting to be held at the Loyal Hotel, Oct. 8 and 9.

Ed Kuykendall will be the principal speaker.

Among items listed for discussion will be percentage contracts and designation of playdates. The complete program has not been worked out.

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Wall Street

Eastman Issues Gain on Big Board

	High	Low	Close	Net Change
Columbia	65⅝	65½	65⅝	— ⅜
Consolidated	4¾	4⅝	4¾	+ ⅛
Consolidated, pfd	17	16¾	17	+ ¼
Eastman	156	152	156	+4
Eastman, pfd	155	155	155	+3½
Loew's, Inc.	44⅛	43½	43⅝	.....
Loew's, pfd	106	106	106	.....
Paramount	10⅝	10½	10½	— ⅛
Paramount, 1 pfd.	93⅛	91½	91½	—1½
Paramount, 2 pfd.	12⅛	11¾	11⅞	.....
Pathe Film	6½	6⅜	6⅜	— ⅛
RKO	3⅞	3¾	3⅞	.....
20th Century-Fox.	18	17½	17½	— ¼
20th Century, pfd.	26⅞	26¼	26⅞	+ ½
Warner Bros.	6½	6¼	6¼	— ¼
Warner, pfd	42	41¾	42	.....

Trans-Lux Slight Gain on Curb

	High	Low	Close	Net Change
Sonotone	2	1¾	2	.....
Technicolor	20¼	19⅞	19⅞	— ⅝
Trans-Lux	3½	3¼	3½	+ ¼

Little Change on Bonds

	High	Low	Close	Net Change
General Theatre 6s '40	16	15¾	16	.....
General Theatre Equip 6s '40 ctf	15¾	15¾	15¾	— ¼
Loew's 6s '41 ww deb rights	104⅜	104⅜	104⅜	— ⅝
Paramount B'way 3s '55	61	61	61	— ½
Paramount Pict. 6s '55	95¼	95½	95¾	— ¼
RKO 6s '37 ww.	65½	64¼	65½	+ ½
Warner Bros. 6s '39 wd	82⅛	81¼	81½	— ½

(Quotations at close of Sept. 10)

Insiders' Outlook

By RED KANN

"THERE are two necessaries in this business," reflected Irving Thalberg yesterday as he looked thoughtfully out of the broad windows of his office on the sixth floor of the Loew's State Building. "There is the man with ideals and the man who knows how to make money. The first alone is no good. The second alone is a menace because he is apt to place a premium on mediocrity. But the combination of the two is something this industry needs and needs sorely, for there must be idealism and there must be profit." . . .

▼

This producer, still young in appearance and in years, is in New York on his first visit in about two years. He has budged not a bit from the base line on which rises his theory that the fundamental on which the entire business rests, solidly or otherwise dependent upon the outcome, is product. When Thalberg was in charge of the Metro plant, there was the occasional bending of his will to the pleas and exhortations of the sales department in New York that release dates must be met. The arguments, of course, were the usual ones and included (1) a substantial cash loss because theatres spot booked other and available product and (2) theatres faced ultimate shutdown because of an interrupted flow of pictures.

"Concessions? Naturally, there were concessions," Thalberg reminded himself on this score. "But did you know that in the eight years I was in charge of production, the Loew company showed a profit of $57,000,000?" . . .

▼

The stride maintained by important pictures will continue without abatement. Indeed, it will gain in impetus, he thinks. Looking about the country and checking into box-office performance, Thalberg's conclusion is concise and definite. Here it is: "The public is responding to good attractions. You see evidences of it on all sides. Pictures don't have to be masterpieces to draw heavy grosses, but they do have to be made well. The thirty and thirty-five hour week is giving the workingman more leisure than he has ever known before. With that leisure is a desire for amusement and this industry is proportionately benefiting. Now tell me what you know?"

We sketched briefly the general recovery in grosses and the returning confidence it has brought, citing at the same time our hope that the final and lingering comparisons with abnormal 1929 would go into the discard. "I think you are wrong," came Thalberg's rejoinder. "I believe those grosses are on the way back. You may be interested in learning that 'Dancing Lady' is computed here as a 100 per cent draw; that 'Tugboat Annie' did 126 per cent and 'China Seas' so far rates 121." . . .

▼

The rapid growth of double features which is a source of worry to many observers bothers Thalberg not at all. He is quite certain Hollywood, with its usual lack of interest in events on the far side of its walls, will amble on its serene way unconscious of what is transpiring. Insofar as his own plans are concerned, he plots no change in his production principles, confident in his belief that, doubles or triples or singles, product that rates will find its level, get its proper percentage split and, by very force of merit, relegate the second feature to the spot where it belongs. Thalberg's sincerity is not to be questioned. What he said, he believes although it does not eliminate the possibility of error. One certainty, however, prevails with him. He may be expected to continue his standard so successfully maintained over the years. . . .

▼

About the reports linking his name with flirtations on other pastures and the exact reason for his trip at this time, Thalberg as usual, is completely reticent. He has been conferring with Nick Schenck, in whom it is timely to remind there is a pronounced pride of organization and a constantly present glow of satisfaction over the manner in which the Loew and Metro family have stuck it out together almost since their beginnings. Bruited about and wholly apart from any conversations held with Thalberg yesterday is the inside report that current difficulties, studio-wise, will be straightened away to the general happiness of those principally concerned. . . .

▼ ▼

Harry Cohn is going to miss his Sam Briskin. The former bookkeeper who rose to his shortly to end post as general studio manager for Columbia by dint of hard, back-breaking labor has been one of that plant's chief assets as sundry, if not all, in Hollywood quite well know. The informed on the coast, likewise, are very well familiar with the truth of the matter which is that Cohn has been taking many bows for jobs which Briskin has accomplished. The split, it is pretty well established, revolves around stock. The most reliable story insists Cohn had pledged a block to Briskin verbally; that Briskin contends the pledge covered certain commitments to which Cohn is not now willing to subscribe. The loss which, therefore, confronts Columbia, as those matters go, will, of course, be another studio's gain. Briskin will have no difficulty landing elsewhere. . . .

▼ ▼

Charlie Chaplin, the success of "City Lights" at the Cohan still lingering in his memory, is reported standing pat on a similar New York handling for "Modern Times" which, if and when ready, will be his first feature since '31. The plan, as it reaches this space: Strictly a grind policy, starting early and running late on an as-many-turnovers-a-day-as-possible idea at one buck top. This against a tonier run at a theatre like the Center. . . .

Campbell Is Guest Of Movietone Crew

Sir Malcolm Campbell, editor of British Movietone News, was guest of honor of the New York staff of Fox Movietone News at the New York Athletic Club last night. Campbell returned to this city a few days ago on his way to England after setting a new world auto speed record near Salt Lake City.

Truman Talley, general manager of Movietone, was toastmaster. Lowell Thomas welcomed Campbell and Lew Lehr furnished entertainment with an original sketch burlesquing Campbell's record run.

Others present were: W. C. Michel, executive vice-president of Twentieth Century-Fox; John D. Clark, general sales manager; Clayton P. Sheehan, foreign sales manager; Edmund Reek, news editor; Harry Lawrenson, make-up editor; E. I. Sponable, technical director, and all members of the New York editorial, camera and sound departments.

Stromberg Denies Deal

HOLLYWOOD, Sept. 10.—Hunt Stromberg said today he is not identified with the triumvirate already mentioned in connection with a new producing-distributing organization. He stated his M-G-M contract has some time to run.

Get Runyon Stories

HOLLYWOOD, Sept. 10.—Darryl Zanuck today made a deal with Damon Runyon whereby 20th Century-Fox has a pick of three Runyon stories annually over a three-year period.

Hays Heads East

Will H. Hays, who has been in Hollywood since July 1, starts east tomorrow night and is due back at his office here on Monday.

Rex Charges Dismissed

Charges of violating the lottery laws against the Rex were dismissed yesterday by Magistrate Katz. The Rex had been using Sweepstakes.

DON'T SKIP A WORD

(every adjective is money in the bank!)

Allez oop! Next Page!

Aug. 26, 1935

THE Hollywood REPORTER

'BROADWAY MELODY' A SMASH

Perfect Musical, Perfect Cast,
Fine Direction-Production

“BROADWAY MELODY OF 1936”

(MGM)

“Broadway Melody of 1936” . . when you’ve said that, you’ve said the last word, the best word and TOPS in musicals. Headed by the sensational Eleanor Powell, there is a display and array of talent the like of which has never been seen on the screen before. It’s a revusical that combines only the best features of that kind of entertainment, which results in high-powered comedy, gorgeous production, a musical score that will be played for months and months, and a picture that will be played and replayed to keep audiences happy and make the box office positively smirk with satisfaction.

In writing the screen play and dialogue for this production, Jack McGowan, Sid Silvers and Harry Conn haven’t missed a trick for injecting bright, quick sketches creating legitimate comedy and romantic characters and making use of the specialty acts that dot the picture with exclamation points. It’s the best job of musical picture writing that has come out of Hollywood. And it’s also the best job of musical picture direction that has come out of the whole picture world, with Roy Del Ruth surpassing himself at that particular job. Del Ruth has an uncanny sense of tempo for this kind of thing. A tempo that never lets down, that spots numbers so correctly it’s astonishing, that gets laughs with the greatest of ease and never stops to milk a situation dry

And then, first, last and always, there is Eleanor Powell. To bill her as the world’s greatest tap dancer is to tell only part of the story. That girl is literally a screen sensation who makes history with this picture. She has no peer in dancing. She does an imitation of Katharine Hepburn that is chilling in its accuracy and caricature. She can act and she has beauty of face that has freshness and charm and personality. In fact she’s a star so bright that others pale in comparison.

But that’s not all. Jack Benny and Sid Silvers as colyumist and stooge, respectively, are something pictures cannot afford to be without. Benny with his slow takums, and, Silvers with his silly pan and nonsense delivery, make a team to talk about. Also there are Vilma and Buddy Ebsen, eccentric tap dancers par excellence, with grand comedy personalities that will be in great demand with the fans. There is Robert Wildhack, the “snorer,” beautifully placed throughout the picture, and, with a routine and way of giving out with it, that is another huge rave for the picture.

Frances Langford sings elegantly, and, Robert Taylor, is not only the best musical comedy hero, but comes out with a most pleasing voice. June Knight scores as the heavy and also scores with her dancing, which is of the ballroom variety. Una Merkel crashes through with another of her excellent comedy roles and Nick Long Jr. is swell as Taylor’s man Friday, and for his dance with June Knight, he deserves a big hand . . . the lad is darned good.

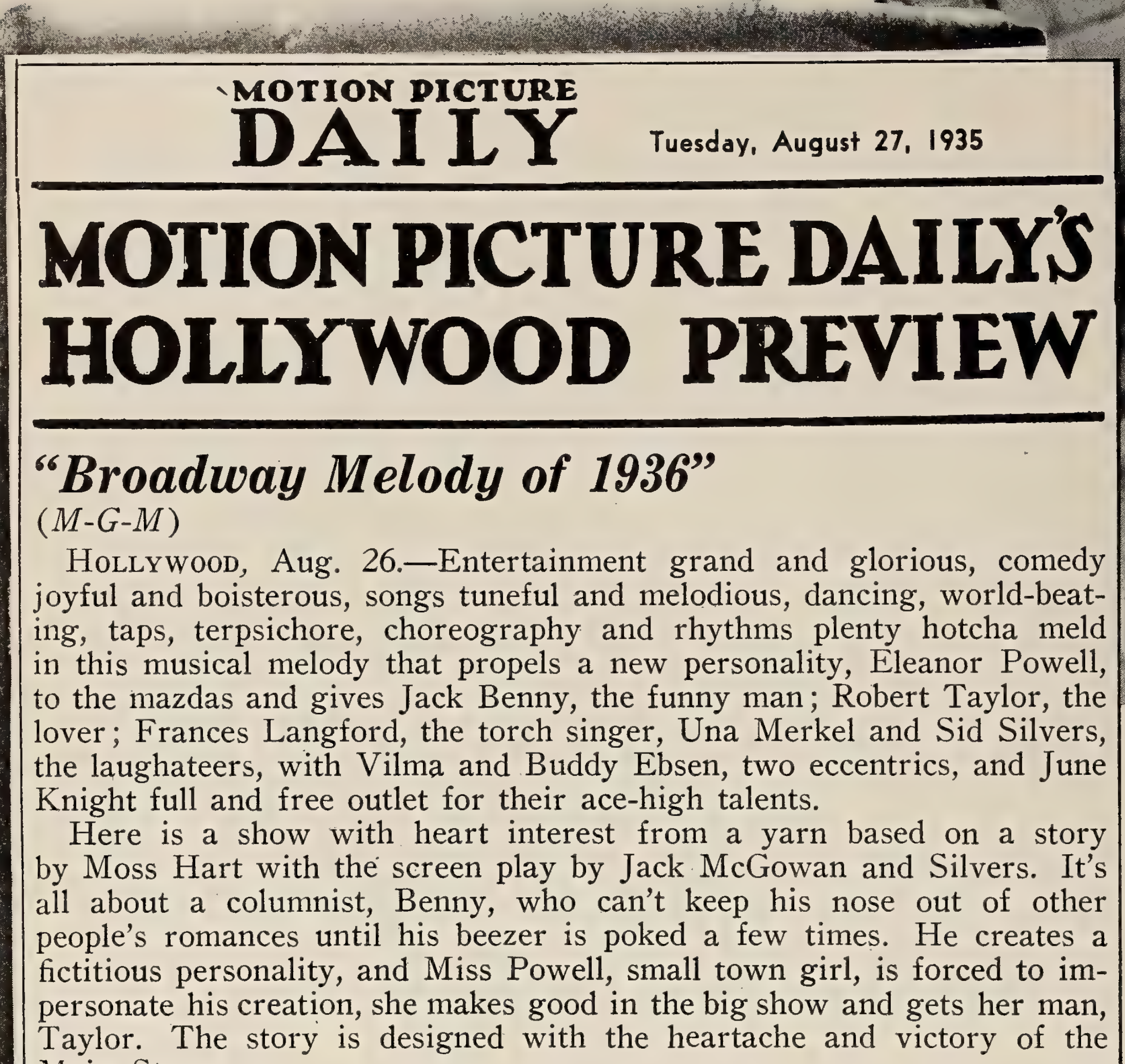
But you haven’t heard everything yet. There’s the music by Nacio Herb Brown and Arthur Freed. A one hundred per cent score with grand lyrics. A hit in every number and a knockout in “Broadway Rhythm,” which is the closest thing to Gershwin that Gershwin has done in years. That’s meant in an entirely complimentary manner. No comparisons but a tribute to the boys and to Edward B. Powell who did the orchestrations, (take a lesson from him sometime,) and the magnificent musical direction by Alfred Newman.

Wait, that’s not all. This picture is so good that every department is fully responsible for its contribution. Dave Gould’s dance routines are well nigh perfect. “Sing Before Breakfast,” “I’ve A Feelin’ You’re Foolin’,” (that title doesn’t sound right,) “Sunday Afternoon” and “Broadway Rhythm” give you the idea of how such things should really be done in pictures. Miss Rasch’s ballet to “You Are My Lucky Star” is beautifully staged. And the magnificence that goes into the art direction of Gibbons and Pye is breathtaking, with the costumes by Adrian carrying out the perfection of background for a musical.

There remains the photography by Charles Rosher, which fills the eye to overflowing with the loveliness in the picture, and, all in all, John Considine has to his credit the finest musical production with the most goodies, that audiences have ever bought. HURRAH!!!

—AND SO

next page



MOTION PICTURE
DAILY Tuesday, August 27, 1935

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Broadway Melody of 1936"

(*M-G-M*)

Hollywood, Aug. 26.—Entertainment grand and glorious, comedy joyful and boisterous, songs tuneful and melodious, dancing, world-beating, taps, terpsichore, choreography and rhythms plenty hotcha meld in this musical melody that propels a new personality, Eleanor Powell, to the mazdas and gives Jack Benny, the funny man; Robert Taylor, the lover; Frances Langford, the torch singer, Una Merkel and Sid Silvers, the laughateers, with Vilma and Buddy Ebsen, two eccentrics, and June Knight full and free outlet for their ace-high talents.

Here is a show with heart interest from a yarn based on a story by Moss Hart with the screen play by Jack McGowan and Silvers. It's all about a columnist, Benny, who can't keep his nose out of other people's romances until his beezer is poked a few times. He creates a fictitious personality, and Miss Powell, small town girl, is forced to impersonate his creation, she makes good in the big show and gets her man, Taylor. The story is designed with the heartache and victory of the Main Stem.

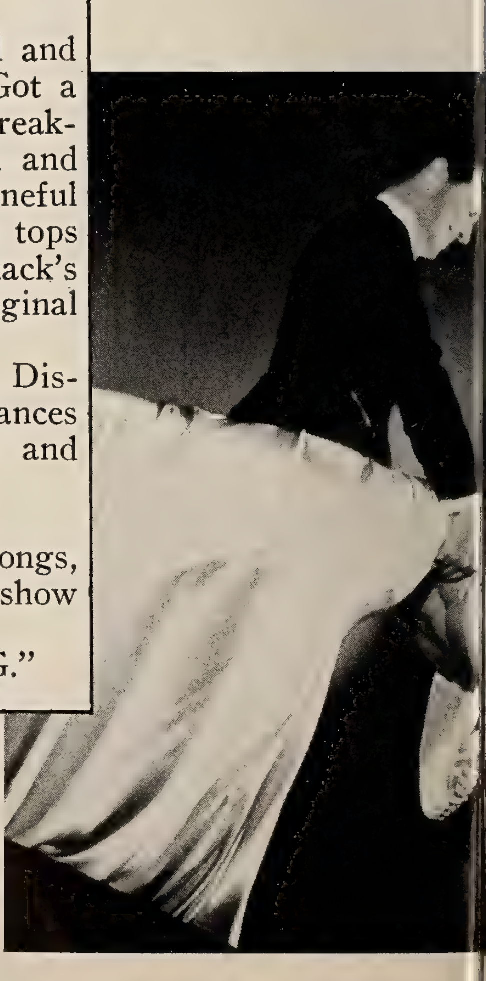
The song, "You Are My Lucky Star," sung by Miss Langford and also by Miss Powell, sticks in your whistle. Other tunes, "I've Got a Feeling You're Fooling," "Broadway Rhythm," "Sing Before Breakfast" and "On a Sunday Afternoon," all by Nacio Herb Brown and Arthur Freed, the original "Broadway Melody" writers, are tuneful treats. Miss Powell, in her first film reveals star talents and is tops in taps, singing, beauty, imitations and trouping. Robert Wildhack's snoring specialties are belly laughs. Henry Stockwell sings the original "Broadway Melody" number.

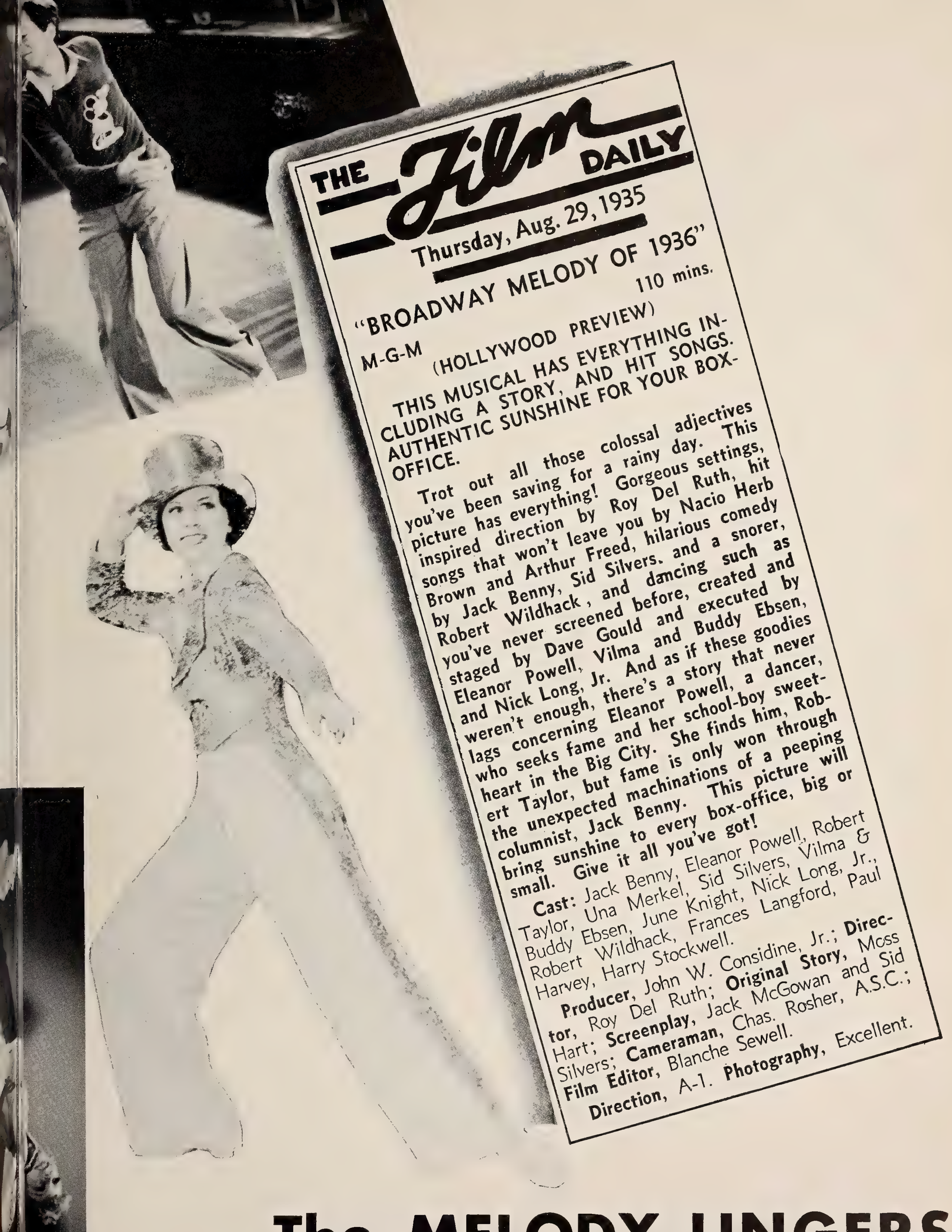
Beautiful in movement and setting is Albertina Rasch's ballet. Distinctive is the musical direction of Albert Newman and the dances created by Dave Gould. The art direction, photography, gowns and sound are in M-G-M's best craftsman's manner.

John Considine produced under Sam Katz's aegis.

Benny's national popularity, the discovery of Miss Powell, fresh songs, laughs, dances, girls and romance make this a crackerjack musical show of big money and for big money.

Production Code Seal No. 1294. Running time, 110 minutes. "G."





THE *Film* DAILY

Thursday, Aug. 29, 1935

"BROADWAY MELODY OF 1936"

M-G-M 110 mins.

(HOLLYWOOD PREVIEW)

THIS MUSICAL HAS EVERYTHING INCLUDING A STORY, AND HIT SONGS. AUTHENTIC SUNSHINE FOR YOUR BOX-OFFICE.

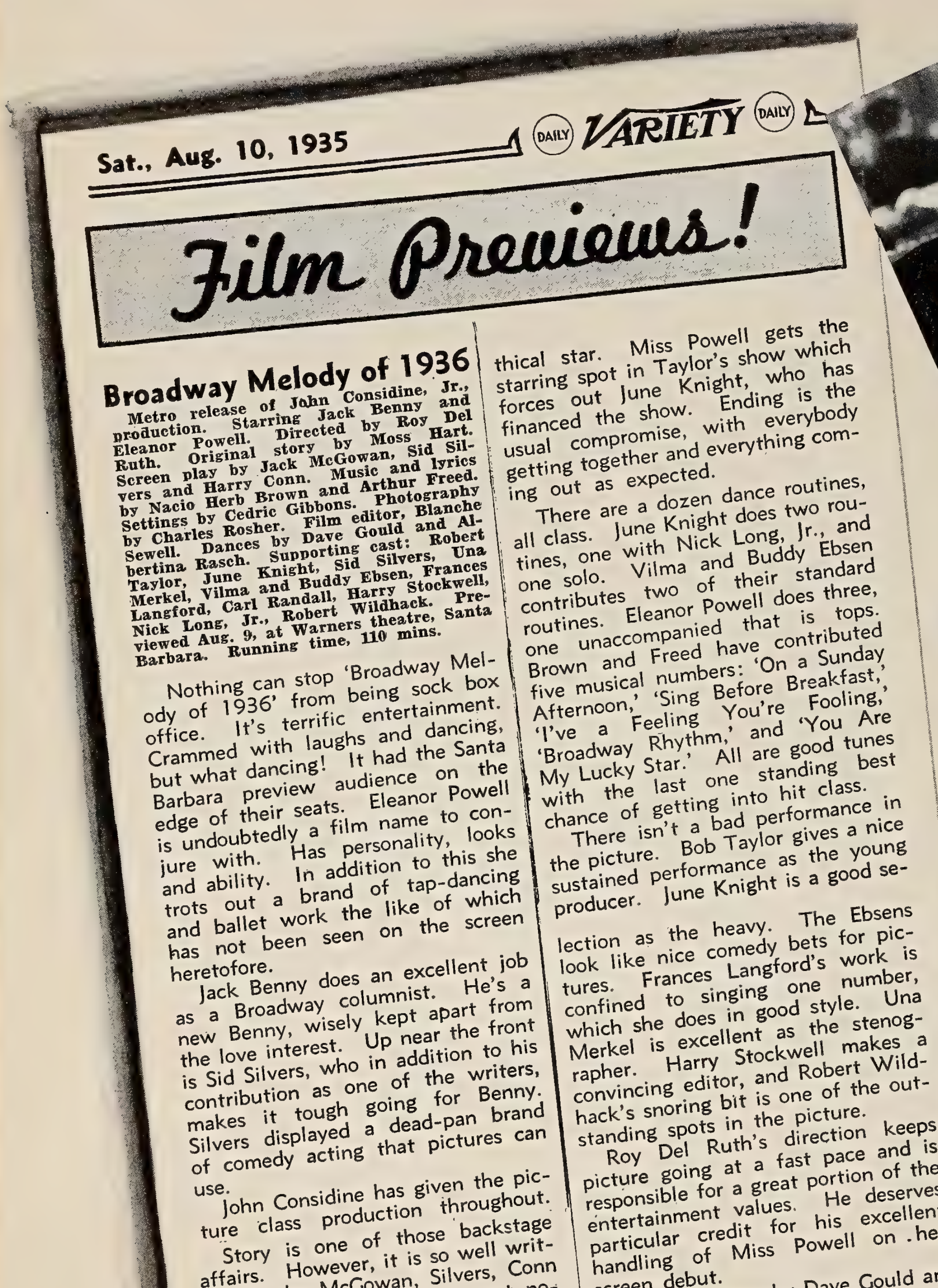
Trot out all those colossal adjectives you've been saving for a rainy day. This picture has everything! Gorgeous settings, inspired direction by Roy Del Ruth, hit songs that won't leave you by Nacio Herb Brown and Arthur Freed, hilarious comedy by Jack Benny, Sid Silvers, and a snorer, Robert Wildhack, and dancing such as you've never screened before, created and staged by Dave Gould and executed by Eleanor Powell, Vilma and Buddy Ebsen, and Nick Long, Jr. And as if these goodies weren't enough, there's a story that never lags concerning Eleanor Powell, a dancer, who seeks fame and her school-boy sweetheart in the Big City. She finds him, Robert Taylor, but fame is only won through the unexpected machinations of a peeping columnist, Jack Benny. This picture will bring sunshine to every box-office, big or small. Give it all you've got!

Cast: Jack Benny, Eleanor Powell, Robert Taylor, Una Merkel, Sid Silvers, Vilma & Buddy Ebsen, June Knight, Nick Long, Jr., Robert Wildhack, Frances Langford, Paul Harvey, Harry Stockwell.

Producer, John W. Considine, Jr.; **Director**, Roy Del Ruth; **Original Story**, Moss Hart; **Screenplay**, Jack McGowan and Sid Silvers; **Cameraman**, Chas. Rosher, A.S.C.; **Film Editor**, Blanche Sewell.

Direction, A-1. **Photography**, Excellent.

The MELODY LINGERS ON TO NEXT PAGE—



Sat., Aug. 10, 1935 — DAILY VARIETY DAILY

Film Previews!

Broadway Melody of 1936

Metro release of John Considine, Jr., production. Starring Jack Benny and Eleanor Powell. Directed by Roy Del Ruth. Original story by Moss Hart. Screen play by Jack McGowan, Sid Silvers and Harry Conn. Music and lyrics by Nacio Herb Brown and Arthur Freed. Settings by Cedric Gibbons. Photography by Charles Rosher. Film editor, Blanche Sewell. Dances by Dave Gould and Albertina Rasch. Supporting cast: Robert Taylor, June Knight, Sid Silvers, Una Merkel, Vilma and Buddy Ebsen, Frances Langford, Carl Randall, Harry Stockwell, Nick Long, Jr., Robert Wildhack. Previewed Aug. 9, at Warners theatre, Santa Barbara. Running time, 110 mins.

Nothing can stop 'Broadway Melody of 1936' from being sock box office. It's terrific entertainment. Crammed with laughs and dancing, but what dancing! It had the Santa Barbara preview audience on the edge of their seats. Eleanor Powell is undoubtedly a film name to conjure with. Has personality, looks and ability. In addition to this she trots out a brand of tap-dancing and ballet work the like of which has not been seen on the screen heretofore.

Jack Benny does an excellent job as a Broadway columnist. He's a new Benny, wisely kept apart from the love interest. Up near the front is Sid Silvers, who in addition to his contribution as one of the writers, makes it tough going for Benny. Silvers displayed a dead-pan brand of comedy acting that pictures can use.

John Considine has given the picture class production throughout.

Story is one of those backstage affairs. However, it is so well written by the McGowan, Silvers, Conn trio that the familiarity is not noticed. Their dialog job is a near perfect bit of comedy writing. Eleanor Powell comes to New York to try to get into Bob Taylor's show. Benny, a Broadway columnist, gums up her chances through his hatred for Taylor. In attempt to burn Taylor, Benny concocts a phoney French star, whom he plugs in his column. Benny's plan is kicked over by Una Merkel, Taylor's stenographer, who substitutes Miss Powell for the mythical star. Miss Powell gets the starring spot in Taylor's show which forces out June Knight, who has financed the show. Ending is the usual compromise, with everybody getting together and everything coming out as expected.

There are a dozen dance routines, all class. June Knight does two routines, one with Nick Long, Jr., and one solo. Vilma and Buddy Ebsen contributes two of their standard routines. Eleanor Powell does three, one unaccompanied that is tops. Brown and Freed have contributed five musical numbers: 'On a Sunday Afternoon,' 'Sing Before Breakfast,' 'I've a Feeling You're Fooling,' 'Broadway Rhythm,' and 'You Are My Lucky Star.' All are good tunes with the last one standing best chance of getting into hit class.

There isn't a bad performance in the picture. Bob Taylor gives a nice sustained performance as the young producer. June Knight is a good selection as the heavy. The Ebsens look like nice comedy bets for pictures. Frances Langford's work is confined to singing one number, which she does in good style. Una Merkel is excellent as the stenographer. Harry Stockwell makes a convincing editor, and Robert Wildhack's snoring bit is one of the outstanding spots in the picture.

Roy Del Ruth's direction keeps picture going at a fast pace and is responsible for a great portion of the entertainment values. He deserves particular credit for his excellent handling of Miss Powell on her screen debut.

Dance routines by Dave Gould are all novel and original, with his staging of the numbers always in keeping with the story. Albertina Rasch stages one ballet number, the choreography of which should be a push-over even for those not too friendly towards ballet dancing. Artistic are the settings by Cedric Gibbons and the photography by Charles Rosher.

ADWAY MELODY

SHOWMEN'S TRADE REVIEW

August 31, 1935

The BOX OFFICE SLANT

A Practical, Working Analysis of Current Product as Gauged by a Showman's Yardstick

BROADWAY MELODY OF 1936

MGM Musical Comedy 102 mins.

CREAM OF THE MUSICALS; IT'S A SURE-FIRE B.O. FILM; POWELL MADE A NEW STAR

Cast: Jack Benny, Robert Taylor, Eleanor Powell, Una Merkel, June Knight, Sid Silvers, Vilma and Buddy Ebsen, Nick Long, Jr., Robert Wildhack, Frances Langford and Harry Stockwell. Screenplay by Jack McGowan and Sid Silvers from an original by Moss Hart. Director, Roy Del Ruth.

Plot: Benny, a columnist, gets a punch in the nose from Taylor when he comments on the financial backing Taylor received from June, a wealthy widow, to produce his revue. Eleanor, Taylor's high school sweetheart, comes to the big city hoping he will help her get a start dancing in a show. He fails to recognize her and she leaves broken hearted. Benny starts a publicity gag about a mythical actress but Taylor cannot locate her to play the lead in his show. His secretary, Una, arranges for Eleanor to pose as the actress and she gets the job. Getting cold feet and afraid of trouble, Benny wants to call off the deal. He takes Eleanor to a party and she dances her dance. Taylor recognizes her and she not only lands the part but wins the lad.

SUMMARY: Once upon a time a certain film concern coined the phrase "Makers of Stars," now MGM can lay claim to that title along with "Producers of the greatest musicals." Not only has Metro, through the superb direction of Roy Del Ruth, given the industry one of its greatest musicals but with "Broadway Melody of 1936," they have uncovered at least three big potential box-office stars. Eleanor Powell, following this picture, will be just as sensational as Fred Astaire. She is an artist of many accomplishments. Her dancing is a revelation; her singing excellent and there's no limit to her charm. Jack Benny rises to his top-notch fame ladder with an unquestionably fine performance while Robert Taylor is one of the surprises of the picture. How far that boy will go can only be answered by the equal comparison to Clark Gable's early rise. No picture in recent years has contained better acting and direction. Una Merkel, Sid Silvers, Vilma and Buddy Ebsen and many others contribute their share to this perfect musical. That it will be a box-office draw sensation of the season, is giving it faint praise. It should do colossal business at first showings and clean up on repeat bookings. Benny is best marquee name. Title is big draw. Play up Eleanor Powell as another Fred Astaire type dance sensation. Go strong on music, dance and song plugging tie-ups. Dress marquee and lobby in sensational musical atmosphere, using plenty of girl art. Stage specialty dance act and contests, tieing in with halls and teachers. Radio stations for lobby hook-up and amateur contest. Radio editors for plugs on personalities. Arrange Mickey Mouse sweater giveaway or prize. Stage 10 most beautiful girls contest, pet superstitions, fashion shows, movie star imitations and pie or spinach eating contest for kids. Advertise 1936th person admitted free each day. Use catchline "So New It's a Year Ahead," working out street stunts, co-op ads etc., Commercial tie-ups, florists, fashions, Royal typewriters, dancing shoes, portable phonographs, music stores, and office equipment.

(FAMILY) JOE BLAIR, Hollywood.

You've read the greatest reviews that have ever been written—

AND FROM NOW ON—

(next page please)

NEVER LET A MOMENT GO BY

12
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without telling your public–

BROADWAY MELODY of 1936

is the Greatest Screen Show Ever Made—

(—You don't have to
tell them who made it.
They'll know.)

Put Over Case In St. Louis To October 1

(*Continued from page* 1)

journment of 10 days to two weeks, due to the absence of former Senator James A. Reed, Warner attorney, who left for Portland, Ore., yesterday following the death of his sister, Mary E. Reed. Jeffries explained to the court that Reed had been working on the case for some time and was thoroughly familiar with it while he had been on it only two weeks.

Hardy objected to the delay, declaring the Government had gone to an expense of $4,000 or $5,000 in bringing witnesses from all parts of the country. He added that adjournment would mean a waste of time "due to the fact that the victims of a conspiracy are being destroyed, that immediate action is required and the Government is entitled to an early hearing."

He emphasized that "the victims are being crushed out of business." Hardy pointed out that Warners was represented by counsel and that neither RKO nor Paramount had asked for a continuance. He said the application for continuance was "simply on the personal request of one man."

Jeffries countered by saying that he never heard of an instance where the bar or court did not recognize death in a family and put over cases, adding "the so-called victims are not being put out of business and the Government is trying to crucify innocent companies." When it became apparent Judge Moore would delay the hearing Hardy asked for the earliest date possible, declaring hearings would last only five days, to which Jeffries replied that the sessions would take from four to six weeks inasmuch as each witness must be examined.

Hardy Objects

When Moore heard Jeffries' remark he said if the trial was going to last several weeks, it will start now, pointing out that the criminal indictment case is on the calendar for Sept. 30. Hardy then took the floor and said that if the hearing had to be delayed the defendants should pay the cost of bringing witnesses here, to which the judge agreed. Moore then agreed to set Sept. 30 as the date for the injunction proceedings, but Jacob Lashly, local RKO attorney, intervened and informed the judge that the criminal action set for the same date may not go on because Hardy had not submitted a bill of particulars due Sept. 9. Judge Moore said RKO will get them either Wednesday or Thursday.

The Federal judge then set the preliminary injunction hearing for Sept. 30 to follow the criminal case but Lashly said this wasn't good as RKO attorneys would not know which case to concentrate upon.

A 10-minute recess was granted for the attorneys to get together but when they failed to agree Moore set Oct. 1 as the injunction hearing date leaving Sept. 30 stand as the criminal action date. Jeffries told the court Abel Carey Thomas, general counsel and secretary of Warners, had recently suffered a stroke and although improving rapidly he did not know if Thomas would be available at the end of the month for the indictment session. Paramount's local attorney, William R. Gentry, asked that the two dates be set for Sept. 30. Hardy objected to moving up the indictment hearing. All witnesses were excused and ordered to return Oct. 1. The defendants will pay the cost of bringing witnesses for this hearing.

Most out-of-towners left this afternoon by plane and train for New York, among them Ned E. Depinet, Neil F. Agnew, Louis Phillips, Irving Lesser, I. Levinson and Gordon Youngman. Jules Levy left for a short trip to Chicago. Representing RKO were Youngman, R. R. Irvine, George Leisure, William Mallard, Russell Dorr and John Howley from New York, and Lashly from here. For Paramount were Phillips and Sam W. Fordyce from New York and Gentry from here. Warners were represented by Levinson and Robert W. Perkins of New York and Jeffries, Fred Wood and Simpson Plummer locally.

Fanchon and Marco were represented by Ernest L. Wilkinson, of Washington and John S. Leahy locally. In addition to Hardy and the local district attorney, Harry C. Blanton, the Government was represented by John F. Claggert, William R. Denham and Harold L. Schilz from Washington. J. W. Fulbright and Robert M. Cooper, Government attorneys who had been working with Hardy, were unable to attend.

Milton Arthur of California flew to the coast tonight.

William Gehring and William Sussman, who arrived here last night, left for Oklahoma City by plane today after conferring with Benjamin Reingold, local Fox branch manager in connection with the third Kent drive. Lesser and Partington left for New York by air. Hardy and Denham leave for Washington Wednesday and Claggett and Schilz leave Thursday.

Matrimony

St. Louis, Sept. 10. — The Government action nearly interfered with matrimony. As soon as Clayton T. Lynch, M-G-M manager, who was subpoenaed in the case, learned of the postponement today, he dashed to marry Cletus Utterbach, the couple leaving immediately on a honeymoon.

Harris P. Wolfberg, district manager, is coming from Kansas City next week temporarily to run the exchange.

Libeau to Des Moines

St. Louis, Sept. 10.—R. C. Libeau, Paramount district manager with headquarters in Kansas City, attended the court session and then left for Des Moines after seeing Agnew.

Report Grosses Hold Up

St. Louis, Sept. 10.—Jules Levy, before leaving for New York, declared "Top Hat" grossed $71,000 in the first four days of the second week at the Music Hall in New York, compared to $74,500 in the same period of the first week.

Irving Lesser said "Diamond Jim" would probably end its third week at the Roxy at $30,000, with $22,000 for the first four days.

Moves Begun For Merging 306-Allied

(*Continued from page* 1)

and Allied-manned houses to an immediate end. The meeting and truce were arranged at the instance of Tichenor, who is reported to be acting upon insistence from Mayor LaGuardia that the theatre picketing "nuisance" be terminated.

As a result of the truce, Broadway and other theatre fronts throughout the city were free of pickets yesterday for the first time in many months. According to reliable reports the only Local 306 pickets not called in were those assigned to the seven Harry Harris houses, the Bluebird, Columbia, Gotham, Sunset, Washington, Bronx and Central. Under the truce Local 306 agrees to refrain from efforts to make employment contracts with theatres manned by Allied members and the latter organization makes the same agreement with respect to theatres manned by Local 306 men.

The strife between the two unions has been spirited from its very beginning. During the past few weeks an unprecedented outbreak of violence, marked by the bombing of houses owned or operated by Brandt and the beating of Allied pickets on duty at Local 306-manned houses, was ascribed by police to the warfare between the unions. Theatre operators, particularly those in the Times Square area, have chafed for months over the picketing of their houses by one or the other of the rival unions.

Meanwhile, Local 306 is continuing its negotiations on a new basic wage scale with circuit representatives. No conclusive progress in the negotiations up to a late hour yesterday was reported by either side. A membership meeting of Local 306 is scheduled for today to hear reports on the status of the negotiations and the local's recent petition to I.A.T.S.E. headquarters at Washington for a revocation of the latter's order against a strike by Local 306. According to reliable reports, the petition was denied.

Acting on the suggestion of circuit representatives, a request is expected to be made of today's meeting to grant authority to the local's negotiators to act on their own initiative without being required to submit recurring proposals to the membership for approval. Local 306 representatives predicted that the request, if made, would be refused.

Republic Has 2,000 Deals Closed—Golden

Contracts have been closed by Republic Pictures with over 2,000 exhibitors in the two months since the company's organization, Edward Golden, general sales manager, reported yesterday. The contract list includes leading circuits and important key runs in every section of the country.

"The Keeper of the Bees," a Monogram special, is booked to play the Loew circuit from Sept. 30 to Oct 3. "Two Sinners," with Otto Kruger, will have its world premiere at the Fox Brooklyn starting Friday.

Para. Quarter Receipts Hit $1,582,500

(*Continued from page* 1)

wholly owned or substantially wholly owned subsidiaries; $76,800 was received as dividends from non-consolidated subsidiaries, and $216,200 from a foreign exchange adjustment.

Deductions were as follows: Interest on bank settlement (non-recurring after June 29, 1935), $55,000; Federal income taxes (estimated), $195,500; interest for second quarter on new debentures of Paramount Pictures, Inc., from Jan. 1, 1935, in accordance with the reorganization plan, $400,000; reserve for losses of Paramount Broadway Corp. and companies which are inactive, or the future status of which is uncertain, $136,000. This left an estimated net earnings total of $796,000.

A statement issued by the company read:

"The above results have been prepared by the company's accountants from the books and reports of subsidiaries, and are subject to annual audit by public accountants. They exclude expenses incident to the bankruptcy and reorganization of the parent company. They do not include the results of operations of Olympia Theatres, Inc., and the Minnesota Amusement Co. and certain indirectly owned subsidiaries which were in receivership or bankruptcy throughout the period, and whose operations, therefore, do not affect the current earnings of Paramount Pictures, Inc.

"Net capital losses for which new reserves were created on the balance sheet of Sept. 29, 1934, are also excluded. Operations of companies which are not wholly owned or substantially wholly owned are included only to the extent that dividend income has been received therefrom.

"The second quarter's earnings reflect seasonal factors, and to some extent the adverse effect of the temporary slowing down of production resulting from the reorganization of the studio management undertaken early in the year and still in progress. Studio production is increasing, but the effect of the lower production rate during the spring and early summer will continue to be reflected in operating figures for some time."

Fill List for Wayne

Hollywood, Sept. 10.—Republic has purchased "The Battle of the Alamo" from Lindsley Parsons and Robert Emmett who also will do the screen play. This completes the list of eight for John Wayne this year, three of which have been made. Following the success of "Westward Ho," Republic plans to concentrate on historical subjects in future Wayne productions.

Buttolph Gets Going

Hollywood, Sept. 10.—David Buttolph, formerly with Station WGY, New York and now under contract to 20th Century-Fox, will arrange a musical score for "This Is the Life," Jane Withers picture, as his first assignment.

San Antonio Is Not Planning Scale Raise

(*Continued from page* 1)

Majestic adds a stage show at which times the prices are upped to 65 cents.

The Texas, a first run, has a top price of 40 cents. The top price of the Empire, second run, is 25 cents.

As elsewhere, all San Antonio houses have their bargain matinees to 6 P.M. when top prices go into effect.

K. C. House Ups Price

Kansas City, Sept. 10.—One of the bright signs pointing toward good fall business is the announcement by Barney Joffee and Bill Reinke of the downtown first run Tower that that house will increase admissions on Sept. 20.

The new schedule will be 25 cents in the afternoon and 35 cents in the evening.

"We believe general conditions warrant such an increase, and we think we can get it," commented Joffee.

The Tower originally opened as a straight 25-cent first run-stage show house. Last fall, beginning Sept. 14, and for about two months, Joffee and Reinke tried a 25-35-cent schedule, but it was at a time that the Midland and Mainstreet went to 15 cents afternoons and 25 cents evenings for balconies. The Tower returned to the straight 25-cent price. Later the Mainstreet abandoned its cheaper balcony prices.

As the first instance of a price increase here, the Tower's move is being watched closely.

Mexican Producers To Raise Budgets

(*Continued from page* 1)

industry has made substantial progress in recent years, the output rising from four features in 1932 to 27 in 1934, with an estimate of 50 features for 1935. The total investment in Mexican studios is estimated at 500,000 pesos. Seven regular companies are engaged in production, and several others are making single pictures. Greater variety in film themes has replaced a concentration on Mexican life, customs and historical events.

Form Two in Delaware

Dover, Sept. 10.—First International Pictures, Inc., and Fox Manitowoc Corp. have been formed here.

First International listed capital of $600,000 and 10,000 shares of no par value. The incorporators are Beatrice R. Ortman and Charles Ettinger of New York and Margaret Tully of Albany.

Fox Manitowoc was organized to deal in stocks and bonds and listed a capital of $1,000. The incorporators are Samuel C. Wood, Raymond J. Gorman and Charles N. Caldwell, Jr., of New York.

Binney to Open House

Kansas City, Sept. 10.—J. A. Binney will open his new Binney theatre, Pattonsburg, Mo., Sept. 15. The house, seating 467, was built at a cost of $17,500. It replaces Binney's Mainstreet, which burned last December. The house is air conditioned, and of Spanish design. With a 25-cent policy, except 10 cents Tuesdays, the Binney serves Pattonsburg and nine small surrounding towns.

◂ Purely Personal ▸

Sid Davidson of the Warner promotion department is off to Detroit to confer with Earl Hudson on the premiere of "Midsummer Night's Dream" in that city. Bill Yearsley goes to Toronto and Montreal to assist with the opening in those cities.

•

Ebba and Grad Sears celebrate their 15th wedding anniversary today. Mrs. Sears met Grad for the first time in St. Louis. She was eight. He was 10. They haven't been able to escape from each other since, although neither one has wanted to.

•

Tommy Mack will head the new stage show at the Roxy starting Friday. Also on the bill are Billy Hill, Carlos and Machan and the Three Jackson Boys.

Quip of the Day

Editor Motion Picture Daily:

Ali Gaga sounds like Amateur Night. From hooks he knows.

And "piscatorial pastime," he schmoozes. Poor fish! Pastime, my calendar! Esoteric pleasure, is what it used to be called.

Who is he? What is he? Why is he abstruse? Did he ever work for Rosenblatt?

Me, I'm an open book—an exhibitor's profit and loss statement. He hides behind a nom-de-pinochle and dances behind a Turkish bubble. Let him stop his fan dance—come out in the open.

I should fence in the dark with Ga-ga. I'll stick with salesmen for fencing, unless Ali's a sales manager. Then, of course, "I'll double."

Through his thick head, he don't understand I'm for exhibitors first, last, and some time. He's against ALL exhibitors, ALL times—a communist!

With dark-colored glasses Ali sees tapioca—and thinks it's caviar. I'll bet he's a sprocket-hole manufacturer.

With me, I admit, it's serious—but NOT hopeless. But with him it's hopeless—but not serious, nebbich.

MOX SHABBUS

(Who from the fringe of Hollywood will fight with all his kishke, for protection, zoning and paving, but NO first runs—leaving advice to the lovelorn for Drekula Ga-Ga.)

Gene and Mrs. Lockhart are in from Hollywood. Lockhart will begin rehearsing a role for "Sweet Mystery of Life."

•

Rubinoff has postponed the trip east because of additional work and retakes on "Thanks A Million." He expects to leave on Sept. 18.

•

Bruce Bromley, special counsel for RKO on St. Louis affairs, guessed right on the postponement of the hearing and remained in town.

•

Vincent Hart of the eastern Production Code Administration is vacationing this week.

•

Francis Iles' novel, "Before the Facts," has been purchased by Radio.

Frances Marion, M-G-M scenarist, who arrived in New York last Saturday, is autographing copies of her new book, "Valley People," at Sterns today.

•

J. H. Harper will start production of the first of a series of one reelers to be called "Life of the Party" at the West Coast Studios on 57th St. today.

•

Fred Quimby, junior feature sales manager for M-G-M, flew to the coast yesterday for a 10-day discussion of new season product.

•

Herman Robbins' family is back from Schroon Lake. Which means the season at Robbins' Roost has officially drawn to a close.

•

John Leroy Johnston, publicity chief at Universal City who came on to escort Marta Eggerth west, left for Hollywood yesterday.

•

Leonard Goldstein, who has a brother named Bob, is cavorting across Europe with the Ben Goetzes.

•

Helen Vinson will be guest of honor at an informal party at 4 o'clock today at the G.B. offices.

•

Mort Blumenstock has flown to Detroit on a business trip.

•

. . . Pittsburgh

Leo Levy, lawyer-playwright, took a plane for the coast to see the premiere of his new play, "Doc Lincoln," at the Pasadena Community Playhouse.

•

Joe Reichman will play a week at the Alvin just after he closes at the William Penn Hotel and right before he returns to the Statler in Boston.

•

Harold W. Cohen, *Post-Gazette* film columnist and critic, had a bad case of sunburn to show for his two weeks in Atlantic City.

•

Joe Feldman and Donn Wermuth played hosts at a cocktail party for the press in honor of Joan Marsh, Sammy Cohen and Roscoe Ates.

•

Harry Harris has just bought a $5,000 trailer for his car and intends to tour the country this season in style.

•

. . . Portland

Mark Cory of RKO had as his guests practically every Oregon exhibitor for "Top Hat," and they pronounced it the "Tops" in every way.

•

Ted Gamble of Broadway, staged a big publicity campaign for "Diamond Jim" and invited in old Portland buddies of Brady.

•

F. J. Becker, Western Sound Equipment Co., takes in Lou Ebert as secretary.

•

Don Beckman of Seattle, down to see Bob White of Portland.

•

Mary Pickford is scheduled to arrive here Sept. 19 from the coast.

Allied Asks "Hat" On Last Year Pacts

(*Continued from page* 1)

livery of 'Top Hat' on the current season's program," despite the fact that it is being sold here as a part of the RKO 1935-36 product.

"RKO is legally as well as morally obligated to deliver 'Top Hat' as a 1934-35 picture," the bulletin declares, "in view of the fact that the company promised to deliver three Fred Astaire-Ginger Rogers' pictures when selling the 1934-35 product, but has come through with only two."

Radio sales executives declined comment yesterday on the Massachusetts exhibitor unit's bulletin, referring inquiries to the company's legal department in the absence from the city of Jules Levy, Radio sales manager, who is attending Federal court hearings in St. Louis. William Mallard, head of the RKO legal department, could not be reached for comment.

Essaness and MGM Reported in Dispute

(*Continued from page* 1)

ceded to Essaness. The circuit is now reported to be in sharp disagreement with Loew's on the construction plans for the house.

Local representatives of both the distributor and the circuit decline to comment on the reports.

Officials of Loew's and M-G-M said they had not been advised of any new disagreement between their companies and Essaness over either the Oak Park or Sheridan.

Coast Production Pace Is Unchanged

(*Continued from page* 1)

four, three and four; Columbia, four, two and four; M-G-M, two, zero and 13; Goldwyn, one, zero and one. The independent group had three, one and zero.

In the short subject field M-G-M led with two shooting, one preparing and three cutting. Warners had one, one and zero; Radio one, two and four; Universal, zero, one and zero; Columbia, zero, two and four and the independents one, zero and two.

Fowler on "Soldier"

Hollywood, Sept. 10.—Gene Fowler has checked in on the Twentieth Century-Fox lot to write dialogue on "Professional Soldier," which will be the screen title of Damon Runyan's story, "Gentlemen, the King." George Jessel and Howard Smith did the screen treatment. Victor McLaglen and Freddie Bartholomew will head the cast.

Attend Denton Opening

Dallas, Sept. 10. — Grover C. Campbell, district manager for Texas Consolidated Theatres, Inc., Interstate subsidiary, and Jake Elder, equipment manager, attended the opening of the Texas, new house at Denton. Denton is the site of two State educational institutions, College of Industrial Arts and State Normal.

A picture worthy of their great talents

Francis Lederer and Frances Dee... new king and queen of gay romance . . . frolic into the hearts of audiences . . . in this sprightly entertainment that convulsed East and West Coast preview crowds with uncontrollable laughter.

"Lederer and Dee give performances that will win new thousands. Lederer comes into his own . . . he's any gal's heartbeat." —Hollywood Reporter

"Francis Lederer's finest performance. Portrayal by Frances Dee elevates her to top rank." —Hollywood Citizen News

"Francis Lederer especially suited to role he enacts superbly. Francis Dee's acting exceptionally pleasing." —Showmen's Trade Review

"Francis Lederer has never had better material. Frances Dee should land on the top rank of younger comediennes." —Variety Daily

Francis
LEDERER
in
The GAY DECEPTION

A JESSE L. LASKY PRODUCTION *with*
FRANCES DEE
BENITA HUME
ALAN MOWBRAY
AKIM TAMIROFF

Directed by William Wyler. Original Screen Play by Stephen Avery and Don Hartman.

A FOX PICTURE

P. S.

Previewers hail Nino Martini as the singing-romantic find of the year in "HERE'S TO ROMANCE", Fox picture.

HIT!

"Diamond" Is Chicago Hit; Gets $24,600

CHICAGO, Sept. 8.—"Diamond Jim" was the big money-maker of the week in spite of the fact that all downtown first runs had a marked pickup over the rainy holiday. The take at the Palace was $24,600, which exceeded normal by $5,600.

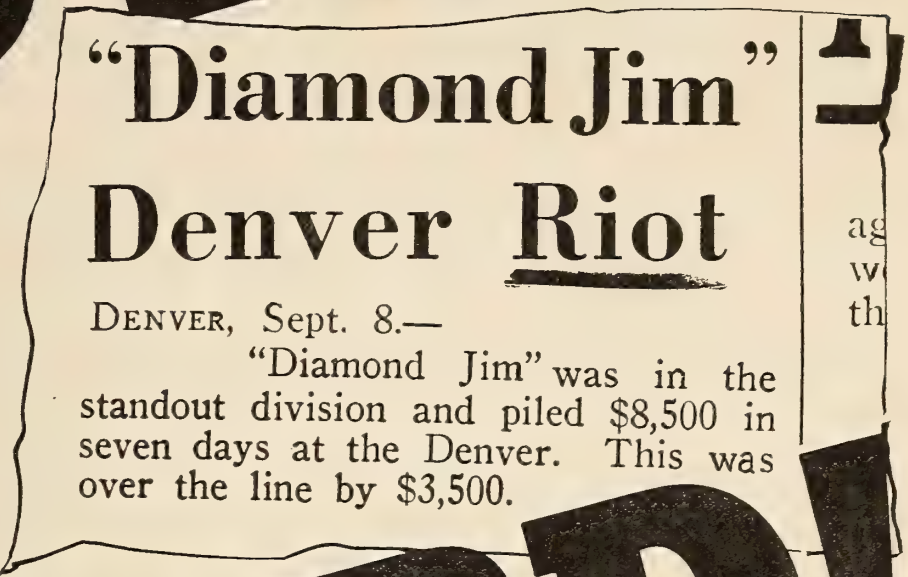
SMASH!

"Diamond" Is Frisco Smash With $15,000

SAN FRANCISCO, Sept. 4.—"Diamond Jim" bowled 'em over with a sensational $15,000 gross at the Orpheum, just double normal for the house.

"Curly Top"

RIOT!

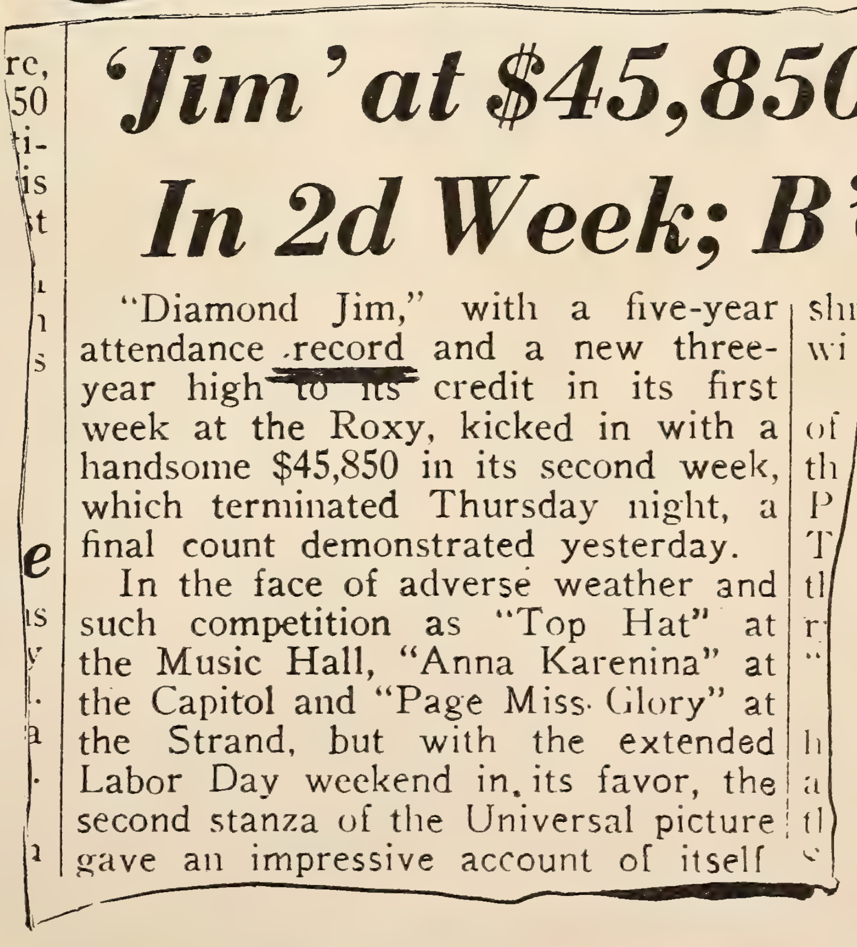


"Diamond Jim" Denver Riot

DENVER, Sept. 8.—

"Diamond Jim" was in the standout division and piled $8,500 in seven days at the Denver. This was over the line by $3,500.

RECORD!



'Jim' at $45,850 In 2d Week; B

"Diamond Jim," with a five-year attendance record and a new three-year high to its credit in its first week at the Roxy, kicked in with a handsome $45,850 in its second week, which terminated Thursday night, a final count demonstrated yesterday.

In the face of adverse weather and such competition as "Top Hat" at the Music Hall, "Anna Karenina" at the Capitol and "Page Miss Glory" at the Strand, but with the extended Labor Day weekend in its favor, the second stanza of the Universal picture gave an impressive account of itself

Clippings from
MOTION PICTURE
DAILY
hanks from **UNIVERSAL**

Murphy Loses Post In Pittsburgh Pool

Pittsburgh, Sept. 10.—With the shifting of all publicity for Loew's and United Artists' Penn to the Warner press office under the new pooling arrangement between Warners and Loew's, Gene Murphy, for the last several months press agent for the Penn, has returned to New York for another assignment with Oscar Doob. All of the Penn's newspaper advertising and display work is now being handled by Joe Feldman of the Warner office, subject to final approval by Mike Cullen, Loew's manager here.

In addition, the Penn, set to a permanent policy of straight pictures, has dispensed with an assistant manager, and Robert Senft, who has held that post for some time, is now with Warners in Johnstown, Pa.

Reichmann Arrives On Hunt for Ideas

Max Reichmann, German director who, since leaving that country for political reasons three years ago, has organized his own producing company in Paris, arrived here yesterday in search of production ideas in American life. He will remain in New York two weeks before proceeding to Hollywood for technical observations at the studios.

Reichmann directed all of the Richard Tauber pictures for Emelka and was production representative in Germany at one time for First National and later for Warners. More recently he was with Paramount in Paris.

Zanuck Gets Beery-Raft

Hollywood, Sept. 10.—Twentieth Century-Fox has borrowed Wallace Beery from M-G-M and George Raft from Paramount. They will be co-starred in "The City God Forgot," which is the new title of the original story by Sam G. Engel and Paul Berger, "The Man Remington Knew." Additional dialogue is being done by Gene Fowler.

"The City God Forgot" will be a special, and will be a Darryl Zanuck production.

Grombacher in New Post

Seattle, Sept. 10.—Ray Grombacher has been named manager of the Winter Garden by John Danz, president of Sterling Chain Theatres, Inc. He succeeds Ben Stevenson, who has been moved to Danz's Colonial. Grombacher is a former Spokane theatre owner and operator, and more recently has managed the Roxy here for Jensen-Von Herberg.

Screeno Adds to Staff

Chicago, Sept. 10.—Jimmie O'Neal has taken over the Washington and Oregon territory for Screeno, J. S. Markstein, head of the company here, states.

C. J. McCoy will handle the Alabama, Tennessee and Arkansas territory for the same outfit.

Helen Taylor Signed

Hollywood, Sept. 10.—Walter Wanger has given Helen Taylor, stylist, a term contract. She did the clothes for "Every Night at Eight," and is now at work on "Mary Burns, Fugitive."

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"The Big Broadcast of 1936"

(Paramount)

Hollywood, Sept. 10.—Big laughs, show values, names, varied entertainment, hokum and heart, all directed with imagination and pace by Norman Taurog make this something for box-offices to rave about.

Being a potpourri of assorted nuttiness from burlesque on melodrama to vaudeville, mocking romance and parading talent it bounces along on all amusement cylinders.

The story, contrived to bring in name acts, reveals Jack Oakie as a great lover of the air with Burns and Allen interesting him in a radio eye invention which sees, shows and speaks all. Lyda Roberti, a millionairess, heartsick on learning that her air Lothario writes warmly to other girls, comes to the studio to kill him, but discovers that her lover is two people, Oakie the talker and Henry Wadsworth, a crooner. Undecided as to which to marry, she takes both aboard her yacht to an island. There C. Henry Gordon, her secret lover, plans his dirty work, but the radio eye seeing all, saves all in a final chase that is tops for excitement.

Intercut between the plot, headline stars stud the show with Bing Crosby, Amos and Andy, Burns and Allen, Ethel Merman, Ray Noble and his band, Bill Robinson, Willie West and McGinty, The Vienna Boys Choir, Ina Ray Hutton and her Melodears and the dancing Nicholas Brothers, all good.

A girlie-girlie flash number interposes with elephants in contrasting steps with the chorines. The house building act of Willie West and McGinty is spotted between the acts for belly laughs.

The production has dress and sparkle for the eye. Tunes for the ear are by Ralph Rainger, Richard Whiting, Leo Robin, Dorothy Parker, Ray Noble and Gordon and Revel. Taurog's direction is distinctive and speedy. The screen play is by Walter Deleon, Francis Martin and Ralph Spence. Benjamin Glazer produced. As a merry, mad melange of grand gaiety propelled by star personalities, this should be a big bang in any showshop.

Production Code Seal No. 1020. Running time, 105 minutes. "G."

"Freckles"

(Radio)

Hollywood, Sept. 10.—Gene Stratton-Porter's beloved book, given a human and believable production, is sure-fire for family audiences.

Eight-year-old Virginia Weidler tops the cast, winning laugh after laugh with a quiet, natural comedy as a quaint chatterbox lending confusion to lovers and gangsters alike. Carol Stone does a competent job as a quiet young school teacher, loved by the waif, Freckles, who drifts into the Limberlost to become a timber guard. Tom Brown as Freckles is sincere if rather boyish for the romantic lead. Lumsden Hare, James Bush, Dorothy Peterson, Addison Richards, Richard Alexander, George Lloyd, Louis Natheaux and Wade Butler give good accounts under the direction of Edward Kelly and William Hamilton which gives a telling emphasis to characterizations.

Pandro Berman produced and William Sistrom supervised. The screen play by Dorothy Yost gets the full value of the background and down-to-earth characters. Miss Weidler scores heavily in a scene with a pet bear and in a climaxing fight when, held as a hostage by bandits in a lumber camp, she instructs the crooks in table manners. Action, romance and comedy in this afford large appeal for a general audience.

Production Code Seal No. 1267. Running time, 65 minutes. "G."

Metzler to Join Fox

Los Angeles, Sept. 10.—Fred L. Metzler, Fox West Coast treasurer, will succeed George Bagnall, recently resigned, as comptroller of Twentieth Century-Fox studios.

George Topper, F.W.C. chief accountant, will succeed Metzler.

Two Theatres Are Sold

The former Al Jolson, known as the Venice, at 7th Ave., and 59th St., and the Circle, at Broadway and 60th St., were sold at auction yesterday. Both were bought by the recently incorporated Central Park Realty Corp.

Ad Managers Listen

A meeting of advertising managers of major companies at M.P.P.D.A. headquarters yesterday received a report on the proposed publication of a children's magazine designed for free distribution at theatres. No action on the project was taken.

Delay Bank Night Case

Cleveland, Sept. 10.—Hearing of an appeal from the Common Pleas decision dismissing a petition for the stoppage of Bank Nights here, scheduled for today, was postponed until tomorrow.

Short Subjects

"The Three Bears"

(Celebrity Prod.)

A good Ub Iwerks ComiColor cartoon of the juvenile fable of the little girl's visit to the home of Papa, Mama and Baby Bear. Her sampling of the belongings of each bear and how she eludes capture and punishment is done with fine animation and amusing incident. The color work is good. Production Code Seal No. 900. Running time, 7 mins. "G."

"Summertime"

(Celebrity Prod.)

Springtime's efforts to conquer Old Man Winter, in the role of the villain, make a fairly good Ub Iwerks ComiColor cartoon. Although short on originality, the reel is not lacking in entertainment values. Production Code Seal No. 805. Running time, 8 mins. "G."

Whitehead to Aid Relief

Ralph Whitehead, executive secretary of the American Federation of Actors, has been appointed by Miss Hallie Flanagan, in charge of Federal theatre projects, to the Reclassification Board of the Temporary Emergency Relief Administration. He will work under John Askling, who is in charge here.

From the New York headquarters Whitehead will go over the names of actors and actresses who are on relief, recommend those capable of performing and advise on matters concerning performers in general.

Gayne Dexter Here

Gayne ("Bob") Dexter, onetime advertising manager for the original First National, is in New York from Sydney, Australia, and is reported about to join a major distributing company. During his lengthy stay "down under," Dexter edited *Everyones,* Australian trade weekly.

Pickets Appeal Fines

Grand Island, Neb., Sept. 10.—Four operators, found guilty in county court of picketing the Empress, managed by William Youngclaus, and fined $10 and costs, appealed to district court.

The five-man jury deliberated four hours.

NBC Signs Phil Regan

Hollywood, Sept. 10.—Phil Regan, Warner player, has been signed by NBC for a series of 15-minute broadcasts. Regan will sing each Thursday evening at 7:45 P. M. Eastern Daylight Saving Time, preceding the Rudy Vallee hour. The program will be sustaining.

Fox Files Name Change

Wilmington, Sept. 10.—Fox Film Distributing Corp. has changed its registered name to Twentieth Century-Fox Distributing Corp.

H. B. Franklin Here

Harold B. Franklin arrived from Hollywood yesterday on one of what he described as "his five annual trips." He expects to be here about a week.

A REAL FIND

LITERALLY, the news about Eastman Super X spread like wildfire. Never has a film "caught on" faster, or been more widely adopted in so short a time. The reason: Super X is a real find for the cinema world. Introducing new standards of speed and photographic quality, coupled with rare versatility, it represents a major advance in raw-film research . . . a true contribution to the art of the motion picture. Eastman Kodak Co., Rochester, N.Y. (J. E. Brulatour, Inc., Distributors, New York, Chicago, Hollywood.)

EASTMAN *SUPER X*

PANCHROMATIC NEGATIVE

"Hat" Cracks Washington's Record Marks

WASHINGTON, Sept. 10.—Crashing through to an all-time high of $24,500, received from a record-breaking attendance of more than 60,000, "Top Hat," at RKO-Keith's, took the city by storm, while cracking par by $13,900, or a gross of 231 per cent of the average.

Surprise of the week came when the revival of "Smilin' Through" at Loew's Columbia brought $5,900 to the wicket, over par by $2,300.

"Anna Karenina," at Loew's Palace, received $16,200, or $300 over average.

A return engagement of "The Irish in Us" at the Metropolitan took $5,700 on the first seven days, plus $800 for two extra days, a total of $6,500 for nine days. The house average for a first run week is $4,300.

The Belasco, during its first week of the newly opened season, grossed $5,300 for "Loves of a Dictator," nearly doubling last season's average of $2,200.

Total first run business was $92,000. Average (seven theatres) is $75,900.

Estimated takings, exclusive of tax:

Nine Days Ending Sept. 5:

"THE IRISH IN US" (Warners)

METROPOLITAN — (1,591), 25c-40c, 9 days (return engagement). **Gross:** $6,500. (Average, first run, $4,300.)

Week Ending Sept. 5:

"WE'RE IN THE MONEY" (W. B.)

EARLE—(2,219), 25c-77c, 7 days. Stage: Johnny Perkins, 32 Roxyettes, the Hartmans, Park & Clifford, Vera Van. **Gross:** $16,900. (Average, $18,400.)

"SMILIN' THROUGH" (M-G-M)
(Re-issue)

LOEW'S COLUMBIA—(1,264), 25c-40c, 7 days. **Gross:** $7,500. (Average, $3,600.)

"HERE COMES COOKIE" (Par.)

LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage: Don Bestor & Orchestra, with Neil Buckley, Loe Lynne; Sammy Cohen; Bernice Martin; Monroe Brothers. **Gross:** $16,700. (Average, $20,900.)

"ANNA KARENINA" (M-G-M)

LOEW'S PALACE—(2,370), 35c-77c, 7 days. **Gross:** $16,700. (Average, $15,900.)

Week Ending Sept. 6:

"LOVES OF A DICTATOR" (G. B.)

BELASCO—(1,140), 25c-65c, 7 days. **Gross:** $5,300. (Average, $2,200.)

Week Ending Sept. 7:

"TOP HAT" (Radio)

RKO-KEITH—(1,836), 25c-55c, 7 days. **Gross:** $24,500. (Average, $10,600.)

"Steamboat" Cincy Smash at $19,000

CINCINNATI, Sept. 10.—"Steamboat 'Round the Bend" was last week's high spot. It almost doubled par on a nine-day run at the RKO Palace, with an estimated take of $19,000, compared with a $10,000 average. It went into a second week at the RKO Capitol.

The RKO Shubert, just reopened after remodeling, rang up $13,000, or $1,000 better than average with "Lady Tubbs," plus Cab Calloway and orchestra on the stage. "Curly Top" registered $3,000 at the RKO Grand on its fourth downtown week. The Strand, independent, had a $2,500 week with a revival showing of "Scarface." This is $1,000 over the top. Business at the other houses was nothing to write home about.

Total first run business was $61,850. Average is $60,200.

(*Continued on page 20*)

"Steamboat" Detroit Wow; Hits $25,200

DETROIT, Sept. 10.—Cooler weather and the holiday sent grosses skyrocketing, with "Steamboat 'Round the Band" topping the ascent on a gross of $25,200, which is $10,200 above the normal mark, at the Fox.

"Annapolis Farewell," helped by Major Bowes' amateurs at the Michigan, knocked off $25,000, to the good by $5,000.

Two first runs reopened, the RKO Downtown and the Lafayette. The Downtown, with "Top Hat," broke house records in the first four days by getting $15,400. Average for a week is $10,000. It will be held. In spite of this heavy competition "Accent on Youth" took a good $10,600 at the United Artists.

Total first run business was $87,300. Average is $69,500.

Estimated takings for the week ending Sept. 5:

"MANHATTAN MOON" (Univ.)
"WELCOME HOME" (Fox)

ADAMS—(1,770), 10c-40c, 7 days. **Gross:** $4,100. (Average, $5,000.)

"STEAMBOAT 'ROUND THE BEND" (Fox)

FOX—(5,100), 15c-55c, 7 days. Stage, Benny Meroff orchestra and 4 acts vaude. **Gross:** $25,200. (Average, $15,000.)

"ANNAPOLIS FAREWELL" (Para.)

MICHIGAN—(4,100), 15c-55c, 7 days. Stage: Major Bowes' amateurs. **Gross:** $25,300. (Average, $20,000.)

"BONNIE SCOTLAND" (M-G-M)
"WOMAN WANTED" (M-G-M)

STATE—(3,000), 10c-40c, 7 days. **Gross:** $4,400. (Average, $5,000.)

"ACCENT ON YOUTH" (Para.)

UNITED ARTISTS—(2,070), 15c-55c, 7 days. **Gross:** $10,600. (Average, $10,000.)

"MY HEART IS CALLING" (G. B.)

LAFAYETTE—(2,000), 10c-40c, 7 days. **Gross:** $2,300. (Average, $2,500.)

"TOP HAT" (Radio)

RKO DOWNTOWN—(2,950), 15c-55c, 5 days. **Gross:** $15,400. (Average, 7 days, $10,000.)

"Hat" Louisville Leader at $5,600

LOUISVILLE, Sept. 10.—"Top Hat" led a general pickup here with every house doing better than par business. The Astaire-Rogers musical at the Brown piled up $5,600, which leaves the average mark $3,600 astern.

"Steamboat 'Round the Bend" grabbed a neat $3,600, over the line by $1.100 at the Strand.

Total first run business was $25,600. Average is $18,500.

Estimated takings for the week ending Sept. 6:

"DIAMOND JIM" (Univ.)

RIALTO—(3,000), 15c-25c-40c, 7 days. **Gross:** $4,300. (Average, $3,500)

"ANNA KARENINA" (M-G-M)

LOEW'S STATE—(3,000), 15c-25c-40c, 7 days. **Gross:** $4,600. (Average, $4,500)

"BREWSTER'S MILLIONS" (U.A.)

NATIONAL—(2,400), 25c, 8 days. Stage: "Broadway Showboat" Revue, Leavitt & Lockwood. **Gross:** $3,100. (Average, $3,000)

"TOP HAT" (Radio)

BROWN—(1,400), 25c-40c, 7 days. **Gross:** $5,600. (Average, $2,000)

"STEAMBOAT 'ROUND THE BEND" (Fox)

STRAND—(1,500), 15c-25c-40c, 7 days. **Gross:** $3,600. (Average, $2,500)

"PAGE MISS GLORY" (W.B.)

MARY ANDERSON—(1,000), 25c-40c, 7 days. **Gross:** $3,200. (Average, $2,500)

"SANDERS OF THE RIVER" (U.A.)
"ALIAS MARY DOW" (Univ.)
"SCARFACE" (U.A.)
"BRANDED A COWARD" (St. Rights)

ALAMO—(900), 15c-25c, 7 days. **Gross:** $1,500. (Average, $1,400)

Films Help Out

Marks & Gold have converted the Cannon Movies, on the lower East Side, into a Jewish vaudeville house with films thrown in for good measure.

At 20 and 30 cents, Marks and Gold are getting the sheckles.

Cleveland's Takes Spurt; "Eyes" Leads

CLEVELAND, Sept. 10.—It was the biggest week in five months. Every first run house in town went at least 50 per cent over the average.

First honors went to "The Farmer Takes a Wife." It grossed $6,200 at the Allen, where average is $3,000.

"Anna Karenina" was a wow at Loew's State, going $7,000 over par to a $17,000 gross, thereby winning an extended engagement at the Stillman.

"Bright Eyes" on the screen, with Ben Bernie and His Lads on the stage, packed the RKO Palace to a $24,000 total take, which is just $9,000 over average. The third downtown week of "China Seas" topped by $2,500 the average first week gross at Loew's Stillman.

Total first run business was $66,200. Average is $40,000.

Estimated takings for the week ending Sept. 6:

"THE FARMER TAKES A WIFE" (Fox)

ALLEN—(3,300), 30c-35c-42c, 7 days. **Gross:** $6,200. (Average, $3,000.)

"PAGE MISS GLORY" (W. B.)

WARNERS' HIPPODROME—(3,800), 30c-35c-42c, 7 days. **Gross:** $12,500. (Average, $8,000.)

"BRIGHT EYES" (Fox)

RKO PALACE—(3,100), 30c-42c-60c, 7 days. Stage: Ben Bernie and His Lads. **Gross:** $24,000. (Average, $15,000.)

"ANNA KARENINA" (M-G-M)

LOEW'S STATE—(3,400), 30c-35c-42c, 7 days. **Gross:** $17,000. (Average, $10,000.)

"CHINA SEAS" (M-G-M)

LOEW'S STILLMAN—(1,900), 25c-35c, 7 days, 3rd week. **Gross:** $6,500. (Average, $4,000.)

Rogers Film Sets Charlotte Record

CHARLOTTE, Sept. 10.—"Steamboat 'Round the Bend" took top honors in Charlotte this week, setting a new high record of $12,000, over normal by $7,000, for the summer in six days at the Carolina. The run was so sensational the picture was held over at another theatre for three days.

All pictures broke average for the week in the face of bad weather. That on Thursday became a violent storm.

Total first run business was $23,750. Average is $12,000.

Estimated takings for the week ending Sept. 7:

"STEAMBOAT 'ROUND THE BEND" (Fox)

CAROLINA — (1,400), 25c-40c, 6 days. **Gross:** $12,000. (Average, $5,000)

"HERE COMES COOKIE" (Fara.)

IMPERIAL—(949), 25c-30c, 3 days. **Gross:** $2,000. (Average, $1,500)

"DANTE'S INFERNO" (Fox)

IMPERIAL—(949), 25c-30c, 3 days. **Gross:** $2,250. (Average, $1,500)

"BRIGHT LIGHTS" (F. N.)

BROADWAY—(1,114), 25c-40c, 6 days. **Gross:** $7,500. (Average, $4,000)

"Steamboat" Sets Kansas City Record

KANSAS CITY, Sept. 10.—"Steamboat 'Round the Bend" was the big noise of the week hereabouts. It led a general uplift brought on by the cold Labor Day week-end and good pictures by running up to $11,000 at the Uptown, topping normal by $7,200.

This breaks all records for the house, according to Stanley Chambers, manager, and convinces exhibitors in this territory that Rogers' films are still "mortgage lifters."

"Anna Karenina" was in the big money on a take of $13,500, over the line by $1,500, at the Midland. "She Gets Her Man" and a stage show at the Tower did a good $8,500, up by $1,500. "Annapolis Farewell," the Newman offering, was only $800 over par on a take of $7,800. "Alice Adams" was $500 on the profit side of the line with a gross of $8,500, at the Mainstreet.

Total first run business was $49,300. Average is $37,300.

Estimated takings:

Week Ending Aug. 29:

"ANNA KARENINA" (M-G-M)

MIDLAND—(4,000), 15c-25c-40c, 7 days. **Gross:** $13,500. (Average, $11,500)

"SHE GETS HER MAN" (Univ.)

TOWER—(2,200), 25c, 7 days. Stage: Jim Wong Troupe, Croel and Allan, Milo, Billy Gerber and Williams Bros., Jack Carson, Tower Adorables, Tower Orchestra. **Gross:** $8,500. (Average, $7,000)

"ANNAPOLIS FAREWELL" (Para.)

NEWMAN — (1,800), 25c-40c, 7 days. **Gross:** $7,800. (Average, $7,000)

"ALICE ADAMS" (Radio)

MAINSTREET—(3,100), 25c-40c, 7 days. **Gross:** $8,500. (Average, $8,000)

Week Ending Aug. 30.

"STEAMBOAT 'ROUND THE BEND" (Fox)

UPTOWN—(2,000), 25c-40c, 8 days. **Gross:** $11,000. (Average, 8 days, $3,800)

"Karenina" Pulls $5,300, Oklahoma

OKLAHOMA CITY, Sept. 10.—Fall weather was a box-office tonic, with "Anna Karenina" leading the procession on a take of $5,300, up by $1,300, at the Midwest.

"Here Comes Cookie" garnered a nice $2,800 at the Capitol, exceeding normal by $800. "Going Highbrow" was strong at $2,600, with a stage show, during a four-day stay at the Liberty. Normal for seven days is $2,500. "Accent on Youth" and "The Right to Live" failed to make an impression.

Total first run business was $15,300. Average is $13,500.

Estimated takings for the week ending Sept. 7:

"ACCENT ON YOUTH" (Para.)

CRITERION—(1,700), 10c-26c-36c-55c, 8 days. **Gross:** $4,200. (Average, $5,000)

"ANNA KARENINA" (M-G-M)

MIDWEST — (1,500), 10c-26c-36c-56c. **Gross:** $5,300. (Average, $4,000)

"HERE COMES COOKIE" (Para.)

CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $2,800. (Average, $2,000)

"GOING HIGHBROW" (W.B.)

LIBERTY—(1,500), 10c-15c-26c-36c, 4 days. Stage show. **Gross:** $2,600. (Average week, $2,500)

"THE RIGHT TO LIVE" (W.B.)

LIBERTY — (1,500), 10c-15c-26c-36c, 3 days. **Gross:** $400. (Average week, $2,500)

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JOSEPH D. BASSON

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(gavel wavers to you) will be there

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"Steamboat" Leader In the Beer Town

MILWAUKEE, Sept. 10.—The Polish Legion of American War Veterans, attracting some 3,000 visitors from five states, were in town over the weekend and helped swell receipts. The week's business was fair with "Steamboat 'Round the Bend" topping all others with a $9,200 take.

The Strand, inaugurating two first run major hits at increased admissions, was good for $1,500. It is the second first run here to boost prices, Fox's Wisconsin being the first.

Total first run business was $27,500. Average is $24,250.

Estimated takings for the week ending Sept. 5:

"SHANGHAI" (Para.)
"BONNIE SCOTLAND" (M-G-M)
PALACE—(2,800), 25c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

"LADIES CRAVE EXCITEMENT" (Mascot)
RIVERSIDE—(2,300), 15c-20c-25c, 7 days. Stage: Bill Hogan and His Hollywood Californians, Jackson and Nedram Rita O'Hayer, 3 Dixie Debs, Leslie Hunt, Skip Morr. **Gross:** $6,000. (Average, $5,000)

"DON'T BET ON BLONDES" (W. B.)
"WESTWARD HO" (Republic)
STRAND—(1,400), 25c-35c, 7 days. **Gross:** $1,500. (Average, $1,250)

"PAGE MISS GLORY" (W. B.)
WARNER—(2,400), 25c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

"STEAMBOAT 'ROUND THE BEND" (Fox)
WISCONSIN—(3,200), 25c-35c-55c, 7 days. **Gross:** $9,200. (Average, $8,000)

"Karenina" Grosses $8,500 in Houston

HOUSTON, Sept. 10.—"Anna Karenina" proved a strong grosser at Loew's State with the advent of cooler weather. The $8,500 gross was over average by $1,500.

Universal's "Diamond Jim" was on the profit side of the line with a take of $7,500 at the Majestic. Other houses, with the exception of the Kirby, which showed "Paris in Spring" for three days, also pulled well.

Total first run business was $29,200. Average is $26,000.

Estimated takings for the week ending Sept. 5:

"ANNA KARENINA" (M-G-M)
LOEW'S STATE—(2,750), 25c-40c, 7 days. **Gross:** $8,500. (Average, $7,000)

"SHE MARRIED HER BOSS" (Col.)
METROPOLITAN — (2,600), 25c-50c, 7 days. **Gross:** $9,000. (Average, $7,000)

"DIAMOND JIM" (Univ.)
MAJESTIC — (2,250), 25c-50c, 7 days. **Gross:** $7,500. (Average. $7,000)

"HOPALONG CASSIDY" (Para.)
KIRBY—(1,450), 15c-35c, 4 days. **Gross:** $4,000. (Average. $3,500)

"PARIS IN SPRING" (Para.)
KIRBY—(1,450), 15c-35c, 3 days. **Gross:** $1,200. (Average, $1,500)

W. M. James Improved

COLUMBUS, Sept. 10.—The condition of William M. James, who collapsed a week ago, is improved. James, a veteran exhibitor and old-time minstrel man, served for 10 consecutive years as president of the Ohio M.P.T.O. He now is president of the Lilley Building & Loan Co.

Dowling in Providence

PROVIDENCE, Sept. 10.—Eddie Dowling will bring his "Thumbs Up" company to Providence next Monday to start the legitimate season. The show will play the Carleton, a Fay house.

Out Hollywood Way

HOLLYWOOD, Sept. 10.—IDA LUPINO gets lead opposite BING CROSBY in "Anything Goes," Paramount . . . ROSCOE KARNS vacationing at Del Monte . . . MARSH HUNT off to Chicago and New York after finishing "The Virginia Judge," Paramount.

+

WALTER ABEL's option taken up by Radio after screening of "The Three Musketeers" . . . MAX STEINER, Radio's music director, turns down offer to conduct symphony in Brazil.

+

DEAN HYSKELL, F. W. C. home office, using a cane . . . fractured leg . . . NEWT LEVI, new Warner exchange manager, takes house in Beverly Hills . . . MRS. J. R. GRAINGER here.

+

Casting—VINCE BARNETT in "A Thousand Dollars a Minute," Republic . . . HENRY STEPHENSON added to "Captain Blood," Warners . . . CRAIG REYNOLDS heavy in "Country Boy," also Warners . . . JANE WYATT starred in "Strangers At the Feast," Universal . . . CHARLES LOCHER and THOMAS BECK added to "Buccaneer," Twentieth Century-Fox . . . ROSINA LAWRENCE, JOHN MCGUIRE and PAXTON SISTERS signed for "Your Uncle Dudley," same studio.

+

CHARLES BICKFORD and JOHN BOLES cast in "The Littlest Rebel," SHIRLEY TEMPLE vehicle . . . HEATHER ANGEL and JESSIE RALPH in "Mother Lode," Radio . . . FRANK MARLOW, MAY GWYNNE and MORGAN WALLACE in "Confidential," Mascot.

+

WILLIAM DESMOND, FRANK SHERIDAN and ADDISON RICHARDS picked for Warners' "Frisco Kid" . . . JUNE TRAVIS added to Warners' "Captain Blood" . . . JUDITH WOOD in "Riff Raff," M-G-M . . . JOYCE COMPTON feminine lead in next CHARLEY CHASE comedy.

+

Writers—Commander FRANK WEADE to adapt "Ceiling Zero" for Warners . . . JACK WAGNER on script of "It Happened in Hollywood," Radio . . . ROBERT PRESNELL doing screen play of "My Blue Heaven" . . . HOWARD HIGGINS on "Revolt of the Zombies," Academy . . . TOMMY ATKINS doing an original on railroading for Radio . . . HARLAN WARE writing "Preview," Paramount . . . FRANK TUTTLE to work on "Easy Living," same studio . . . BENJAMIN GLAZER gets new term pact at Paramount.

+

Directors—WILLIAM MCGANN to direct Warners' "Country Boy" . . . EDWARD LUDWIG assigned to "Strangers at the Feast," Universal . . . MERVYN LE ROY getting set on "Anthony Adverse" . . . STEPHEN ROBERTS picked for "My Blue Heaven," Radio . . . GEORGE ARCHAINBAUD assigned to "Buccaneer," Twentieth Century-Fox . . . PHIL BLOOM handling "The "Calling of Dan Matthews" for SOL LESSER.

+

Title Change—"Charlie Chan's Secret" latest name for "Charlie Chan in San Francisco," Twentieth Century-Fox . . . JANE WITHERS' picture to be called "Paddy O'Day" instead of "The Little Immigrant."

+

Story Buys—TOM STORY's and EARL JOHNSON's "Thorobreds All" acquired by Radio . . . "Efficiency Edgar," by CLARENCE BUDINGTON KELLAND, bought by Twentieth Century-Fox.

+

Cameramen—CHESTER LYONS on M-G-M's short, "Death in the Desert" . . . GEORGE FOLSEY doing additional scenes on JOAN CRAWFORD's "I Live My Life."

Northwest Theatres Getting Overhauling

PORTLAND, Sept. 10.—Theatre equipment men, exhibitors, exchanges and even poster men are agreed that business is on its way back.

B. F. Shearer & Co., theatre equipment concern, is daily completing new and remodeled theatres. Among the many is Art Adams' New Palace at Silverton, Ore., which recently reopened.

The Roxy, 750 seats, at Everett, Wash., managed by Charles Charles is about ready. It will be the ace house in that area and will represent an expenditure of from $20,000 to $30,000.

The Tokay has been reopened by A. G. Basil at Raymond, Wash., following extensive repairs. Louis Perunko, operating several houses, has remodeled his Kay Street theatre in Tacoma, and in the same city new draperies have been furnished throughout at the Sunset.

H. Stockdale has remodeled his theatre at Enterprise, Ore.

Republic Takes Two Northwest Branches

SEATTLE, Sept. 10.—J. T. Sheffield, president of Republic Pictures of the Northwest, with offices here and in Portland, Salt Lake and Denver, has consummated a merger with E. L. Walton of Majestic and Mascot exchanges which will affect operations of the Seattle and Portland offices.

Sheffield says he has purchased Mascot product, both current and old. Walton becomes general sales manager for Sheffield.

"Red Salute" Shown

Trade press representatives were guests last night of United Artists at a special showing of "The Red Salute," Reliance picture, at Loew's Triboro in Astoria. Al Lichtman, Harry Goetz and Monroe Greenthal of U. A. were hosts.

'Broadcast' Opens Friday

"The Big Broadcast of 1936" will open at the Paramount Friday.

"Steamboat" Huge Indianapolis Hit

INDIANAPOLIS, Sept. 10.—"Steamboat 'Round the Bend" knocked all predictions sky high at the Apollo by doubling average on a take of $8,000. It was a sensation.

"Bright Lights" was $1,500 up on a gross of $8,500 at the Lyric, helped by a stage show, and "Anna Karenina" went $1,000 over the line for a total of $5,500 at Loew's.

Total first run business was $25,250. Average is $19,500.

Estimated takings for the week ending Sept. 7:

"STEAMBOAT 'ROUND THE BEND" (Fox)
APOLLO—(1,100), 25c-40c, 7 days. **Gross:** $8,000. (Average, $4,000)

"ALICE ADAMS" (Radio)
CIRCLE—(2,800), 25c-40c, 7 days. **Gross:** $3,250. (Average, $4,000)

"ANNA KARENINA" (M-G-M)
LOEW'S—(3,000), 25c-40c, 7 days. **Gross:** $5,500. (Average, $4,500)

"BRIGHT LIGHTS" (F. N.)
LYRIC—(2,000), 25c-40c, 7 days. Stage show. **Gross:** $8,500. (Average, $7,000)

"Steamboat" Cincy Smash at $19,000

(*Continued from page* 18)

Estimated takings for the week ending Sept. 6:

"EVERY NIGHT AT EIGHT" (Para.)
RKO ALBEE—(3,300), 35c-42c, 7 days. **Gross:** $8,300. (Average, $12,000)

"STEAMBOAT 'ROUND THE BEND" (Fox)
RKO PALACE—(2,700), 35c-42c, 9 days. **Gross:** $19,000. (Average, $10,000)

"LADY TUBBS" (Univ.)
RKO SHUBERT—(2,150), 35c-55c, 7 days. Stage: Cab Calloway and orchestra. **Gross:** $13,000. (Average, $12,000)

"PARIS IN SPRING" (Para.)
RKO CAPITOL—(2,000), 35c-42c, 7 days. **Gross:** $4,200. (Average, $6,500)

"HOPALONG CASSIDY" (Para.)
RKO LYRIC—(1,400), 25c-30c-40c, 7 days. **Gross:** $4,250. (Average, $6,500)

"CURLY TOP" (Fox)
RKO GRAND—(1,200), 25c-30c-40c, 7 days, 4th downtown week. **Gross:** $3,000. (Average, $2.750)

"WHAT PRICE CRIME" (First Div.)
RKO FAMILY—(1,000), 15c-25c, 3 days. **Gross:** $800. (Average, $1,250)

"AFTER THE DANCE" (Col.)
RKO FAMILY—(1,000), 15c-25c, 4 days. **Gross:** $1,000. (Average, $1,200)

"PAGE MISS GLORY" (W. B.)
RKO KEITH'S—(1,500), 30c-40c, 7 days. **Gross:** $5,800. (Average, $6,500)

"SCARFACE" (U. A.)
STRAND—(1,300), 15c-25c, 7 days. **Gross:** $2,500. (Average, $1,000)

Elman Gets Shorts, Features in Chicago

CHICAGO, Sept. 10.—Henri Elman, just back from New York, reports that he arranged for the distribution in this territory of 13 one-reel Color Classics, 13 Edgar Guest Poetic Gems and 13 color cartoons while there.

He also arranged to handle 24 features for the Ralph G. Fear concern, American International Pictures. Elman and Max Weisfeldt will hold a conference here Sept. 14-15 with independent distributors from Milwaukee, Detroit, Minneapolis, Omaha, Des Moines, Kansas City, St. Louis and other midwestern cities, regarding handling of this product.

Has New York Office

Kennaway, Inc., Chicago, bookers of bands and entertainment in the middle west, has opened new offices in the RKO Building, New York, with Gus C. Edwards in charge. With him is Ned E. Williams, who has left Mills Artists, Inc.

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306 Men Get Power to Act On Wage Pact

Move Due to Ultimatum Of Circuit Group

Members of Local 306 yesterday gave the negotiation committee power to conclude negotiations and sign a contract with the circuits. Last Friday circuit representatives **refused** to deal further with the committee unless it obtained the power necessary to close a deal.

The circuits claimed that negotiations in the past have been of little value. Every time the theatre men made a proposal, the operators' committee took it to the membership for action. Annoyed by the procedure, the circuits declined to meet again with the union men until official power to act had been granted.

With the membership approving such a move, the union delegates met yesterday afternoon with the circuit representatives. It is not likely that an agreement will be set this week.

A report from the committee which

(*Continued on page* 4)

Fox Met Allowances Authorized by Court

Attorneys, creditors' committees, trustees and others who participated in the reorganization of Fox Metropolitan Playhouses were authorized by Federal Judge Alfred C. Coxe yesterday to file applications for allowances for their services on or before Sept. 30. A hearing on the applications will be held on Oct. 2.

The maximum amount allowed for reorganization expenses in the Fox Met plan is $500,000, which has already been set aside for that purpose.

Irving Trust Co., as trustee for Fox Met, yesterday filed objections

(*Continued on page* 4)

Board Is Named to Rule N. S. W. Quota

By CLIFF HOLT

SYDNEY, Australia (*By Airmail via London*), Aug. 20.—The advisory board which will supervise operations of the New South Wales quota has been named with F. W. Marks, chairman, Cresswell O'Reilly and E. B. Harkness. Marks conducted the government film inquiry in 1933; O'Reilly is the province's chief censor; and Harkness, as under secretary of the Chief Secretary's Dep't., has been administrator of the Theatres and Public Halls Act.

New Block Booking Drive Next Year, Says Pettengill

By BERTRAM F. LINZ

WASHINGTON, Sept. 11.—Block booking legislation will be pressed at the next session of Congress, and hearings on the subject will be sought by the House Interstate and Foreign Commerce Committee in January, says Congressman Pettengill of Indiana in the final issue of the *Congressional Record* for the session just ended, which was published today.

No effort, however, will be made to enact censorship legislation, the Congressman said, expressing the belief that Congress is not ready for so radical a measure.

His bill, he declared, does not involve censorship, but prohibits block booking and blind selling.

Admitting that the measure was actually written by the M. P. Research Council, "aided by suggestions from many other sources," Pettengill declared it "one of the very important measures that will come before Con-

(*Continued on page* 2)

"Without Reason"

St. Louis, Sept. 11.—Fred Wehrenberg has a peeve against Columbia and, as yet, hasn't bought the distributor's output for his four theatres.

Wehrenberg's reason, he told *Motion Picture Daily*, is "the company is without reason."

Scales Stable In Omaha for About a Year

This is the tenth instalment in a national survey on the trend of admission prices.

OMAHA, Sept. 11.—There has been no price change locally in almost a year and that goes for downtown first runs and second runs and suburban second and third runs.

In the territory, likewise, there has been very little price variation. In Grand Island, Neb., third largest city in the state and overcrowded with theatres, there has been a slight fluctuation, the Island dropping its Sunday admission from 15 to 10 cents.

Nebraska City, at the present time, is furnishing a little fireworks which

(*Continued on page* 4)

Five-cent Increases Discussed in Akron

AKRON, Sept. 11.—A five-cent boost in admissions in all local subsequent runs is the aim of the local exhibitor association. Preliminary meetings on the subject have resulted in an expression favorable to the boost. A final meeting will be called some time this week, according to Robert Menches, president.

The movement aims to raise 20-cent scales to 25 cents and to raise 15-cent scales to 20 cents, tax included. These are evening adult prices. Downtown first run adult evening admission is 40 cents.

British Argue Over Cost of Big Pictures

By BRUCE ALLAN

LONDON, Sept. 2.—Statements by John Maxwell at the annual meeting of Associated British Pictures that money was being unwisely spent in British production, and that much City money recently invested would be lost, have led to interesting comment by other prominent members of the industry.

Mark Ostrer of Gaumont British pointed out that negative cost was less important than cost in relation to entertainment value obtained and that it was necessary to spend "considerable sums" in production for the international market.

On the other hand Julius Hagen of Twickenham Studios, one of the leading British independent units, goes on record in an interview with the *Cinema* with the opinion that £40,000 ($200,000) is a maximum which can

(*Continued on page* 4)

Fox May Produce in London for Europe

LONDON, Sept. 11.—Twentieth Century-Fox is considering as a possibility the production in London of pictures for distribution on the Continent, Robert T. Kane, who will be in charge here, told MOTION PICTURE DAILY today.

In the interim British plans are definite at 10 pictures ultimately a

(*Continued on page* 4)

Report Atlas Again Eying RKO's Issues

Decision Expected When Sarnoff Returns

The Atlas Corp., large investment organization, is renewing its study of RKO's financial position with a view to arriving at an early decision on acquiring a large block of the company's outstanding securities, it was learned yesterday.

Indications are that definite action, one way or another, may be taken by Atlas shortly after Oct. 1. David Sarnoff, RCA head, is due back from a European trip about that time and conferences to be resumed between him and Atlas officials are expected to settle the deciding issues. RCA holds approximately $10,000,000 of RKO's $11,600,000 debenture issue outstanding. According to reports

(*Continued on page* 4)

Bank Night Row in Ohio Appeal Court

CLEVELAND, Sept. 11.—That Bank Night is a lottery under the Ohio statutes even though no money consideration is involved and that it is also unfair competition was the contention of former Appellate Judge John A. Cline, who represented the Fountain today before the Court of Appeals.

The court's decision will settle the status of Bank Night in this state and may have an effect elsewhere.

The case reached the appeals court on an appeal from the Common Pleas Court decision denying the Fountain's petition to stop Bank Night at the Haltnorth.

William Minshall, representing the

(*Continued on page* 4)

MPTOA Board to Set Convention Shortly

ST. LOUIS, Sept. 11.—Directors of the M.P.T.O.A. are expected to be called into session shortly at Chicago by Ed Kuykendall, president, Fred Wehrenberg stated today.

The principal topic for discussion will be the annual convention which Wehrenberg feels sure will be held in this city. The local M.P.T.O. head declares the natural get-together should take place here as it has been more than 20 years since the last conclave was held in St. Louis. That was when Marcus Loew presided at the Hotel Statler session.

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Wall Street

Small Gains Mark Big Board

	High	Low	Close	Net Change
Columbia	67½	67	67	+1⅜
Consolidated	4⅞	4⅝	4⅝	— ⅛
Consolidated, pfd.	17¼	16¾	16¾	— ¼
Eastman	158½	157	158¼	+2¼
Loew's, Inc.	45¼	43½	44⅝	+1
Loew's, pfd	106½	105⅝	106½	+ ½
Paramount	10⅝	10⅛	10¼	— ¼
Paramount, 1 pfd.	91¾	91⅝	91⅝	+ ⅛
Paramount, 2 pfd.	12⅛	11⅝	12	+ ⅛
Pathe Film	6½	6¼	6¼	— ⅛
RKO	4⅛	4¾	4	+ ⅛
20th Century-Fox.	18	17¾	18	+ ½
20th Century pfd.	27⅛	26½	26⅝	— ¼
Universal, pfd.	35⅛	35⅛	35⅛	+1⅝
Warner Bros.	6⅝	6¼	6½	+ ¼
Warner, pfd	42¾	41⅞	41⅞	— ⅛

Trans-Lux Up ⅛ on Curb

	High	Low	Close	Net Change
Sonotone	2	1¾	2	.....
Technicolor	20⅛	19⅞	19⅞	.....
Trans-Lux	3¾	3½	3⅝	+ ⅛

RKO Bonds Gain 1 Point

	High	Low	Close	Net Change
General Theatre Equip. 6s '40	15¾	15½	15½	— ½
General Theatre Equip. 6s '40 ctf	15¾	15⅛	15⅛	— ⅝
Loew's 6s '41 ww deb rights	105	104¼	104⅝	+ ¼
Paramount Pict. 6s '55	96	95	95½	— ¼
RKO 6s '41 pp.	67	66½	66½	+1
Warner Bros. 6s '39 wd	82	81½	81¾	+ ¼

(Quotations at close of Sept. 11)

Purely Personal

Neil Agnew, J. J. Unger, Charles Reagan, Milt Kusell, A. J. Van Beuren, A. P. Waxman, Lou Holtz and Emil Jensen, at the Tavern; George Skouras, Charles Buckley, William Powers, Si Fabian, Sam Rosen, Boris Morros, Lou K. Sidney, George Shaefer, Y. Frank Freeman, Sam Rinzler, Morris Epstein, Harold Bareford, William Scully, E. M. Saunders, William Rodgers, Ed Davidow and Henry Randel, at the Astor for the usual luncheon pow-wows.

•

Cresson Smith didn't go to St. Louis after all. Ned Depinet, who was scheduled to return from that city yesterday, changed his plans at the last minute and accompanied Jules Levy to Chicago where Mort Singer will meet them Saturday.

Quip of the Day

"Two negatives may make a positive, grammatically speaking, but two bad pictures will never make an entertaining program"—William Boehnel, N. Y. World-Telegram.

Johnny Johnston, after several false starts, finally departed for the coast yesterday, accompanying Marta Eggerth to the Universal studio. They will make a one-day stopover in Chicago and are due at Universal City on Monday.

•

Stanley W. Lawton, managing director of the George M. Cohan and Wallack, has been named chairman of the film division of the National Constitution Day Celebration Committee.

•

Charles Skouras and Charles Buckley left for the coast yesterday via the rail route. Buckley doesn't like flying and won out despite Skouras' penchant for air trips.

•

Ruth Chatterton, Bob Cochrane, Merlin H. Aylesworth, Willard McKay, Herman Robbins and Sam Dembow among those at "21" yesterday.

•

Nat Holt, Cleveland division manager for RKO, arrived yesterday to spend a few days in town conferring with home office executives.

•

Frank Buck will be interviewed over WOR on his recent Malayan trip by Mark Hawley tonight at 7:45 o'clock.

•

Robert Donat's parents are coming down from Connecticut to attend the opening of "The 39 Steps" at the Roxy.

•

Jan Kiepura was guest of honor yesterday at a party to press and friends given by Paramount at the Waldorf.

•

Toby Gruen of National Screen left for California last night to return via the Canal. Annual vacation stuff.

•

Simone Simon, French actress, and Robert Hurel, director, arrive today on the *Lafayette.*

•

Harry H. Thomas, First Division president, has returned from a tour of exchanges.

. . . Boston

Joseph Longo has been named assistant publicity manager for the Loew theatres in the Hub. This department has been headed for years by Joseph A. DiPesa. Longo replaces Jack Granara who replaced Jack Goldstein, exploitation head for RKO theatres in New England, who replaced Monroe W. Greenthal, as exploitation manager for United Artists, who replaced Hal Horne.

Elias M. Loew, independent circuit operator in New England, has named Louis Stearns manager of the Watertown in Watertown. He replaces Alden Smith who has resigned to return to the Charles Morse chain.

Dave Weiner, brother of Abe Weiner, who is office manager for United Artists here, has been appointed to the ad sales force of the local Warner exchange by Manager Tom Spry.

Leo Carrillo has left the Hub after headlining the stage show at the Metropolitan for a week.

Agnes Donahue of the United Artists office force is convalescing at the St. Elizabeth's Hospital after an appendicitis operation.

Joseph Brennan, business manager for the M. P. T. O. A. in this territory, has packed his bags, now that the legislature has finally closed and is taking an unmapped tour by road and boat.

Blessed events are anticipated by Steve Broidy of Republic, Phil Berler of the E. M. Loew Theatres, and by Morey Goldstein.

Dave Perkins, assistant publicity manager for the M. and P.-Publix circuit, is on vacation.

Arthur K. Howard, business manager for Allied in New England, is touring Maine in an effort to strengthen the association's lineup there.

•

. . . Salt Lake City

George Hickey, M-G-M district manager, spent several days here in conference en route to the coast.

C. W. Peek, cashier at the Universal exchange, has taken his family to the coast for a vacation trip.

El. Winward, booker for RKO, is in Denver on a vacation trip. He may return via Mexico.

•

. . . San Francisco

Joe Blumenfeld, young circuit operator, was guest of the boys on film row at a formal bachelor dinner at the Bal Tabarin recently. . . . Joe is due to start housekeeping soon.

Tiger Thompson, former drama editor of the *Examiner,* is doing free lance publicity.

Lawrence Borg reports fat grosses for the opening weeks of his new El Rey.

Otto Lockbaum, independent operator, is back on the row looking over new product. Otto has been on the sick list for several weeks.

Eddy Skolak is still in St. Luke's Hospital convalescing from blood poisoning. He has been with the Capitol theatre for several years.

Bob Harvey, publicity director for Al Levin's Coliseum, is working on the reopening campaign set for some time this month.

Prepared

St. Louis, Sept. 11.—Neil Agnew, general sales manager of Paramount, believes in preparedness.

When it was revealed in the Federal Court yesterday that the government's injunction hearings and indictment trial would last from four to six weeks, Agnew immediately filed reservations at the Coronada for the best suite for the month of October.

New Block Booking Bill Drive Predicted

(*Continued from page* 1)

gress at the next session" and warned that "the members of the House will probably be subjected to the fiercest as well as the most subtle kind of pressure on the part of the big producers, a group which has unlimited resources and great powers of publicity at its disposal."

Block booking is a menace both to exhibitor and producer, he said, contending that it results in the suppression of legitimate enterprise and an inferior product to the consumer, while at the same time restricting the development of the art.

This, with blind selling, "virtually rob the local theatre man of any discretion," he charged, "and he has to show pictures which he knows his community does not want to see. The practice of blind selling destroys the normal selective process of good taste in any community.

"If enacted, this bill will release the normal selective process of good taste all over the country. Above all, it will do so in harmony with American traditions which call for local control over neighborhood conditions affecting customs, morals and conduct, and a fair chance for small independent enterprise which abhors Federal censorship of news or entertainment."

1st Division Election Delayed to Thursday

A meeting of the board and election of officers of First Division Exchanges which was scheduled for today is being postponed to next Thursday. In the interim, at a date to be set early next week, officers will be elected to First International Pictures, Inc., the new Pathe holding company which is acquiring all of the stock of First Division.

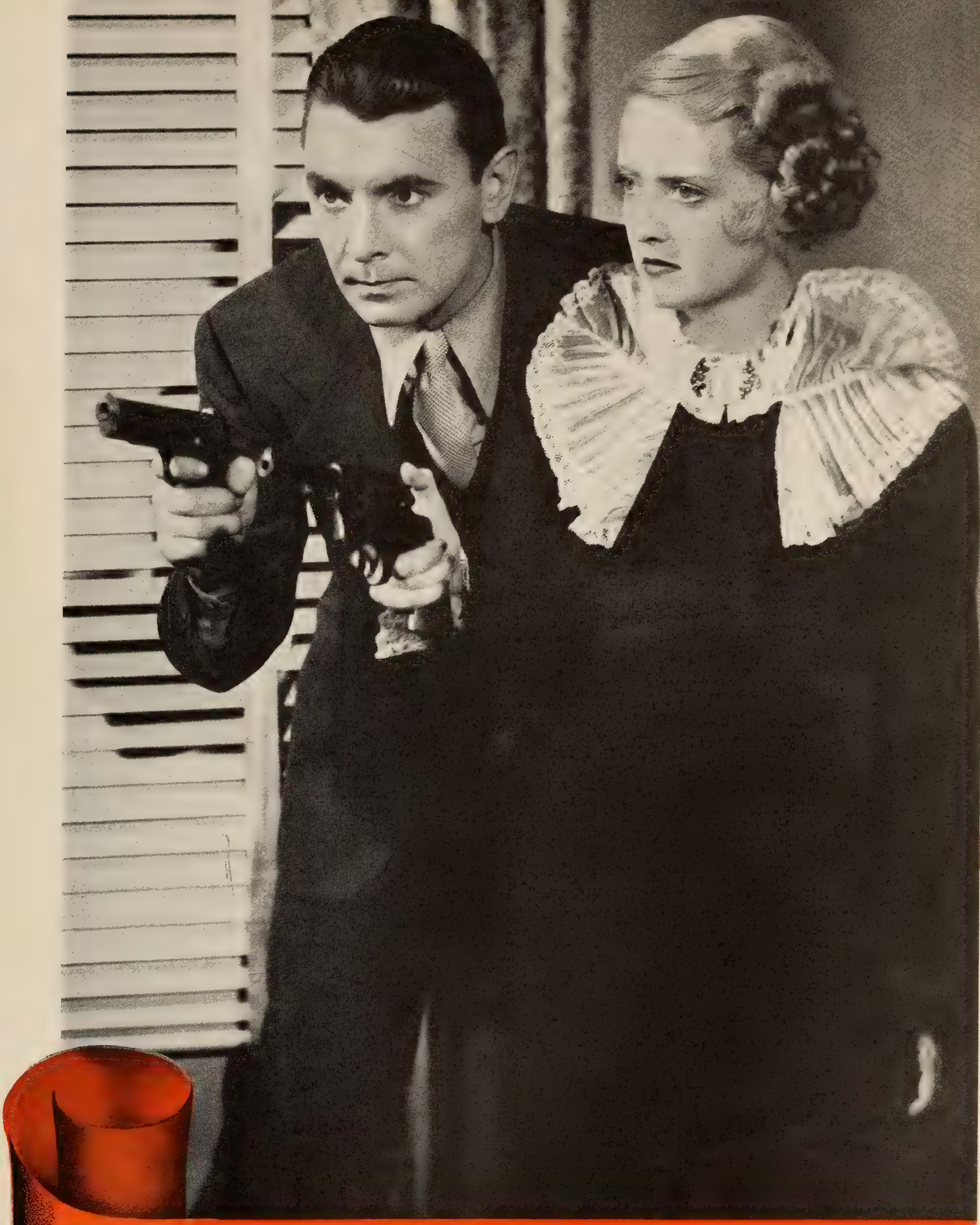
Robert W. Atkins, director and executive vice-president of Pathe, is slated to be elected chairman of the board of First Division and president of First International at the pending election meetings.

Mass. Allied to Elect

Boston, Sept. 11.—A new list of officers will be put into nomination at a meeting of the Allied Theatres of Massachusetts, Inc., the local M.P.-T.O. affiliate, scheduled for this month. The election is due to take place next month, when a new president will be installed to fill the place left vacant by the death of George Giles.

Will Hays to New York

Hollywood, Sept. 11.—Will H. Hays, M.P.P.D.A. president, left on the Chief for New York last night.



THE PICTURE OF THE WEEK

Replete with the rapidfire action of 'G-Men', **"SPECIAL AGENT"**, newest Cosmopolitan production for Warner Bros., bids fair with its release this week to repeat the cyclonic triumph of its predecessor. The film was inspired by Martin Mooney's revelations of the heroic 'T-Men's' war on racketeering, and stars **BETTE DAVIS**, expertly supported by George Brent, Ricardo Cortez, Jack LaRue, directed by William ('G-Men') Keighley. Released September 14th.

306 Men Get Power to Act On Wage Pact

(*Continued from page* 1)

visited George E. Browne, president of the I. A. T. S. E., in Washington, in the hope of getting Browne to rescind the strike ban order was made. The five men reported that the I. A. T. S. E. head would not budge from his previous stand.

First of a series of meetings to discuss a merger between Local 306 and Allied M. P. Operators was held Tuesday night with Harry Brandt, head of the I. T. O. A.; Joseph D. Basson, president of Local 306, and Frank Tichenor, labor intermediary recently appointed by Mayor LaGuardia to look into the union situation. Another session was held last night and others are scheduled until an agreement is reached.

Efforts are being continued by Local 306 to cooperate with Empire State, which cannot merge with another union because of a court order obtained some time ago by Springer & Cocalis prohibiting an amalgamation.

Supreme Court Justice McCooey in Brooklyn yesterday signed an order returnable Sept. 16 requiring Estate Operators Co., Inc., which operates the Avon, Garfield and 16th Street in Brooklyn, to show cause why a temporary injunction should not be granted pending trial to restrain it from employing projectionists other than Allied. The three theatres are members of the I. T. O. A., which was authorized on Aug. 21, 1933, to sign for Allied operators. Despite this agreement, booths in the three houses are being manned by projectionists other than Allied and efforts to arbitrate the matter have been unavailing on the part of the union.

St. Louis Dispute Ends

St. Louis, Sept. 11.—The dispute over whether negro or white operators should be used at the Star, Criterion and Grand theatres has been settled by admittance of 21 negroes to Local 143, a newly chartered auxiliary union.

It has been stipulated that these men will have the same pay and working conditions as white I.A.T.S.E. operators, and it is expected negro operators in other theatres will join.

Scales Stable in Omaha For a Year

(*Continued from page* 1)

the exchanges are trying to unravel with hardly any success. The Overland, operated by Tom Sidles, and the Paramount and Booth, managed by Wes Booth, are warring over prices.

Both managers have cut prices to the extent both "A" houses are playing at 15 cents top, which is murder in that city, regarded as one of the best small business cities in the state.

Admissions throughout the Omaha territory may be regarded as generally stable with little fluctuation either way. Many small towns are getting 30 cents top, others 25 cents. Of course, there are isolated instances of small towns skipping the price up and down, but they are isolated.

Where the Business Is

Washington, Sept. 11.—Tax collections on the box-office for the fiscal year to June 30, 1935, indicating grosses are better nationally, follow by states. The figures are preliminary and, therefore, subject to change, according to the Treasury Dep't.

	1935	*1934*
Alabama	$35,883.89	$23,041.96
Alaska	13,271.60	13,318.48
Arizona	13.965.52	11,732.49
Arkansas	28,768.21	22,519.00
California	1,131,756.75	1,015,330.31
Colorado	122,985.47	78,669.44
Connecticut	164,824.84	153,522.26
Delaware	6,514.42	8,375.29
District of Columbia	239,312.13	254,587.38
Florida	224,155.34	167,104.67
Georgia	54,875.83	54,022.80
Hawaii	48,883.67	52,545.56
Idaho	11,584.16	14,025.07
Illinois	1,148,485.10	1,166,614.30
Indiana	121,009.99	193,090.44
Iowa	36,465.71	51,741.73
Kansas	24,908.31	22,929.37
Kentucky	76,295.10	86,003.67
Louisiana	60,746.93	58,801.56
Maine	30,341.16	28,115.53
Maryland	186,657.28	207,008.23
Massachusetts	826,932.82	806,869.07
Michigan	484,143.48	334,286.01
Minnesota	91,567.50	76,359.99
Mississippi	8,659.64	5,421.43
Missouri	293,939.74	247,649.20
Montana	19,590.76	16,552.59
Nebraska	38,805.82	44,922.33
Nevada	8,298.97	6,974.92
New Hampshire	79,587.44	76,290.97
New Jersey	382,697.42	392,892.65
New Mexico	21,258.84	17,374.97
New York	5,496,702.52	5,645,638.89
North Carolina	58,252.92	40,066.14
North Dakota	3,660.20	3,754.81
Ohio	274,246.16	231,781.25
Oklahoma	53,890.78	58,366.89
Oregon	60,123.27	57,568.29
Pennsylvania	817,738.79	820,994.90
Rhode Island	89,839.58	34,802.14
South Carolina	26,006.81	21,881.46
South Dakota	5,726.56	5,966.11
Tennessee	77,181.81	62,058.55
Texas	438,115.52	365,322.00
Utah	20,268.06	14,582.62
Vermont	6,479.76	7,355.26
Virginia	90,165.49	67,229.43
Washington	100,818.75	72,583.44
West Virginia	19,354.53	14,764.23
Wisconsin	67,570.80	99,498.58
Wyoming	14,022.14	10,711.28
TOTAL	$13,757,238.09	$13,343,619.94

Report Atlas Is Eying RKO's Issue

(*Continued from page* 1)

Atlas is interested only in the acquisition of securities of this issue, and whether or not it becomes a financial factor in the impending reorganization of RKO would depend to a large extent on its getting together with RCA on a transaction in these securities.

Atlas, which is an important financial factor in Paramount Pictures, first displayed an interest in RKO securities last spring. After some study of the company's financial position, Atlas officials let it be known that they would take no immediate action on an RKO investment. The company has maintained this position throughout the summer. Reports had it that Atlas was offering approximately 50 per cent of the price asked by RCA for a large block of its RKO holdings, with RCA displaying no interest in bargaining.

Party for Helen Vinson

G. B. yesterday held a party at the home office for Helen Vinson, who arrived from England recently after appearing in G. B. films. Present were members of the daily and trade press. Miss Vinson leaves for Hollywood on Friday. At the party also was Arthur Jarrett, chief film buyer for the G. B. theatres in England, who is here on a vacation of several weeks.

Bank Night Row in Ohio Appeal Court

(*Continued from page* 1)

Haltnorth, cited all the definitions of a lottery and claimed they include the element of consideration as a major factor. He charged, in addition, that the plaintiff came into court with unclean hands, as the signer of a petition for an injunction, John Kalafat, is interested in the Knickerbocker, now using a similar plan.

Judge Virgil Terrell questioned the right of the appeals court to hear the case on the ground that if it is a lottery it belongs in a criminal court. Both sides anticipate that the appeals court will hear the case and render an early decision.

The judges sitting were P. L. A. Leighley, Terrell and Manuel Levine.

Fox Met Allowances Authorized by Court

(*Continued from page* 1)

to the claim of the Emblem Holding Corp. for $885,000 on the lease of the Stratford, Brooklyn. The claim is based on a 19-year lease at $45,000 a year, dating from July 31, 1935. The trustee argued that under Section 77-B of the bankruptcy laws claims for rent shall be "limited to an amount not to exceed the rent, without acceleration," for three years following surrender of the lease. The trustee asked that the claim be disallowed.

British Argue Over Cost of Big Pictures

(*Continued from page* 1)

be spent in production for the British market and that for a film designed for international release he would not O.K. "a penny more than £60,000."

Hagen declares that foreign markets, including the U. S., are not worth more than £20,000 ($100,000) and that the only cases in which America has yielded really large results have been "two pictures made by Korda."

* * *

Paul Soskin, managing director of Transatlantic Films, Ltd., has floated Soskin Prod., Ltd., with a capital of £200,000 for the purpose of producing five large scale pictures in the next 18 months.

The new company will absorb Transatlantic, which produced "Ten Minute Alibi" for British Lion and "While Parents Sleep" for United Artists.

Major C. H. Bell, who was the original chief of production for Paramount in London, and who has been consulting engineer to the Paramount Theatres and many other enterprises, is a member of the Soskin board.

* * *

Reprinting as a pamphlet his paper on "The Future of the Films Act," read to the C.E.A. Conference at Cardiff, Simon Rowson adds a suggestion that the Board of Trade be approached to permit the advisory committee under the Films Act to function as a "tribunal of reference" to adjudicate problems dividing sections of the trade.

The advisory committee was constituted for the sole purpose of advising the Board of Trade on matters arising out of the Films Act. It consists of four exhibitors, two producers, two distributors and five non-trade members, one of whom must be a woman. The proposal that it should deal with such matters as rentals, overbuilding, etc., is certain to be adversely criticized.

Fox May Produce in London for Europe

(*Continued from page* 1)

year, each to cost $500,000 and each to be penciled in the American releasing schedule. "St. Joan," stage play by George Bernard Shaw, will be the first with Elisabeth Bergner starred. London Films' studio at Worton Hall will be used now and that company's new plant at Denham later.

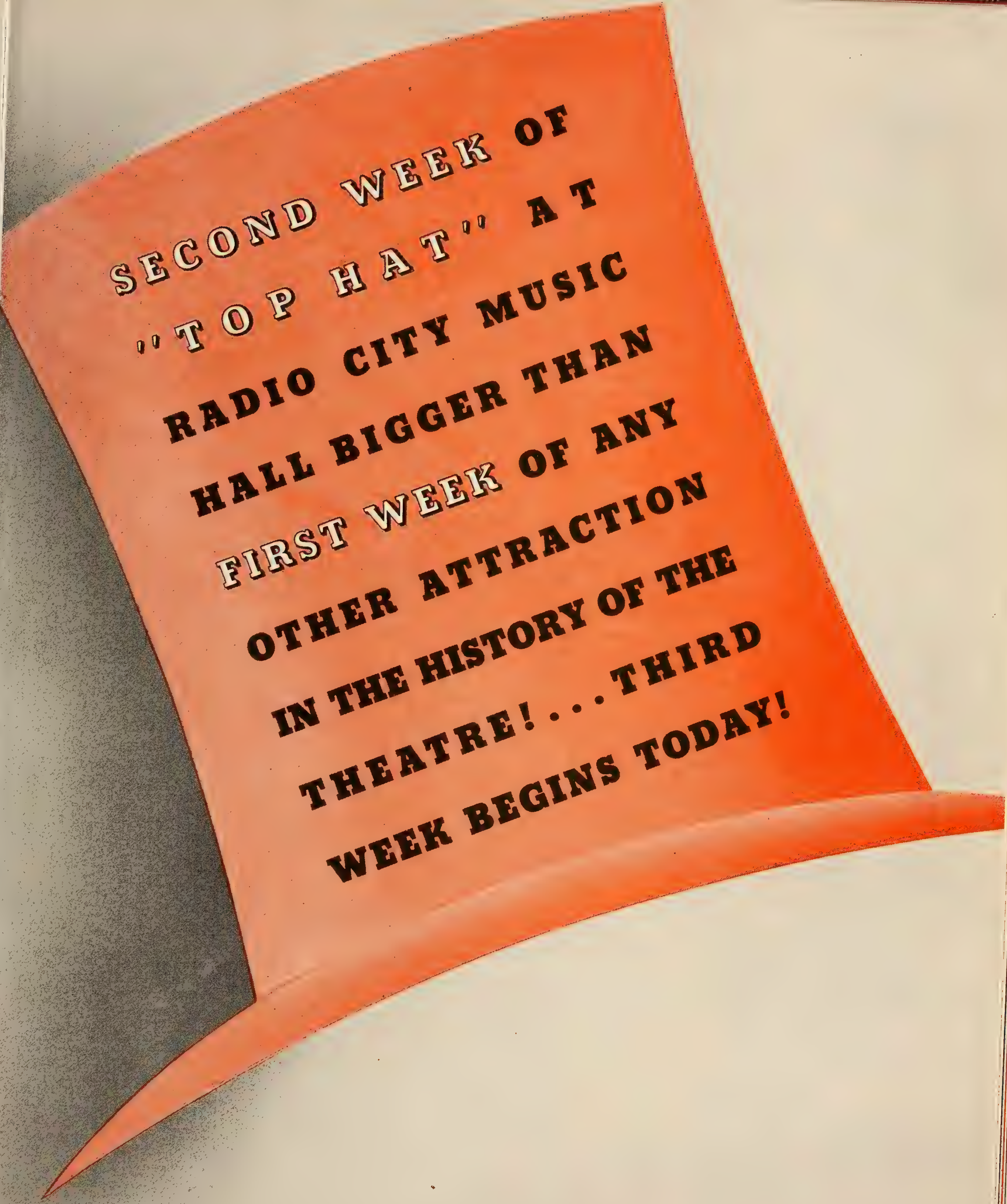
S. R. Kent, who is also here, and Kane have gone to Gleneagles for golf. The former will go on a tour of the Continent later.

Gertrude Michael Hurt

San Bernardino, Sept. 11.—Gertrude Michael, actress, was seriously injured when her car crashed into another here today. The machine overturned, hurling her against a tree.

"Agent" Set for Strand

"Special Agent" will open at the Strand Sept. 18. It is now current at the Shubert, St. Louis.



SECOND WEEK OF "TOP HAT" AT RADIO CITY MUSIC HALL BIGGER THAN FIRST WEEK OF ANY OTHER ATTRACTION IN THE HISTORY OF THE THEATRE! . . . THIRD WEEK BEGINS TODAY!

RKO-RADIO PICTURE

Variety Club

Philadelphia

Philadelphia, Sept. 11.—Luncheon held at the Hotel Madison, Atlantic City, with barkers Frank Gravatt and Frank Elliott as kings for the day was a success. About 350 attended with many turned away, despite the rain. Guests included Leo Carrillo, m. c.; mayor of Atlantic City and staff, Chamber of Commerce officials, candidates for the Miss America crown, Mal Hallet and orchestra. Atmosphere included Hawaiian musicians, boxing cats, tents, barkers, etc. Eddie Sherman handled the entertainment, with Eddie White assisting.

New season gets in full swing Sept. 14, when the first Saturday night entertainment will be held. Dancing, entertainment, surprises are listed.

Sunday night trade shows continue.

Tuesday night is stag night.

Atmosphere nights will be indicated later.

A ping pong exhibition is scheduled for Friday when Hi Paul and Forest Jacobs will appear. A pool-ping pong tournament is scheduled.

Cleveland

Cleveland, Sept. 11. — Variety Club opened its fall season with a stag golf tournament at the Beechmont Club, followed by a dinner and bridge to which women and guests were invited.

Golf prizes were won as follows: Judge Joseph Ackerman, low score, a case of rye whiskey; Col. Harry Long, Loew division manager, putting contest, a set of Jones wood clubs; I. J. Schmertz, Fox branch manager, driving contest, an auto radio; Frank D. Drew, M-G-M branch manager, and Max Greenwald, Paramount salesman, bogey.

Mrs. Dick Deutsch won the grand prize of the evening, an electric toaster.

Abe Kramer of Associated Theatres is richer by one pair of overalls, presented to him for turning in the highest golf score of the day. He played the course in 148. Par is 70.

Omaha

Omaha, Sept. 11. — Variety Club has made Charles E. Williams, president of Nebraska-Western Iowa M. P. T. O., the club's first and only honorary member.

The presentation of a club key to Williams is an outgrowth of a long-standing regard for the M. P. T. O. executive who has been president of that organization for more than 10 years and an exhibitor here for 20 years.

The club also voted to have open house for the Nebraska and Western Iowa exhibitors coming here for their annual fall meeting Oct. 8 and 9. On Oct. 8 the club will sponsor a golf tournament for visiting exhibitors. In the evening, a dinner dance will be held for the exhibitors and their wives.

B. & K. Building Another

Chicago, Sept. 11.—A new theatre is being erected at Belmont and Central Ave's. by Balaban & Katz. The house will have 2,000 seats and is to cost $135,000. It will open about Jan. 1 as a neighborhood first run. Alex L. Levy is in charge.

Looking 'Em Over

"Condemned to Live"

(*Invincible*)

Built around the time-honored vampire bat theme, with a sequence in the nature of a prologue indicating the origin of the tendency in this case, this independently-produced picture from Maury Cohen emerges as under average entertainment. The cast contains no good selling names other than that of Ralph Morgan, who as the revered professor of the small foreign town, turns out to be the "vampire bat."

The picture may be of use as the second phase of a double bill program, but seems to lack finish in performance sufficient to permit it to stand on its own feet as the chief attraction.

Following the prologue sequence in the African jungle, a small town in Europe is visited by a series of frightful tragedies, attributed to a vampire bat. Early in the film it is apparent to the audience that Morgan, whose help the villagers seek, is in reality the "bat." His faithful servant, played by Mischa Auer, aware of his malady, tries to help him.

When Morgan realizes the truth, he commits suicide, his servant with him, while the girl and her sweetheart are reconciled.

Production Code Seal No. 1162. Running time, 60 minutes. "G."

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Thunder Mountain"

(*Twentieth Century-Fox*)

Hollywood, Sept. 11.—Zane Grey's gold rush story has been turned into exciting fare with George O'Brien adding definitely to his prestige.

O'Brien and his partner, Dean Benton, backed by Edward Le Saint, discover a new mother lode. Benton goes to file the claim and O'Brien fetches Le Saint and his daughter, Barbara Fritchie. Arriving back at the mine, O'Brien finds Morgan Wallace, the heavy, has jumped the claim and Benton has met with foul play. With difficulty O'Brien organizes the miners to defeat Wallace at the miners' court. Benton, returning just before the court session, is murdered by Wallace, who then fights with William Bailey, his partner, the latter making a full confession of his wrongs before dying from wounds inflicted by Wallace. In a hard-riding chase and a fight O'Brien finishes Wallace.

The romantic plot has Miss Fritchie swinging her affection from O'Brien to Wallace, while Frances Grant, a dance hall entertainer, proves a real friend at the finish.

Sol Lesser's production is above the average for an outdoor picture and the direction by David Howard is uniformly smooth. Dan Jarrett and Don Swift have done a commendable script job and Frank Good's photography is excellent. The picture seems certain to please.

No production code seal. Running time, 65 minutes. "G."

"Jalna," tonight's preview at the Palace, was reviewed by wire from Hollywood on July 24.

"Big Broadcast of 1936," tomorrow morning's opener at the Paramount, was previewed by wire from Hollywood on Sept. 11.

"The 39 Steps," also being previewed tonight, but at the Roxy, was reviewed by cable from London on Jan. 24.

"The Goose and the Gander," which opens tonight at the Strand, was reviewed from Hollywood on Aug. 23.

Find Bombs in Orpheum

St. Louis, Sept. 11.—Two bombs and 69 sticks of dynamite were found in an unused dressing room of Warners' Orpheum here by Ray Quillan, chief usher. The room had not been visited by theatre officials during the last three years, but a newspaper dated March 25, 1933, was found wrapped around the dynamite.

Enlarge FWC Offices

Hollywood, Sept. 11.—Fox West Coast is building a third floor annex on the central office at Washington and Vermont to house extra offices.

Buck's Animals Arrive

Boston, Sept. 11.—Hundreds of jungle beasts and birds captured by Frank Buck in the Malay Peninsula arrived here this morning on the *Steel Navigator*. It is said to be one of the largest shipments of the kind on record.

Colleen Moore in Cast

St. Louis, Sept. 11.—Colleen Moore has her neck in a cast as a result of an injury sustained when she tripped over a davenport while lifting a vase at the Statler Hotel. She is expected to discard the cast in a few days.

Short Subjects

"Rhythm in Light"

(*Tapernoux*)

This is the result of an experiment of Mary Ellen Butte, an artist, who uses films to express the reaction of the mind to music, in this case Grieg's "Anitra's Dance." The film consists of the movement of geometric forms to portray tonal changes and variations as they are conjured up by the imagination. It is not a short of general appeal, but suitable for "little theatres" that cater to intellectual attendance. No production code seal. Running time, 8 mins.

Midwest Grosses on Way Up, Says LiBeau

St. Louis, Sept. 11.—Theatre grosses in Kansas City, St. Louis, Des Moines and Omaha are better than last year, Ralph C. LiBeau, Paramount district manager, stated here prior to his departure last night for Des Moines, where he will spend several days.

The local Yale and Plymouth which have been closed for 10 years have recently been reopened and in smaller towns in LiBeau's territory he finds that many theatres are reopening. In some spots houses which have been dormant since 1930 are now blooming forth with brilliant electric lights again. There are about 25 such situations, LiBeau said.

The Avalon, a neighborhood house, was recently reopened here and the Varsity will become active again starting Nov. 1.

Para. Demurrer Is Overruled in Suit

St. Louis, Sept. 11.—Demurrers presented by Paramount Pictures Distributing Corp. in the $6,750 damage suit filed by the Abraham Lincoln Amusement Co. have been overruled by U. S. District Judge Charles B. Davis.

The exhibition company charges that Paramount failed to deliver film according to contract. No trial date has been set.

Editors to Get Credit

Hollywood, Sept. 11.—In the future Edward Small will give his film editors screen credit. He made this decision in acknowledgment of the work of Grant Whytock, chief film editor at Reliance, who worked on the set of "Red Salute" with Director Sidney Lanfield, and who reduced the footage before scenes were shot.

Laurel to Open Sunday

Baltimore, Sept. 11.—A referendum held in Laurel, Md., has discarded the old blue law banning Sunday shows by a vote of 299 to 254. The American Legion supported the Sunday proponents because a percentage of the proceeds will be given the Legion post for a year to build a home.

Miss Powers Injured

Glen Cove, L. I., Sept. 11.—Miss Marjorie Powers, 19, daughter of Frank T. Powers of the Powers Engraving Co., is in the North Country Hospital suffering from a fractured skull and other injuries as a result of a fall from a horse.

"Top Hat" Out Front in L.A. 2d Week Hits

Los Angeles, Sept. 11.—With eight holdovers in 10 first runs, "Top Hat" was still a sensation in its second stanza here. At the Pantages it was more than five times over average on a take of $16,000. Normal is $3,200. At the Hillstreet, in its second week, it was 100 per cent over normal with a gross of $16,000.

"China Seas" also was a heavy holdover grosser in two spots. It was up by $3,000 on a take of $15,000 at the Chinese and passed par by $7,500 on a gross of $21,500 at Loew's State.

"Page Miss Glory" fell off sharply in its second week at Warners' Hollywood and Downtown, the net at the former being $7,680 and at the latter $9,700. All other houses felt the competition.

Total first run business was $110,780. Average is $91,200.

Estimated takings for the week ending Sept. 11:

"CHINA SEAS" (M-G-M)
CHINESE—(2,500), 30c-55c, 6 days, 2nd week. **Gross:** $15,000. (Average, $12,500)

"LA MATERNELLE" (St. Rights)
FILMARTE—(800), 40c-50c, 7 days, 3rd week. **Gross:** $1,200. (Average, $2,750)

"SANDERS OF THE RIVER" (U.A.)
4 STAR—(900), 30c-55c, 5 days, 3rd week. **Gross:** $2,900. (Average, $3,250)

"TOP HAT" (Radio)
HILLSTREET—(2,700), 25c-40c, 7 days, 2nd week. **Gross:** $16,000. (Average, $8,000)

"CHINA SEAS" (M-G-M)
LOEW'S STATE—(2,500), 30c-55c, 6 days, 2nd week. **Gross:** $21,500. (Average, $14,000)

"HERE COMES COOKIE" (Para.)
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: F. M. revue, Duncan Sisters, Rube Wolf. **Gross:** $15,500. (Average, $18,000)

"39 STEPS" (G.B.)
"WELCOME HOME" (Fox)
UNITED ARTISTS—(2,100), 25c-40c, 7 days. **Gross:** $5,300. (Average, $3,500)

"PAGE MISS GLORY" (W.B.)
WARNER BROS. (HOLLYWOOD) — (3,000), 25c-40c, 6 days, 2nd week. **Gross:** $7,680. (Average, $14,000)

"PAGE MISS GLORY" (W.B.)
WARNER BROS. (DOWNTOWN) — (3,000), 25c-40c, 6 days, 2nd week. **Gross:** $9,700. (Average, $12,000)

"TOP HAT" (Radio)
PANTAGES—(3,000), 25c-40c, 7 days, 2nd week. **Gross:** $16,000. (Average, $3,200)

Rites for Dr. Heiman

Funeral services for Dr. Jesse Heiman, who is credited with having saved the life of Carl Laemmle in 1927, will be held today from the funeral chapel at 57th Street and Lexington Ave. Dr. Heiman died Sunday of pulmonary thrombosis.

Laemmle was seriously stricken while crossing to Europe in 1927. Dr. Heiman caught the next departing liner and radioed instructions for Laemmle's care daily during the crossing. The needed operation, which Dr. Heiman performed on his arrival, could not be done aboard ship.

Harper Starts Shorts

Production has been started by J. H. Harper of Harper & Co. on the first of a series of shorts in collaboration with *Life* at the West Coast studios, 57th St.

George T. Eggleston, editor of *Life*, collaborated on the stories. Monte Brice is supervising with William Watson directing. Raymond Knight and Evelyn Lynd have the leads.

Warner Theatres to Have 2-Month Drive

Chicago, Sept. 11.—Warner Theatres here under James Coston will have a special selling drive during October and November with the slogan, "Bigger Pictures Now! Let's Go!" A campaign booklet for managers is being prepared by Larry Stein, publicity chief.

Prizes are being offered to those who show the best increases in their houses. Scoring will be on a football basis with winners for each week getting places on the James Coston all-star team. At the end of the season the team having the highest score will get top prizes. A football trophy will be given to the winner in a special Chicago-Milwaukee team contest.

On Sept. 23, a picnic will be held at Miller, Ind., for managers and assistants. Full details of the contest will be explained. There are 19 managers in the Chicago group and 10 in Milwaukee.

Berkeley Is Laid Up

Hollywood, Sept. 11.—Injuries received by Busby Berkeley, Warner dance director, in a motor accident on Sunday night, are said to be more serious than at first supposed, and the studio has assigned Bobby Connolly to finish the number Berkeley was working on in "Stars Over Broadway."

Berkeley's car collided with two other cars on Roosevelt Highway, Santa Monica. One woman was killed and five were injured.

British Film Men Die

London, Sept. 11.—Death has removed two veteran personalities of the British theatre field—Councillor G. F. McDonald of Birmingham, an ex-President of the Cinematograph Exhibitors' Ass'n, and R. C. Buchanan of Edinburgh, for some years chairman of the Scottish Branch of the C. E. A., and a vigorous figure in trade politics some 10 years back.

Mrs. Fred Anderson Ill

Morris, Ill., Sept. 11.—Mrs. Fred Anderson, wife of Fred Anderson, theatre circuit manager, is reported to be seriously ill. The Andersons operate eight houses in Illinois.

Ray Nolan Recovering

Chicago, Sept. 11.—Ray Nolan, RKO salesman, is in the hospital recovering from an appendicitis operation. His condition is reported very favorable.

Ampa Resumes Today

The AMPA will hold the first of its fall luncheons at Jack Dempsey's restaurant today. The usual $1 tariff will prevail. Guests who will attend include Joe Cook, Walter Cassel, Nina Tarasova, Joseph D. Basson, Ruth Waterbury, all the past AMPA presidents and Jack Dempsey.

Grainger to Canada

James R. Grainger, Universal's general sales manager, left for Toronto last night to discuss a product deal with N. L. Nathanson of Famous Players Canadian Corp.

Roxy Gets "Big Shot"

Howard S. Cullman has closed with Warners for "Little Big Shot," which goes into the Roxy on Oct. 4.

Visits Opposition

St. Louis, Sept. 11.—Harry C. Arthur, who is one of the government's most important witnesses in the anti-trust action, decided to visit the Orpheum with Jack Partington and take a look at "Little Big Shot." The picture has been booked for the New York Roxy for which Artco has a management contract.

The Orpheum is a Warner house. Warners are the principal defendants in the government action.

As soon as Arthur and Partington walked into the theatre the first subject to flash on the screen was a Leon Schlesinger Looney Tune, "Buddy, the Gee Man."

NBC Studio Ready Soon

NBC's coast studio which is nearing completion on the RKO lot in Hollywood will be ready for opening on Nov. 1, Merlin H. Aylesworth, president of the broadcasting company, stated yesterday.

The opening will be simple without the usual fanfare, Aylesworth said.

No Film Set for Center

No attraction has been set for the resumption of a picture policy for the Center, it was stated from an official source yesterday. Reports have been around that "Modern Times," the latest Charles Chaplin film, would be the opening attraction, but this was denied.

Moss Overruled on Permit to Peerless

Following refusal by License Commissioner Paul Moss to renew the license of the Third Ave. Peerless on the grounds that he personally found what he claimed to be a violation, Bernard Barr, representing the theatre, was successful yesterday in mandamus proceedings brought before Judge McLaughlin to compel renewal.

The judge's decision, in effect, according to Barr, was "that where an application is made for renewal of a license and the Building and Fire Departments, the Department of Water Supply, Gas and Electricity and Department of Health have inspected the premises and found no violations, the Commissioner of Licenses must renew the license, even though in his own opinion a condition exists which he claims to be a violation."

Lightman Gets Another

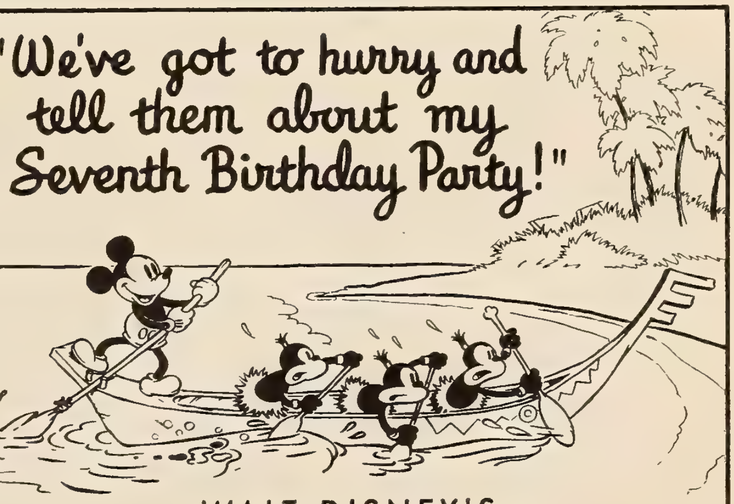
Memphis, Sept. 11.—M. A. Lightman has added another theatre to his local string by closing a deal with Mike Cianciolo for the Rosemary, neighborhood house in the northeast section of the city.

The house will be operated under a partnership arrangement with Cianciolo. It will play first neighborhood runs on a par with Lightman's Lamar and Linden Circle.

The new Paramount in Hot Springs will open Oct. 3, Lightman says.

Cheese Club to Resume

The Cheese Club will resume weekly meetings at the Friars' headquarters on Oct. 7. Harry Hershfield is president.

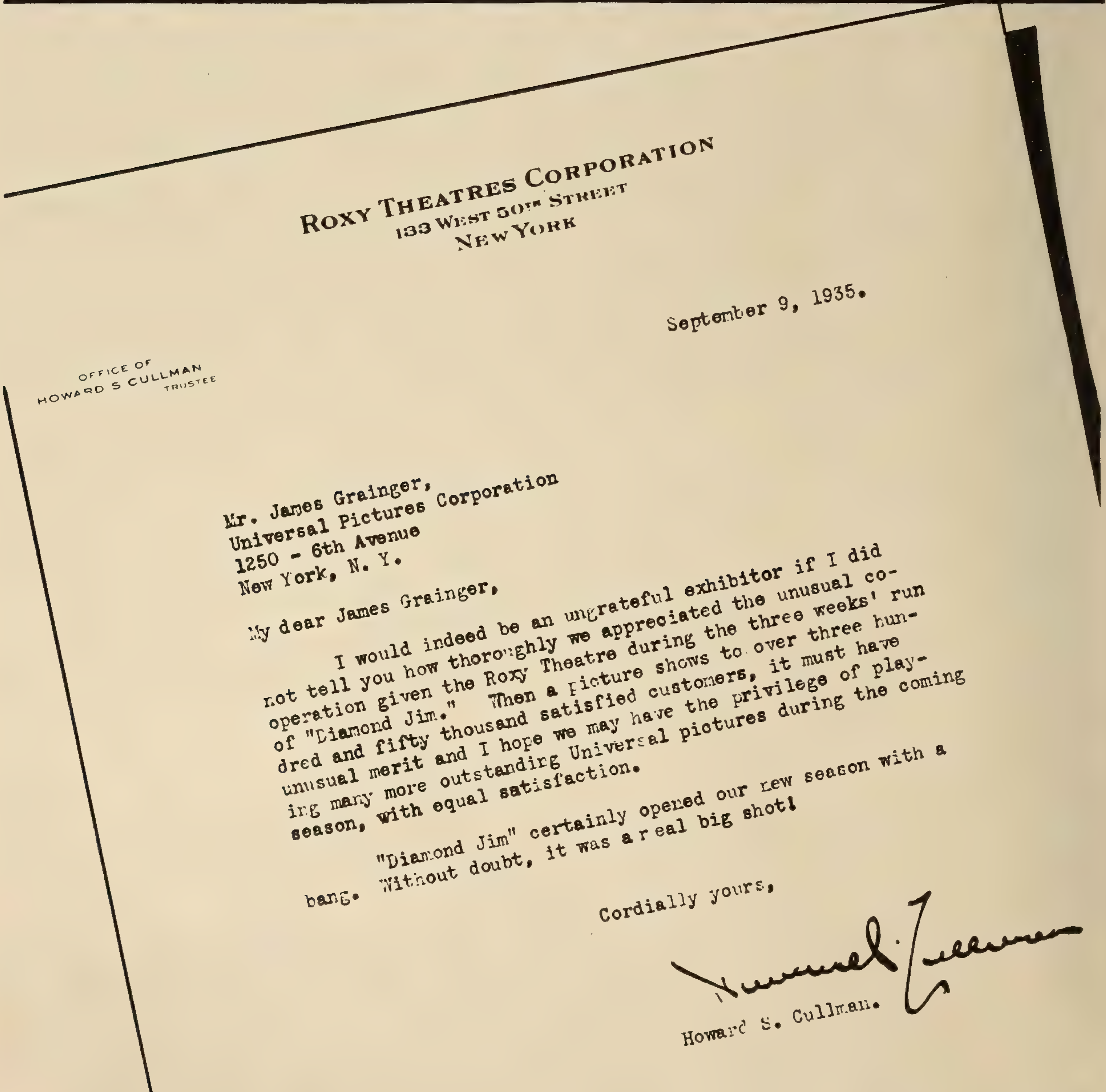

"We've got to hurry and tell them about my Seventh Birthday Party!"

WALT DISNEY'S
MICKEY MOUSE and SILLY SYMPHONIES
IN TECHNICOLOR

World-wide celebration of Mickey's Seventh Anniversary September 28th to October 4th inclusive!

Step up to your United Artists exchange and cash in on this international event!

A LETTER FROM AN EXHIBITOR, WHO WROTE IT TO KEEP FROM APPEARING UNGRATEFUL:



ROXY THEATRES CORPORATION
133 WEST 50TH STREET
NEW YORK

September 9, 1935.

OFFICE OF
HOWARD S CULLMAN
TRUSTEE

Mr. James Grainger,
Universal Pictures Corporation
1250 - 6th Avenue
New York, N. Y.

My dear James Grainger,

I would indeed be an ungrateful exhibitor if I did not tell you how thoroughly we appreciated the unusual co-operation given the Roxy Theatre during the three weeks' run of "Diamond Jim." When a picture shows to over three hundred and fifty thousand satisfied customers, it must have unusual merit and I hope we may have the privilege of playing many more outstanding Universal pictures during the coming season, with equal satisfaction.

"Diamond Jim" certainly opened our new season with a bang. Without doubt, it was a real big shot!

Cordially yours,

Howard S. Cullman.

hsc:rm

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 63 NEW YORK, FRIDAY, SEPTEMBER 13, 1935 TEN CENTS

Hardy Files Particulars In U. S. Suit

Details Charges Against RKO and Depinet

St. Louis, Sept. 12.—Russell Hardy, special assistant U. S. attorney general, who is in charge of the Dept. of Justice criminal and equity actions against Warners, Paramount and RKO, today filed bills of particulars in Federal court here, covering the alleged participation of RKO and its president, Ned E. Depinet, in the alleged conspiracy in restraint of trade. The charge involves alleged refusal by the defendants to supply first run product to the Ambassador, Missouri and New Grand Central.

The alleged conspiracy was charged in a criminal indictment voted by the Federal Grand Jury for the Eastern District of Missouri last January.

Hardy is said to feel that the bills of particulars fully comply with the request of defense counsel for addi-

(Continued on page 7)

Schumann-Heink Had No Lasky Pact

Chicago, Sept. 12.—Mme. Ernestine Schumann-Heink, in an exclusive interview with Motion Picture Daily, said: "I made no agreement with Lasky. He mentioned that he wanted me for one picture to be made next March, but no definite agreement was made. When Mr. Levee of M-G-M came with a fine contract and a substantial check I took it. I'm very sorry if any trouble has come up for Lasky and his family are lovely people and I wouldn't want to do anything that would spoil our friendship."

It is understood that Schumann-Heink's contract is for three years, at $1,000 per week. She is very much disturbed over this misunderstanding, but feels that she did the right thing and broke no agreements.

Fox Denied Stay on Fox Film Questions

An application by William Fox for an order staying Fox Film Corp. and the receivers for Fox Theatres Corp. from examining him before trial of actions brought against Fox by both complainants was denied yesterday by Justice Meier Steinbrink in Brooklyn.

Fox also asked that if his application for a stay were denied that the court direct the complainants to confine their examination to matters not

(Continued on page 7)

Top Feet Tap Out Top Gross

Forecast became fact yesterday when a final tally of the second week's gross of "Top Hat" at the Music Hall gave the picture $113,500, or $244,700 in 14 days, including the Labor Day weekend and a slight advance in prices.

The picture thereby garnered two records. It established a new second week high and it outdistanced all previous first week highs, except its own, naturally, by beating "Little Minister" to the tune of $3,500.

Frisco Scales Hit Low Ebb; No Gains Seen

This is the eleventh instalment in a national survey on the trend of admission prices.

San Francisco, Sept. 12.—Admissions generally have dropped here during the past two and a half years and are from 20 to 25 per cent lower than they were during the early days of the depression.

The Fox West Coast group, the Warfield, Paramount and St. Francis, dropped sharply about 10 months ago. The Warfield top at that time was 65 cents, plus tax. Today it is 50 cents with five cents tax. Paramount was 55 cents, including tax. Today it is 40 cents. The St. Francis with extended runs has had the same

(Continued on page 7)

Independents Get No Action in K.C.

Kansas City, Sept. 12.—The committee of independent exhibitors which recently submitted a clearance schedule to distributors called on some of the exchange managers here again this week to learn what had been done.

It was learned that managers had forwarded the petition to home offices. Those from which replies had been received have indicated that the matter would have to be settled locally.

Outside of Twentieth Century-Fox,

(Continued on page 7)

Basson Sees Wage Pact in "Day or Two"

Local 306 expects to wind up negotiations with the circuits on a basic wage scale "in a day or two," Joseph D. Basson, president, stated yesterday in a speech at the Ampa.

"It appears likely negotiations will be satisfactorily concluded in a day or two," he said. Discussing union experiences with theatres, Basson declared:

"Every time we begin negotiating with theatre men they bring in their books and show us that every house is operating at a loss," he asserted. "Yet they build new theatres!"

Previous to discussing the current circuit conferences, Basson delved into the history of his organization, stating it is 25 years old. The local has de-

(Continued on page 7)

London Working on Theatre Television

Washington, Sept. 12.—Television will be introduced to English audiences through film theatres, one of which already is installing equipment in anticipation of the inauguration of programs this fall, according to a report to the U. S. Department of Commerce.

Exhibitors have been jittery over its possible box-office effects, but television backers have attempted to allay this feeling since they must de-

(Continued on page 7)

Skouras Sues Fox, RKO on N. Y. Zoning

81st Street and Riverside Are Involved

George Skouras, representing Skouras Theatres Corp., yesterday filed injunction proceedings, returnable today in the Supreme Court, against Fox Film and the RKO circuit seeking to restrain the RKO 81st St. from playing Twentieth Century-Fox product day and date with the Skouras Riverside.

The issue involved is one of clearance and poses the general question: Is the 81st St. in the same protection area as the Riverside and the Nemo, both of the latter houses Skouras operations?

RKO maintains the 81st St. is not in the same zone and, under its recently closed deal with Twentieth Century-Fox is privileged to play that

(Continued on page 7)

Distributors Again Talk 2,000 Ft. Reel

Further discussion of factors involved in the proposed adoption of a standard 2,000-foot reel occupied a meeting of representatives of all national distributors and of S. M. P. E. branches at M. P. P. D. A. headquarters yesterday.

Gordon S. Mitchell, chairman of the technical branch of the Academy of M. P. Arts & Sciences, which is recommending the changeover, submitted figures on costs and savings involved in the adoption of the 2,000-foot reel. These will be checked by managers of exchange operations for national distributors between now and the calling of the next meeting, which will probably be held about the end of the month.

Arthur Dickinson of the M. P. P. D. A. presided at the meeting which was attended by more than 35 distribution representatives and technicians.

ITOA Letting Down Chance Games Bars

Convinced that chance games do not infringe the penal code and lottery laws in the state, the I.T.O.A. is advising its members to proceed with them in their theatres despite previous warnings from the police.

In the event of arrests, the members are assured representation in court by Milton C. Weisman, attorney for the organization. Within the last few

(Continued on page 2)

MOTION PICTURE
DAILY

(Registered U. S. Patent Office)

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Advertising Manager

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Wall Street

Little Change on Big Board

	High	Low	Close	Net Change
Columbia	67½	67	67	.....
Consolidated	4⅝	4⅝	4⅝	.....
Consolidated, pfd.	16¾	16⅜	16½	— ¼
Eastman	158⅛	158	158⅛	— ⅛
Loew's, Inc.	45⅛	44	44	— ⅝
Paramount	10¼	10	10	— ¼
Paramount, 1 pfd	92	91¼	91¼	— ⅜
Paramount, 2 pfd	12	11¾	11⅞	— ⅛
Pathe Film	6⅜	6¼	6¼	.....
RKO	4	3¾	3⅞	— ⅛
20th Century-Fox	17¾	17½	17¾	— ¼
20th Century, pfd	26⅞	26½	26½	— ⅛
Universal, pfd	36	36	36	+ ⅞
Warner Bros.	6½	6¼	6¼	— ¼
Warner, pfd	42	41½	41¼	— ⅜

Technicolor Gains ⅛ on Curb

	High	Low	Close	Net Change
Sentry Safety	2	1¾	2	.....
Sonotone	⅜	⅜	⅜	+ ⅛
Technicolor	20½	20	20	+ ⅛
Trans-Lux	3¾	3⅝	3⅝	.....

Warner Bonds Off 1¼ Points

	High	Low	Close	Net Change
General Theatre Equip. 6s '40	15¾	15	15⅛	— ⅜
General Theatre Equip. 6s '40 ctf	15¼	15⅛	15⅛	.....
Keith B. F. 6s '46	90½	90	90	— ⅛
Loew's 6s '41 ww deb rights	104¾	104½	104½	— ⅛
Paramount Pict. 6s '55	96	95¼	95¼	— ¼
Warner Bros. 6s '39 wd	81⅞	80½	80½	—1¼

(Quotations at close of Sept. 12)

Insiders' Outlook

THE tally is in. And what a tally! From the North, the South, the East and the West, the twenty-nine cities from which Motion Picture Daily publishes box-office reports flash the word that grosses are up. It is Labor Day weekend business and that's always up, but it's business, nevertheless.

The detail, well worth scrutinizing, comes later, but interesting is the bulk for these twenty-nine situations where the average of $1,194,800 gave way to $1,533,400 for the theatre week ending variously from September 3 to 7.

There is Boston, for instance, where the seven-day period returned a first run aggregate of $133,550 as compared with an average $80,500. Buffalo went from $36,100 to $52,250, a handsome increase, and Charlotte from $12,000 to $23,750, which is little short of phenomenal for that city and its size. In Los Angeles, the gain was a cool $30,000; in Pittsburgh, ditto; in St. Louis, $16,900; in Washington, $16,100. These are a couple of the highlights plucked quickly from the rest.

Here's the encouraging compilation. To read it is to rejoice:

City	*Week Ending*	*Gross*	*Average*
Boston	Sept. 6	$ 133,500	$ 80,500
Buffalo	Sept. 7	52,250	36,100
Charlotte	Sept. 7	23,750	12,000
Chicago	Sept. 5-6	136,800	132,100
Cincinnati	Sept. 6	61,850	60,200
Cleveland	Sept. 6	66,200	40,000
Denver	Sept. 5	33,100	19,500
Detroit	Sept. 5	87,300	69,500
Houston	Sept. 5	29,200	26,000
Indianapolis	Sept. 7	25,250	19,500
Kansas City	Sept. 5-7	49,300	37,300
Lincoln	Sept. 4-6	12,400	9,150
Los Angeles	Sept. 4	117,700	87,700
Louisville	Sept. 6	25,600	18,500
Milwaukee	Sept. 5	27,500	24,250
Minneapolis	Sept. 4-5	22,500	21,000
Montreal	Sept. 7	32,000	26,500
New Haven	Sept. 6	25,700	18,500
Oklahoma City	Sept. 7	15,300	13,500
Omaha	Sept. 4-5	19,650	16,000
Pittsburgh	Sept. 5	65,000	35,000
Philadelphia	Sept. 5	94,100	70,900
Portland	Sept. 7	33,000	26,700
Providence	Sept. 5	50,600	40,500
San Francisco	Sept. 3-6	81,600	78,200
Seattle	Sept. 7	32,350	30,000
St. Louis	Sept. 5	70,700	53,800
St. Paul	Sept. 4-5	17,200	16,000
Washington	Sept. 5-7	92,000	75,900
29 Cities		$1,533,400	$1,194,800

Expenses Are Denied In Vocafilm Action

Judge T. Blake Kennedy in U. S. District Court yesterday denied a motion made by counsel of Vocafilm Corp. of America for traveling expenses, counsel fees and other expenses for the purpose of cross examining Roy J. Pomeroy and Louis E. Swartz in Los Angeles.

Vocafilm has brought suit against A. T. & T., Western Electric and Erpi for $65,000,000 for alleged violation of the anti-trust laws. Judge Kennedy set Sept. 19 for taking depositions of Pomeroy and Swartz in Los Angeles.

"Spectator" Makes Bow

Los Angeles, Sept. 12.—*The Los Angeles Spectator*, embracing music, art and club news of this city, has made its first appearance with Welford Beaton, former publisher of *The Hollywood Spectator*, and Mary Holland Kinkaid as editors. C. A. Hughes is the publisher and manager of the new weekly.

Settlement Reached On One Para. Claim

Paramount yesterday settled one of two cases scheduled for arbitration before the New York arbitration board tomorrow. The second case has been postponed until Sept. 20.

The exchange settled its claim against the Maple, Jeffersonville, N. Y., and put over its case against Consolidated Amusements. Both claims were for alleged damaging of prints by exhibitors. The adjourned case may also be settled.

Pathe Declares Dividend

The board of directors of Pathe Film Corp. yesterday declared an initial dividend on the $7 cumulative convertible preferred stock of 87½ cents per share, payable Oct. 1 to stockholders of record Sept. 15. The dividend covers the period from the incorporation of the company, Aug. 15, to Oct. 1, and is on the basis of a dividend figure of $7 per share per year.

Gordon White Gets Ampa Season Going

Gordon White got a new Ampa administration and a new fall season under way yesterday at Jack Dempsey's restaurant with a varied array of talent. The turnout caught Dempsey's waiters and kitchen crew by surprise and there was some delay about food, but when it arrived it was good.

Elsie May Gordon, radio entertainer, did some impersonations; Walter Cassel, baritone, sang; "Miss New York" was introduced by Vincent Trotta at considerable length, and with interruptions.

Past presidents were introduced en masse, beginning with Ed Finney, but he had trouble getting started. Bruce Gallup, Walter Eberhardt, George Harvey, Paul Lazarus, Bill Ferguson, Arthur James and John C. Flinn were allowed to talk.

Joseph B. Basson, president of Local 306, was making fine progress with a speech, until interrupted by Monroe Greenthal, but he remained calm and finished amid applause.

Joe Cook stirred plenty of laughs as one of the closing features of the program. Along about 2:45 Nina Tarasova sang. Those still there enjoyed it and gave her a big hand.

ITOA Letting Down Chance Game Bars

(*Continued from page* 1)

weeks, three different members have won dismissals in Magistrate Courts when their cases came up for trial.

In one instance, chance games has been referred to Special Sessions. It is planned by the organization to test every type of game in an effort to determine the legal status.

Circuit Action Delayed

Because of a crowded schedule, no action was taken Wednesdav by the I.T.O.A. and local exhibitors on the new Independent Theatre Circuit. The subject is slated to come up at the next session Sept. 18.

Max Schubach Passes

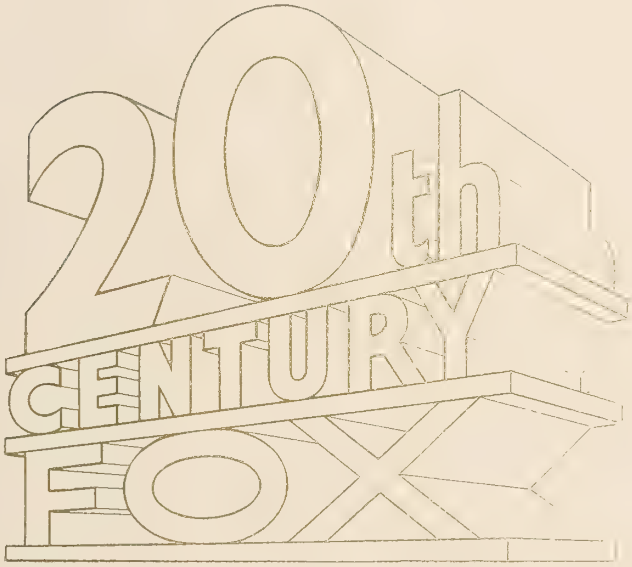
Denver, Sept. 12.—Max Schubach, 67, veteran of the film and theatre business, died at his home here of heart disease. Schubach was born in Germany and came to the United States when he was 13. He organized a film exchange in Seattle in 1904. Coming to Denver, he operated the Midwest Greater Features exchanges, and later became an exhibitor. He operated Midwest theatres until 1929 when Fox bought him out, Schubach retiring. He is survived by his widow, Mabel, and five brothers and six sisters. Funeral services were in Denver.

Toronto Honors Masters

Toronto, Sept. 12.—Exchange men paid tribute at a complimentary dinner tendered H. M. Masters, Canadian general manager of United Artists, last night at the King Edward Hotel on the occasion of his promotion to assistant to Vice-President Arthur W. Kelly in the home office, as supervisor of foreign sales and distribution.

G.B. Earns $3,600,000

London, Sept. 12.—G.B.'s annual financial statement issued today showed a profit of £700,000 (approximately $3,600,000). The company declared a seven per cent dividend.


20th
CENTURY
FOX

NEW AS A TRADE MARK

20th
CENTURY
FOX

PROVEN AS A STANDARD

OF

STRENGTH, QUALITY, LEADERSHIP

20th
CENTURY
FOX

20th
CENTURY
FOX

THE KEYSTONE OF YOUR FUTURE

Frisco Scales Hit Low Ebb; No Gains Seen

(*Continued from page* 1)

change. The three are the principal F.W.C. houses here.

The Golden Gate, RKO first run, has been 40 cents top for a little more than two years. Before then it was 65 cents.

The biggest drop has been at the 4,600 seat Fox. Under the F.W.C. regime 90 cents was top. The house was dark for many months. Reopened by Henry Goldenberg, some two years ago, it charged 35 cents top with two pictures and six acts of vaudeville. Today the vaudeville has been cut down and the house has been double billing with occasional outstanding attractions such as Eddie Cantor and the Fanchonettes girl revue. Twenty-five cents is general admission with best seats 35 cents.

Neighborhoods, however, have all increased slightly. The 15 centers are now charging 20 cents, while 25 cents is the usual amount in the established major neighborhood stands.

No Shift in Virginia

RICHMOND, Sept. 12.—Inquiries as to whether there is a trend toward increased admissions in Virginia theatres elicited assertions that there are no indications as yet that they will be changed this fall. The summer season has been an unusually backward one in the state owing to the prevalence of infantile paralysis. The outbreak of the malady is subsiding and it is predicated that as cooler weather arrives amusement conditions in Virginia will begin to improve.

Then, too, there are indications that better trade conditions will prevail, as more than $13,000,000 is to be expended in highway work and many projects costing many more millions of dollars are to be constructed within the next 12 months.

Independents Get No Action in K.C.

(*Continued from page* 1)

which has sold Fox Midwest in zones, first, second and third runs, distributors approached indicated that deals with the circuit are not completed.

Edwin S. Young of the Roanoke and Central is chairman of the committee that waited on managers.

It is considered probable that independents will take no further action until distributors start contacting them on new season product, which should be fairly soon, since the season is getting well advanced and pictures shortly will be available for independent runs.

Young feels that the position of a majority of independents is presented adequately in the clearance petition. This document, submitted several weeks ago, had as signatories most independent exhibitors. Only J. W. Cotter and Jay Means refused to sign it, the latter because of the penalty it imposed on premiums. Elmer C. Rhoden, head of Fox Midwest, was not approached. Clarence A. Schultz, Commonwealth Theatres, replied in the form of a letter.

Skouras Sues Fox And RKO on Zoning

(*Continued from page* 1)

lineup day and date with the Riverside. Skouras asserts the RKO house is in the same zone as the Riverside and that, under his Fox franchise, therefore, the product goes to him seven days ahead of the 81st St.

In the 1934-35 season, the 81st St. did not play Fox and, as a result, no conflict in clearance had asserted itself. This season, however, Twentieth Century-Fox is scheduled to play the entire RKO city circuit under a 10-year franchise which has six more years to run.

The conflict centers around "Dante's Inferno," first Twentieth Century-Fox release to go to the 81st St. under the new deal. It is slated to open in that house tomorrow.

In addition to RKO and Twentieth Century-Fox, other defendants in the Skouras action are Leslie E. Thompson, president of K-A-O and RKO Proctor Corp.; Leon Goldberg, treasurer, and I. E. Lambert, vice-president and general counsel of the same corporations.

London Working on Theatre Television

(*Continued from page* 1)

pend to a considerable extent upon the film industry for programs.

Equipment developed by the Baird Television Co. at the Dominion is designed to permit projection upon a full-sized screen of pictures of current events. The film programs which will be offered by television are designed more for home reception, and it is probable that only live-talent features will be offered in theatres. The Baird company claims the ability to show full scenes instead of merely head and shoulder views.

While television officials in England continue to discuss their plans as coming to fruition this fall there is the growing expectation that public service will not get started before next March.

Hardy Files Bills In St. Louis Action

(*Continued from page* 1)

tional information on the charges against RKO and its president.

The bills of particulars shed little additional light on the operation of the alleged conspiracy. They contain copies of RKO's agreement to furnish films to Warners' Shubert-Rialto and Orpheum here, and repeat the charge that the defendants participated in the alleged conspiracy as charged in the indictment.

It is probable that when the case comes to trial on Sept. 30 defense counsel will seek a postponement on the ground that the bills of particulars have failed to furnish sufficient information on which to prepare a proper defense.

Bijou Claim Approved

Federal Judge Alfred C. Coxe yesterday approved a report of Special Master John E. Joyce settling the claim of the Bijou Amusement Co. against Paramount Pictures, Inc., for $5,000. The Bijou Amusement Co. originally filed a claim for $40,265 allegedly due on a lease on the Kettler, West Palm Beach, Fla. The settlement was approved by the court.

Solo Convention

N. L. Manheim, foreign sales manager for Universal, is probably the industry's champion exponent of the one-man convention.

Instead of traveling abroad, Manheim brings his men to him. It was so with Norman Westwood, Shanghai manager, and it is so again with John Taylor, manager for India, who has completed his conferencing and left last night for his post. Monroe Isen, in charge in the Argentine, arrives today on the *Pan-America* on a similar mission.

Fox Denied Stay on Fox Film Question

(*Continued from page* 1)

relevant to the issues involved in a third action brought against him by the Chicago Title & Trust Co., in which the plaintiff seeks to recover from Fox $1,000,000 as a result of alleged defaults in the guaranteed redemption of Roxy Theatre stock. Fox contended in his application that the plaintiffs, in seeking the examination which was authorized by the court last Jan. 21, were trying to get information to use against him in one or the other of the pending cases. He asked that, in any event, he be excused from testifying until after the trial of the Chicago Title & Trust case. Testimony in that case is now nearing its end at closed hearings before Referee Sol Stroock here. Hearings were adjourned until Monday after a brief session yesterday.

Justice Steinbrink denied all of Fox's applications. The examination to which he objects was begun at Mineola in closed sessions several months ago and adjourned to Atlantic City when Fox went there for his health. The actions involve efforts to obtain an accounting from Fox of large sums disbursed during his regime as head of the Fox company.

Sets Aside Fox Subpoena

U. S. District Judge Robert Patterson yesterday set aside a subpoena which had been served on William Fox at Atlantic City in connection with supplementary proceedings brought against him by the Capital Co. of California.

"It is clear," the court ruled, "that the distance from the courthouse in New York to Atlantic City where service of the subpoena was attempted exceeds 100 miles by any ordinary and usual route of public travel. The fact that by air the distance is only 97 miles and that an airplane could be hired to make a special trip cannot be considered."

Estes Joins Ad Concern

NEW ORLEANS, Sept. 12. — Joe Estes, for some time manager of Saenger's Tudor, who recently resigned, is now salesman for the M. P. Theatre Advertising Co.

C.E.A. Plans Test

LONDON, Sept. 12.—The Cinematograph Exhibitors' Ass'n plans a case to test the Kinematograph Renters' Society ruling against booking combines.

Basson Sees Wage Pact in "Day or Two"

(*Continued from page* 1)

veloped a communistic reputation in the last few years, he said, and it is a hard task to live it down. He admitted that there has been some internal strife within the local, which is being ironed out. He said the I. A. T. S. E. last year tried to clean house, but was unsuccessful. "Now we are doing it ourselves."

The operators' head criticized the circuits for their round-about action in ordering a 41 per cent cut. He said if this had been granted, reductions would have been made throughout the industry.

Monroe Greenthal, U. A. advertising head, objected to Basson's remarks about circuit men building new theatres while clamoring for reductions. Greenthal interrupted Basson and stated the speech was not in keeping with the Ampa policy of giving the other side an opportunity for rebuttal.

However, Basson admitted that there may be an answer from the other side, but suggested if Greenthal had the courtesy to wait and not interrupt he would have furnished that answer. The union head then recalled that Gordon White, who presided at the first meeting following the resignation of Bruce Gallup, said guest speakers were giving their personal views in line with an open forum idea.

Basson continued with his speech declaring he was a firm believer in collective bargaining, "because we can get the best deal." After the union head's talk, White reminded the members that the platform was an open forum and that, before the Local 306 president was listed to speak, he had been approved unanimously by the board of directors.

Circuits Enter Denial

Although J. D. Basson did not mention the circuits at the Ampa, it is assumed he referred to them when he talked about theatre men showing losses despite new building because current negotiations on wages are being conducted only with the circuits. Circuit heads yesterday denied they had built a single theatre in the local area during the past five years.

Little hope was also expressed by circuit men that they would conclude contract and wage conferences with the union this week. It is known that no definite conclusion has been reached on the term of the pact or the rate per hour for various types of houses.

Union Merger Up Today

Harry Brandt, president of the I. T. O. A., and Joseph D. Basson, head of Local 306, will confer this morning on plans to merge Allied M. P. Operators with Basson's organization. Two previous meetings have been held and others are planned.

Meanwhile, Supreme Court Justice Brennan in Brooklyn yesterday reserved decision on an application by three Local 306 pickets for a certificate of reasonable doubt in connection with recent convictions on disorderly conduct charges. The men were sentenced to 30 days and fined $15 each.

"Diamond Jim" Big Draw in Portland

Portland, Sept. 12.—"Diamond Jim" brought the good old days back to the Broadway with a bang and the take piled up to $8,000, above par by $3,000.

It was a big week downtown. "Steamboat 'Round the Bend" held up to $5,000 in its second week at the Paramount, "Anna Karenina" grabbed a big $7,000 at the United Artists, and "Alice Adams" was $1,000 over the line on a $4,000 take at the Mayfair in its second downtown week.

Total first run business was $29,700. Average is $24,700.

Estimated takings for the week ending Sept. 7:

"DIAMOND JIM" (Univ.)
BROADWAY—(1,912), 25c-35c-40c, 7 days. **Gross:** $8,000. (Average, $5,000)

"PRIVATE WORLDS" (Para.)
"MR. DYNAMITE" (Fox).
BLUE MOUSE—(1,700), 15c-25c, 7 days, 2nd run. **Gross:** $1,700. (Average, $1,700)

"ALICE ADAMS" (Radio)
MAYFAIR—(1,700), 25c-35c-40c, 7 days, 2nd downtown week. **Gross:** $4,000. (Average, $3,000)

"PAGE MISS GLORY" (W. B.)
ORPHEUM—(1,700), 25c-35c-40c, 7 days. **Gross:** $4,000. (Average, $5,000)

"STEAMBOAT 'ROUND THE BEND" (Fox)
PARAMOUNT — (3,008), 25c-35c-40c, 7 days, 2nd week. **Gross:** $5,000. (Average, $5,000)

"ANNA KARENINA" (M-G-M)
UNITED ARTISTS—(945), 25c-35c,40c, 7 days. **Gross:** $7,000. (Average, $5,000)

Arthur Moves Office

St. Louis, Sept. 12.—Harry C. Arthur officially moves his home here from New York on Monday. He plans to spend the next year making his headquarters in St. Louis, supervising the five Fanchon & Marco houses.

Arthur does not intend to sell his home in Peekskill, N. Y. He plans to make trips to the east every other week. Jack Partington will be in charge of the east when Arthur moves.

Sennett to Be Opened

Randforce will reopen the Sennett, Brooklyn, which has been closed for more than five years, the first week in October. This will make 48 for the circuit. Frisch and Rinzler own the property, but have kept it closed since sound made its debut. The house is now being remodeled and sound equipment installed.

Joseph Markun Dies

Brookline, Mass., Sept. 12.—Joseph Markum, 70, operator of the Talbott, Hollywood and Belmont in Indianapolis, died here today. He had come here for treatment. Funeral services and burial will be held in this city tomorrow. Harry Markun, his son, was associated with him.

Woolf in Exhibition

London, Sept. 12.—C. M. Woolf has purchased the Leicester Square theatre as a show window for product of his recently formed and rapidly growing company, General Distributors, Ltd.

BURNS & ALLEN
"THE BIG BROADCAST OF 1936"
WILLIAM MORRIS OFFICE

Looking 'Em Over

"The Bishop Misbehaves"

(M-G-M)

Adapted for the screen from the popular Broadway stage play of the same title, which starred Walter Connolly, this film emerges as highly engaging entertainment, featured by a delightful characterization by Edmund Gwen as the bishop. With good support, and a story with an almost continuously amusing motif, despite its serious moments, the picture should be found wholly enjoyable for almost any type of audience.

In support, and all highly capable, are Maureen O'Sullivan, Norman Foster, Dudley Digges, Reginald Owen and Lucile Watson. The title in itself offers an opportunity for smart exhibitor exploitation, which at the same time need not offend in any sense.

The story finds the genial bishop, an avid reader of detective fiction, suddenly head over heels in a real adventure, which he carries through to a successful conclusion in sequences which have action and comedy and romance. Foster, young American on a walking tour in England, meets and falls in love with Miss O'Sullivan. She, in trouble, asks his aid, planning to rob Owen, who had swindled her ill father, an inventor. The holdup, in which Digges, saloon bartender, is a partner, is upset when the bishop walks into the pub with his sister. Finding no one there, he exercises his long latent passion for the work of a detective. From that point things move rapidly, until, when all seems hopeless, he rescues the young couple from Limehouse, and forces Owen to make retribution.

Production Code Seal No. 1420. Running time, 85 minutes. "G."

Kansas-Missouri Exhibitors to Meet

Kansas City, Sept. 12.—A. J. Simmons, Lamar, Mo., exhibitor and member of the K.M.T.A., says plans are being formulated to hold a regional meeting for exhibitors of southwestern Missouri and southeastern Kansas sometime in October to discuss current problems.

Simmons said there are about 30 exhibitors in that area who would attend such a meeting. It probably will be held at Lamar, Cathage or Joplin. The plan is to get small town exhibitors together to discuss contracts, the sales tax and other current issues. It is hoped in this way to increase interest in the K.M.T.A. by convincing smaller exhibitors that it is important for them to function through the organization.

Vaudeville Pooled In Pittsburgh Deal

Pittsburgh, Sept. 12.—Despite the individual operation arrangement in the Loew-Warner pool here, both circuits are jointly booking vaudeville for the Stanley, Warners' theatre. The Penn, Loew house, is on a straight film policy.

Current is "Hollywood on Parade" and next week Molly Picon and Xavier Cugat and his Waldorf-Astoria orchestra will headline the stage show.

The bookings are handled out of New York.

Wayburn a Bankrupt

Ned Wayburn yesterday filed a voluntary petition in bankruptcy in Federal Court. He listed liabilities of $567,579. A similar petition was filed for his wife, Marguerite Wayburn. No assets were given.

Bentley Is Dead

London, Sept. 12.—Walter Bentley, well-known British exhibitor, is dead.

Temple Favorite in England—Jarratt

Shirley Temple is the most popular star in England today, according to Arthur Jarratt, chief film buyer for G. B.'s more than 400 theatres in Great Britain, who arrived in New York on Tuesday. Jarratt believes that there have been nearly enough costume pictures, that clean films are still the best bet, and that the story is of the greatest importance in a picture. Greta Garbo's appeal is limited, while George Arliss maintains a very high position among English audiences, he said.

Jarratt will spend about a week in New York and then will go to Hollywood for another week or 10 days. He is combining business and a vacation.

Film Attorney Gets Penn. Finance Post

Philadelphia, Sept. 12.—Joseph Sloane, of the law firm of Wolf, Bloch and Shore, who has represented Warners here on code cases and other legal matters, has been appointed senior counsel of the Dept. of Revenue of Pennsylvania, with jurisdiction over the amusement tax division. The appointment aroused considerable excitement among independent exhibitors here because of his circuit contacts, since Sloane will have power to investigate all theatre business. He forestalled any protest by resigning from the law firm.

Delay 1st Div. Meet

Because certain papers which have to do with the stock interest in First International Pictures were not ready yesterday, the board of directors of First Division postponed the scheduled meeting until next Thursday. Harry Thomas, president of First Division, returned yesterday from New Haven, the last lap of a tour of company branches.

Purely Personal

BERNARD DEUTSCH, president of the Board of Aldermen, addressed the I.T.O.A. at the Astor Wednesday. Harry Brandt, head of the unit, told the membership it looked like an Allied-306 merger. John Benas then gave a two-hour product survey of 1934-35 and 1935-36 schedules. Deutsch's address was on the American Jewish Congress.

●

Dave Loew, Joe Vogel and Eddie Saunders decorated one table at the Astor yesterday, while Albert Warner, Andy Smith, Bill Rogers and Bill Scully were at another. Others glimpsed in the Hunting Room were Ed Rafferty, Eddie Grainger, Jack Cosman, Dave Chatkin, Jim Mulvey, Eugene Zukor, Russell Holman and Gus Edwards.

Quip of the Day

"I'm not keen for golf," said one film man.

"You ought to take it up. Day in the country, marvelous air and great exercise," replied the inveterate pill swatter. "Just imagine the thrill," he added, as his enthusiasm began to mount. "You plant yourself before the ball, go into your stance, think of Harry Cohn and before you know it you've given the ball one helluva wallop."

Louis Frisch is staging a gala event for the engagement of his son, Emanuel, on Sunday. The affair will be held at the Garfield Temple, 8th Ave. and Garfield Place, Brooklyn, at 2 P. M. Numerous exchange men and exhibitors will attend.

●

Spyros Skouras, who has an infected toe as a result of a jellyfish bite, is expected to be finished with treatments in time to attend the St. Louis hearings Sept. 30 and Oct. 1.

●

J. Jovaney, manager of Superior Pictures, Chicago, left yesterday after several days of conferences with Fred Ballin of Spectrum. Harry Gibbs, Spectrum distributor in New Haven, is in town.

●

Mrs. Isabel Turner left yesterday for Philadelphia to assist Harry Goldberg with the exploitation of "A Midsummer Night's Dream."

●

Geraldine Farrar and Margot Haller, German actress, are among the passengers on the *Albert Ballin* which arrives today.

●

Paula Gould will start a series of Friday broadcasts over WHN at 2:30 o'clock today. "Letting You In" is the title of the series.

●

Charles Skouras and Charles Buckley didn't get away Wednesday after all. They left for the coast yesterday instead.

●

Milt Kusell was in Albany yesterday and is due back today.

●

Al Fineman has returned from a lengthy stay on the coast.

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MOTION PICTURE DAILY

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Tax Prevents Any Rises in Canada Scales

Ontario Forced 20-25% Jump; Quebec Quiet

This is the twelfth installment in a survey on the trend of admission prices.

Toronto, Sept. 13.—There is no upward revision in sight for admission prices in Canada. Particularly in Ontario it simply cannot be done, for the time being at least, because of the amusements tax scale which went into effect last June.

The new levy imposed by Premier Hepburn virtually meant an increase in admissions of 20 to 25 per cent because of the added impost and the result has been disastrous to exhibitors throughout the province. Many theatres are back in the red after having climbed into azure blue during the past winter for perhaps the first time in two or three years. The tax has put them right back where they were and the general opinion is that it would be impossible to raise regular admissions on top of the increased provincial tax.

In Montreal, there has been a distinct summer slump and recently there was a record low in aggregate grosses for first runs for the week. Theatres

(*Continued on page 3*)

Skouras-RKO Suit Comes Up Tuesday

Injunction proceedings filed by George Skouras of Skouras Theatres Corp. against Fox and RKO to restrain the 81st St. theatre from playing Fox product day-and-date with the Riverside and Nemo yesterday were put over until next Tuesday by Supreme Court Justice Hofstadter.

I. E. Lambert, vice-president and general counsel for KAO and RKO Proctor Corp. asked for additional time because of the short notice in

(*Continued on page 3*)

Bank Night Moving To Protect Patent

Chicago, Sept. 13.—The legal firm of Jacobson, Merrick, Niernan & Silbert has been retained by the Bank Night company here to protect it against violations of patents and copyrights.

Three Illinois circuits now using Cash Night will be the object of suits by the Bank Night outfit, it is reported. They will be charged with infringement.

The legal firm is also looking into

(*Continued on page 3*)

Cincinnati Contemplates No Price Shift; State Tax Deters

Cincinnati, Sept. 13.—No price change is contemplated at first runs here, at least not in the immediate future. Prices now in effect include the three per cent sales levy, which is passed to the public since the state law forbids the purveyor in any line from absorbing it.

Last year when the 10 per cent admission tax law became effective, the inclusion of this impost with the admissions constituted an advance in the scale. This had a tendency to slow up attendance until patrons became reconciled to the change. When the sales tax was substituted on Jan. 1, it was, in effect, a reduction, equivalent to the percentage differential. Subsequently, however, an actual reduction has been made, and this still is in force. Business is holding up well, everything considered, and to increase prices now, plus the sales impost, would, it is believed, again have a reactionary effect, at least temporarily.

Prices at the Strand, independent first and second run, are 15 and 25 cents for matinee and night, respectively. There is a possibility of these figures being revised upward, although this is indefinite.

The RKO low is 15 and 25 cents. This is at the Family. Price range at the other circuit spots is from 25 cents minimum to 42 cents top.

The subsequent runs are unable to inaugurate an increase in that they are charging the maximum compared with the first run stands.

Republic Budget Set On Next 8 Features

Hollywood, Sept. 13. — Republic has set a budget of $1,250,000 for the next seven pictures. Nat Levine will produce three of these, and Trem Carr and M. H. Hoffman two each. Levine's trio are, "The Leathernecks Have Landed," "A Thousand Dollars a Minute" and "Hitchhike Lady." Carr's are: "Legion of the Lost" and "Sailors Forget." Hoffman will produce "Forced Landing" and "Dancing Feet."

Local 306-Allied Merger Progresses

Negotiations for the merging of Local 306 and Allied M. P. Operators progressed another step further, it was stated yesterday by one of the interested parties following a meeting of both factions. No date has been set for the next session. It is understood a definite agreement will be reached within the next week or so. Meetings among representatives of the two unions have been carried on intermittently for several weeks.

Frels Starts Anti-Trust Action, Asking $504,024

Dallas, Sept. 13.—Rubin Frels, Victoria, has filed suit in Judge William H. Atwell's U. S. District Court against Jefferson Amusement Co., et al, under the Sherman anti-trust act alleging a conspiracy and asking for triple damages and attorney's fees aggregating $504,024.

Included in the complaint are: Jefferson Amusement Co., East Texas Theatres, Inc., Paramount, Fox, Universal, Columbia, Vitagraph, and M-G-M, and Sol Gordon, J. C. Clemmons and J. G. Long.

Frels alleges that after Jefferson entered Victoria, each of these defendants entered into an agreement to divide 1931-32 product, only part of which arrangement was observed.

Allegation is made that during 1931-32, 1933-34, inclusive, Frels operated two theatres in Victoria and Jefferson one theatre, until May, 1934, and that there were a total of 1247 pictures for this period, 733 of which were kept away from Frels, and 514 made available to him; further that Jefferson used 508 pictures in one house, and that the remainder were not used and not available to him.

Beginning in May, 1934, it is alleged, Jefferson changed its exhibition policy. By this time it had erected an additional house, and the Queen made six changes per week, four first and two subsequent runs, and for the new Rita five first run changes were made per week.

Frels alleges the changes were too

(*Continued on page 3*)

Operator Pact Now Predicted In Two Weeks

Grading of Theatres Is Taking Much Time

With four weeks of negotiations behind them, Local 306 and circuit representatives are looking forward to another two weeks of deliberations before a basic wage contract is agreed upon for the local area.

Primarily holding up consummation are the grading of theatres and wages per hour for the various classifications. Now being discussed are five classifications in which all houses except the Astor will fall. Because of the two-a-day performances at the Astor, this theatre will be put in a class by itself.

Grouping of theatres will be made according to location, seating capacity and run. Every theatre in New York City will be placed in its particular category. This process alone is expected to take more than a week.

During the time of the code, Charles L. O'Reilly, Local 306 and Harry Brandt each promulgated formulas along these lines, but the NRA fact-finding committee was outlawed before an agreement had been reached.

Both the union and circuit men

(*Continued on page 3*)

Operators' Strike Closes the Freeman

Leff & Meyers were forced to shut down the Freeman at 10 P.M. Thursday night when Local 306 operators walked out in sympathy with a maintenance man, a member of Local 1 of the I.A.T.S.E. The stagehand, who works on a part-time basis, struck when he was unable to settle a dispute involving $32 in wages. About 1,800 patrons in the theatre at the time were refunded admissions.

The Bronx house was kept dark until late yesterday afternoon when the circuit owners signed a new agreement with Local 1 and Local 306.

Toledo Houses Sign New Union Pacts

Toledo, Sept. 13.—Exhibitors have signed a two-year agreement with the operators' local, and have made a one-year pact with stagehands.

Although terms of the new contract were not made public, it is understood that they were substantially the same as previously, with no dispute over any of the conditions.

Neighborhood houses have a separate agreement.

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Indie Producers To Meet on Monday

HOLLYWOOD, Sept. 13.—I. E. Chadwick has invited all coast independent producers to a meeting at the Hotel Roosevelt here on Monday night. Indications point to the possible formation of a new independent producers' association. Trem Carr, former president of the Independent Producers' Ass'n., stated he knew the meeting had been called, but that Republic is no longer a member of the organization and would not be represented. Also, he is no longer president.

Chadwick, currently vice-president of the Independent Ass'n., explained the meeting is for the purpose of getting acquainted. He intimated the possibility that ideas to strengthen the position of the independents might be expressed and acted upon. Nat Levine naturally will be absent due to his Republic affiliation.

Hess Quitting Mascot

HOLLYWOOD, Sept. 13.—Jack Hess today resigned as Mascot publicity director, but will remain until Sept. 21 to train his successor, who has not yet been appointed.

Vienna Boys Choir
"THE BIG BROADCAST OF 1936"
WILLIAM MORRIS OFFICE

Purely Personal

WALTER MOORE, ABE WAXMAN, EUGENE ZUKOR, HERB EBENSTEIN, GUS EDWARDS, SAM SHIPMAN, HERMAN GLUCKMAN, HAL HODE, ED DAVIDOW, EUGENE PICKER, CHARLIE CASANAVE, EDDIE GRAINGER, CLAYTON BOND and EDDIE SAUNDERS at the Astor yesterday during the luncheon period.

•

JOHN TAYLOR, Universal's India manager, and MONROE ISEN, Argentine manager, reached New York yesterday for conferences with N. L. MANHEIM, export manager.

•

JOHN GORING, who formerly operated the Criterion, has arrived from the coast to confer on his plans to produce six features for the independent market. He'll be in town for several days.

•

NAT HOLT, Cleveland and Columbus division head, and CHARLES KOERNER, Boston chieftain for RKO, have returned to their respective territories after home office conferences.

•

LOU FIELDS, who operates the Embassy, Rivoli and Casino in Baltimore, has returned to his headquarters after a few days here.

•

BOB COLLIER leaves today for Pittsburgh and Cleveland, where he will spend six weeks on "A Midsummer's Night's Dream."

•

RAFAEL RAMOS COBIAN, president of United Theatres, Inc., San Juan, Porto Rico, left yesterday with MRS. COBIAN for home.

•

NED DEPINET and JULES LEVY will meet MORT SINGER in Chicago today and then hie themselves back to their offices here on Monday.

•

LESTER SUSSMAN, general manager of the newly formed Independent Film Exchange in San Juan, Porto Rico, left for home on the *Coama.*

•

Mr. and Mrs. E. E. DONAT, mother and father of ROBERT DONAT, star in G.B's. "The 39 Steps," are at the Warwick.

•

MICKEY MAYER is off in search of further cultural background today. He is about to become a "frosh" at the University of Wisconsin.

•

WILLIAM GEDRIS of Ideal Seating, Grand Rapids, is in town for a few days.

•

BENNETT CERF, book publisher, goes west in three weeks. His marriage to SYLVIA SIDNEY is in the offing.

•

A. RUBIO arrived yesterday from Spain to purchase action films for the Spanish market.

•

GINGER ROGERS and HENRY FONDA will be heard on AL JOLSON'S radio program tonight at 9:30 o'clock.

•

SI FABIAN will return from Albany on Monday.

•

CARL BRENKERT arrives from Detroit today on several deals.

•

MORT BLUMENSTOCK returned from Detroit yesterday morning.

•

MORT SINGER flew to Chicago last night and plans to return Monday.

ARTHUR KELLY, TRUMAN TALLEY, AL HOVELL, MITCHELL KLUPT, COLVIN BROWN, ED FAY, JAMES A. FITZPATRICK, MADEMOISELLE GREVE, MRS. J. A. FITZPATRICK, LYNN FARNOL, MONROE GREENTHAL, J. H. HOFFBERG, ARTHUR LEE, GEORGE WEEKS, PHIL MEYER, HARRY H. THOMAS and EMIL JENSEN were among those grouped at various tables at the Tavern yesterday.

•

HOWARD HUGHES narrowly escaped serious injury as he broke air speed records yesterday when he attained a speed of over 350 miles an hour at Santa Anna, Cal. Fuel line trouble caused him to crash.

•

EDWARD ELISCU, well-known Hollywood tunesmith, and ALLAN RIVKIN, have written a musical, "Paris Sensation" which the SHUBERTS will produce. ELISCU arrives from the coast today in connection with plans for it.

•

JAMES WALLINGTON, radio announcer, will sail today on the *Santa Elena* for the coast. He will start a series of broadcasts with EDDIE CANTOR in October.

•

CHARLES SKOURAS couldn't induce CHARLES BUCKLEY to leave for the coast by plane, so the former flew Thursday while BUCKLEY took the Century and Chief.

•

CLARENCE BUDINGTON KELLAND'S magazine serial, "Recreation Car," has been bought by Paramount to be produced by ARTHUR HORNBLOW, JR., under the title, "Florida Special."

•

JAMES A. FITZPATRICK and his wife left yesterday to spend the week-end at Atlantic City.

•

OTTO KRUGER is in town at the Savoy Plaza. He leaves shortly for England to make a picture for B.I.P.

•

FELIX F. FEIST arrives from Europe on the *Berengaria* on Tuesday.

•

AL and MRS. ROCKETT are back from a trip around the world.

•

BILLY BRANDT is showing marked improvement these days.

Shifts Assignment

HOLLYWOOD, Sept. 13.—William Goetz today turned over his duties as executive producer on the 20th Century-Fox film, "King of Burlesque" to Kenneth Macgowan. He said there are enough associate producers on the lot already, and in the future will devote his time to his job of executive assistant to Darryl Zanuck.

Georgia House Burned

FITZGERALD, GA., Sept. 13.—Fire damaged the Grand, a Martin house, so badly that rebuilding will be necessary, according to R. E. Martin. The former Ritz will be used while the work is in progress.

Ira Loew Recovering

BOSTON, Sept. 13. — Ira Loew, brother of E. M. Loew, has so far recovered from a recent illness that it is expected that he will soon return to his position at the Capitol in Lynn.

Wall Street

K. A. O. pfd Up 3⅛ on Big Board

	High	Low	Close	Net Change
Columbia vtc	68½	67	68½	+1½
Consolidated	4½	4½	4½	— ⅛
Cons. pfd	16½	16⅜	16⅜	.....
Eastman	158½	157	158½	+ ⅜
Keith-Albee pfd	75⅛	75⅛	75⅛	+3⅛
Loew's	44⅞	43¾	44½	+ ½
Paramount	10¼	10	10¼	+ ¼
Paramount 1 pfd	91½	91	91	— ¼
Paramount 2 pfd	12	11⅞	11⅞	.....
Pathe Film	6⅜	6¼	6¼	.....
RKO	3⅞	3¾	3¾	— ⅛
20th Century-Fox	17⅞	17½	17½	— ¼
20th Centudy. pfd.	26½	26⅛	26⅛	— ⅜
Universal, pfd	36	36	36	.....
Warner	6½	6¼	6⅜	+ ⅛
Warner, pfd	41¾	41	41¾	+ ¼

Technicolor Gains ⅜ on Curb

	High	Low	Close	Net Change
Sentry Safety	⅜	⅜	⅜	.....
Sonotone	2	1⅞	2	.....
Technicolor	20⅜	20	20⅜	+ ⅜
Trans Lux	3⅝	3½	3½	— ⅛

RKO Bonds Spurt 15¾ Points

	High	Low	Close	Net Change
General Theatre 6s '40	14¾	14½	14½	— ⅝
General Theatre 6s '40 ctf	14¾	14	14	—1⅛
Keith, B. F. 6s '46	89½	89	89½	— ½
Loew's 6s '41 ww deb rights	104⅝	104½	104½	.....
Paramount Pict. 6s '55	95¾	95¼	95¾	+ ½
RKO 6s '41 pp	70	70	70	+15¾
Warner 6s '39 wd.	81	80	80	— ½

(Quotations at close of Sept. 13)

Sonotone was inadvertently misquoted yesterday. The stock closed at 2 and not at ⅜ as reported. The latter closing price was Sentry Safety Control.

No Boston Action On 'Top Hat' Plea

BOSTON, Sept. 13.—Ross Cropper, RKO manager here, told MOTION PICTURE DAILY today he expects no local action on the demand of New England Allied for the inclusion of "Top Hat" in 1934-35 product. Cropper is forwarding all communications to the New York office. The Allied unit had said RKO is "legally and morally obliged" to deliver "Top Hat," since they "promised to deliver three Fred Astaire-Ginger Rogers pictures when selling the 1934-35 product."

"I see no basis for this stand," said Cropper. Arthur Howard, Allied business manager here, told MOTION PICTURE DAILY that "independent exhibitors are convinced that a distributor of RKO's reputation will not attempt to put anything over on the exhibitors, and therefore will admit the fairness of our stand. We intend to follow it through."

Dr. Martin Joins Fox

HOLLYWOOD, Sept. 13.—Dr. Harry Martin, husband of Louella Parsons, has been appointed medical director of Twentieth Century-Fox by Darryl Zanuck. He will have offices at both Westwood and the Western Ave. lots.

Helen Vinson Married

Helen Vinson and Fred Perry, English tennis champion, leave for Hollywood today after a surprise marriage at Harrison, N. Y., Thursday night.

M. P. Salesmen Resume

The first fall meeting of M. P. Salesmen, Inc., will be held today at Jack Dempsey's with Jack Ellis, president, conducting the session.

Skouras-RKO Suit Comes Up Tuesday

(*Continued from page* 1)

serving the voluminous papers. Meanwhile RKO's 81st St. today will open with "Dante's Inferno," the first Fox film in dispute. RKO attorneys worked until 2. A. M. yesterday on the Skouras papers. Nathan Burkan is counsel for Skouras.

Felix A. Jenkins, general counsel for Twentieth Century-Fox, yesterday stated there is no hard feeling between the parties concerned. It is just a matter of who gets the pictures first, he said.

"For $60,000 a year they (Fox and RKO) would put me out of business," George Skouras complains in his affidavit filed in support of the application for the temporary injunction.

Skouras states that E. C. Grainger of Twentieth Century-Fox admitted to him that by permitting RKO to day and date his company's product with the Skouras houses Twentieth Century-Fox could profit by $1,100 additionally per picture, or a total of about $60,000 from the 81st St. for this season's 50 pictures.

"Vague About Excuses"

The Skouras affidavit states that Grainger was "vague about his excuses" for making the deal with RKO "and had no plausible or reasonable explanation for it." The alleged breaching of his franchise with Fox, Skouras contends, means "millions in losses" to his Riverside, Nemo, Japanese Gardens and Riviera. It also means that his "rights will be destroyed, patronage lost and our theatres relegated to the scrap heap, and our entire franchise agreement will be worthless" as a result of the elimination of the Riverside and Nemo's seven-day protection over the 81st St.

Named as defendants in the Skouras complaint in addition to Twentieth Century-Fox are L. E. Thompson, RKO theatre head; I. E. Lambert, K-A-O legal aide; the 81st St. Theatre Corp., Leon Goldberg, Keith-Albee-Orpheum Corp., Proctor Corp. and RKO Booking Corp.

Cites Interference

Skouras states in his affidavit that "it recently came to my knowledge that the defendants herein, other than Fox, had gotten together among themselves and had schemed and conspired to deprive the plaintiffs of the fruits and benefits of their franchise agreement. This conspiracy took overt form when the defendants (other than Fox) entered into negotiations with Fox and made certain unwarranted and fraudulent misrepresentations to it with respect to the plaintiffs' rights under the franchise." These were, in effect, Skouras claims, that Fox was not obligated to grant Skouras the seven-day protection.

"It is manifest," Skouras continues, "that these defendants (other than Fox) had no hesitation in maliciously interfering with our valuable contract and with using pressure and inducement upon the defendant Fox to cause it to break the agreement."

Delineating the value of the Fox franchise to Skouras, the latter's papers state that "Twentieth Century-Fox is one of the foremost producers of pictures in the world. Its pictures enjoy a great vogue and celebrity. The theatres vie with each other for the right to exhibit the pictures. People who want to see Fox pictures, with Fox stars, are not satisfied if shown Metro, Warner or Paramount films."

Tax Prevents Any Rises in Canada Scales

(*Continued from page* 1)

in the province of Quebec are doing so-so business.

The west finds itself with a bumper harvest, but farmers have not yet started to cash in on the year's crops. There won't be any stiffening of theatre prices because the people haven't caught up with themselves financially.

The general situation in the Dominion is down to the dog's level because the country is in the throes of a Federal election dated for Oct. 14. What with platform speakers declaring the other political party is steering the nation to ruin, there isn't any too much confidence and the people aren't spending. The tide will probably turn, however, after the elections.

Tampa Trend Downward

TAMPA, Sept. 13.—The trend in admissions has been slightly downward for the past two years in Tampa. It was about that far back that the Garden established a five-10-cent scale for four days each week, with 10-20 cents on the other three. The Seminole (Sparks) had been charging 10-25 cents, but dropped to 10-20 cents to meet the Garden scale. The Royal, in West Tampa, also dropped to the 10-20-cent rate. These three houses cater to the residents of the north neighborhood section of Tampa. After the Sparks company bought the Garden it allowed the 10-20-cent scale to stand, but discontinued the five-10-cent level and the scale still stands in the three houses mentioned.

At Sulphur Springs, suburban house, the Roxy plays at 10-15 cents for the entire week, as does the Orpheum, a small house in the business section. The Tampa, ace house here, has held to the 10-35-cent matinee rate and 10-40 cents at night. The Victory makes a like charge, but this house has been closed for the summer. Across the river the Park has a 10-30-cent matinee scale and 10-35 cents at night. The Franklin, which is the only house here that opens at 10 A.M., all others opening at 1 P.M., grinds along at 10-25 cents for all shows on all days.

Over in Ybor City, the Latin section, the Columbus recently reopened after having been dark for better than six months and cut prices to five-10 cents for five days, with a tilt to 10-15 cents for Sunday and Monday. The other houses in Ybor continue the same scale they have been charging for the past two years: the Ritz, 10-20 cents, and the Casino 10-25 cents. In the surrounding territory there has been no change in scale for the past year.

Moskowitz to Start House in Santiago

LIMA, Peru, Sept. 13.—Harry Moskowitz, in charge of Loew theatre construction, leaves here today for Santiago, Chile, to supervise building there of one of the four new projects planned by the circuit in South America.

Work has already begun on the new 1,300-seat Loew unit in this city.

Bank Night Moving To Protect Patent

(*Continued from page* 1)

the Daily Dividend plan now used in 360 Walgreen stores.

If the Walgreen plan proves successful, there are many other types of businesses which plan some sort of a giveaway game which for the past six months has been a strong factor in promoting theatre business in this territory.

Chinaware Gifts Fall

CHICAGO, Sept. 13.—Since the inception of Bank Night, Screeno and similar games free chinaware to patrons has fallen off sharply. More than 60 per cent of the houses using the plan have abandoned it for the cash chance games and there have been few if any renewals of deals for chinaware giveaways. One local theatre executive stated that by Nov. 1 he expected that not five of the original 175 theatres using the chinaware giveaways would be doing it then.

Premium Display Set

More than 100 manufacturers are scheduled to have displays at the Atlantic Coast Premium Buyers' Exposition to be held at the Pennsylvania Hotel Sept. 23-27. Premiums have been on the increase, says A. B. Coffman, exposition manager, since the removal of code restrictions.

Among the speakers will be: Oliver Cabana, Jr., president of the Liquid Veneer Corp.; A. E. Tatham, advertising manager of Bauer & Black, Inc.; Howard S. Cook, advertising manager of John T. Stanley Co.; Kenneth Plumb, Federal Advertising Agency, and J. K. Mason, NBC.

Lynch Sues Warners Over "Sailor" Story

Edward A. Lynch, a writer, of Philadelphia, filed a suit for $100,000 damages in Federal Court yesterday against Warner Brothers Pictures, Inc., First National Pictures, Inc., and Joe E. Brown, actor. The complaint which was filed by Martin Conboy, former U. S. attorney, charged the defendants with purloining the plot idea from a story written by Lynch entitled "When Homer Comes Marching Home."

Lynch charges that the defendants used the plot in "Son of a Sailor," in which Joe E. Brown was starred. The plaintiff also asks for an accounting and an injunction forbidding the defendants from further exhibiting "Son of a Sailor" and for the appointment of a receiver for this picture.

Sues on Newsreel Photo

Suit for $50,000 damages alleging unlawful use of his photograph was filed in the Manhattan Supreme Court today by Siegfried Steinwall against Movietone News and M-G-M Distributing Co. The plaintiff, who is known as the great Siegfried, professional ski jumper, charged that the defendants took and distributed his picture without his written consent.

Coast-to-Coast Hookup

A coast-to-coast hookup has been arranged to join the stages of the Music Box in New York and the Paramount in Los Angeles, for the Hollywood broadcast tonight which features Mary Boland and Charlie Ruggles.

Operator Pact Now Predicted In Two Weeks

(*Continued from page* 1)

are virtually agreed on a 10-year contract which will provide for arbitration every two years. One arbiter will be named by the local, a second by the circuits and an impartial man by agreement between the two parties.

Under a temporary arrangement reached Sept. 6, all Broadway houses are paying $1.80 an hour while first runs in neighborhood situations are paying $1.60. Skouras theatres are giving the operators $1.28 an hour while Randforce is continuing to hold to the prices in its long-term contract. In the event the scale agreed upon finally is above the current salaries, the differences will be paid by the circuits, retroactive to the date instituted.

No session was held Thursday. One was scheduled for yesterday, but it could not be learned late last night whether it was held. Negotiations resume Monday and will continue at the convenience of the theatre men.

Frels Starts Trust Suit; Asks $504,024

(*Continued from page* 1)

frequent and were made to destroy his business.

Other charges include a series of attempts to trade with Frels, including a proposition to merge the Victoria operations, and the payment by Frels of cash to Jefferson for which it would remove its equipment from the town.

It is also charged that threats were made to invade other towns in which Frels operated; that one of these towns was Bellville, where Frels had a partner, B. F. Fordtran, and that Fordtran was offered the lease Jefferson has secured in Bellville if he would disassociate himself from Frels without compensation to Frels; that Fordtran applied in state courts for a receiver, and secured the appointment of a receiver; that prior to this suit Frels had not been able to contract any pictures for the town, but that following the receivership, a supply was freely available to it. Other towns listed in which Jefferson built include El Campo and Yorktown, each stated to be too small for more than one house.

The allegation further states that as fast as Jefferson entered one of these towns, the supply of film for Frels ceased.

A.T. & T. Probe First

The American Telephone and Telegraph Co. will be the subject of the first hearings of the House committee which is inquiring into patent manipulations, according to William I. Sirovich, committee chairman. The hearing will be held late this month in the Fifth Ave. Hotel.

Dicker for 3 N. J. Houses

M. Lefkowitz and Richard Eddelson are negotiating for the Strand, Lambertsville; Palace, Flemington, and Strand, Hackettstown, all in New Jersey, and will probably close with A. Rosen either today or tomorrow.

"Diamond" Is Seattle Wow; Gets $7,400

SEATTLE, Sept. 13.—"Diamond Jim" stepped out in a big way at the Orpheum and piled up a gross of $7,400, thereby leaving normal behind to the tune of $1,400. It was moved to the Blue Mouse for an extended run.

In the second week of its extended run from the Fifth Avenue "Steamboat 'Round the Bend" fell off to $3,800, but this was still strong for the Music Box, as it was only $200 under the first week normal. "Alice Adams" was $150 up on a take of $7,150 at the Fifth Avenue, and "China Seas" was still in the money-making division in the fourth week at the Blue Mouse, an extended run from the Fifth Avenue.

Total first run business was $30,500. Average is $30,000.

Estimated takings for the week ending Sept. 13:

"STEAMBOAT 'ROUND THE BEND" (Fox)
MUSIC BOX—(950)), 25c-40c-55c, 7 days. 2nd week, extended rund from Fifth Avenue. **Gross:** $3,800. (Average, $4,000)
"ALICE ADAMS" (Radio)
FIFTH AVENUE—(2,550), 25c-40c-55c, 7 days. **Gross:** $7,150. (Average, $7,000)
"HARMONY LANE" (Mascot)
"SUPER SPEED" (Monogram)
LIBERTY—(1,800), 10c-15c-25c-35c, 7 days. **Gross:** $4,100. (Average, $4,000)
"CHINA SEAS" (M-G-M)
BLUE MOUSE—(950), 25c-40c-55c, 7 days. 4th week, extended run from Fifth Avenue. **Gross:** $4,350. (Average, $4,000)
"DIAMOND JIM" (Univ.)
ORPHEUM — (2,450), 25c-30c-35c-40c, 7 days. **Gross:** $7,400. Average, $6,000)
"HERE COMES THE BAND" (M-G-M)
"DON'T BET ON BLONDES" (F. N.)
PARAMOUNT — (3,050), 25c-30c-40c, 7 days. **Gross:** $3,700. (Average, $5,000)

"Steamboat" Leads Providence Takes

PROVIDENCE, Sept. 13.—"Steamboat 'Round the Bend" at the Majestic led the downtown attractions for the week, catching $9,800, which is $2,800 over par. "Top Hat," after nearly two sensational weeks at the Albee, moved down to the RKO Victory for a longer stay. The last four days netted $4,000.

"Call of the Wild" at Loew's State caught $10,500, which is under by $1,500. The Strand likewise was down with "Accent on Youth" and "In Spite of Danger."

Fay's continued its winning streak with vaudeville and films at $8,200.

Total first run business was $39,200. Average is $40,500.

Estimated takings for the week ending Sept. 12:

"ACCENT ON YOUTH" (Para.)
"IN SPITE OF DANGER" (Col.)
STRAND—(2,300), 15c-40c, 7 days. **Gross:** 5,800. (Average, $6,500)
"STEAMBOAT 'ROUND THE BEND" (Fox)
MAJESTIC — (2,400), 15c-40c, 7 days. **Gross:** $9,800. (Average, $7,000)
"TOP HAT" (Radio)
RKO ALBEE—(2,300), 15c-40c, 4 days. **Gross:** $4,000. (Average, $7,000)
"CALL OF THE WILD" (M-G-M)
LOEW'S STATE—(3,800), 15c-40c, 7 days. **Gross:** $10,500. (Average, $12,000)
"WE'RE IN THE MONEY" (W. B.)
FAY'S—(1,600), 15c-40c, 7 days. Stage: "French Follies." **Gross:** $8,200. Average, $7,000.
"ROUGH RIDING RANGER" (Col.)
"GET THAT MAN" (Col.)
RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $900. (Average, $1,000)

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"The Affair of Susan"

(Universal)

HOLLYWOOD, Sept. 13.—Wandering through Coney Island in search of romance, Zasu Pitts is the main source of laughs in a comedy of two lonesome souls.

Hugh O'Connell puts tail lights on cars all week. Miss Pitts fits tails to chocolate dogs. Saturday afternoon finds both neglected but pretending to have big dates to their fellow workers. Both take off sadly for Coney Island, where love strikes them all in a heap in spite of the interference of that hilarious pest, Walter Catlett. An accident on the chute-the-chutes separates Miss Pitts and O'Connell, who search desperately through deserted concessions only to discover that they both live in the same boarding house. The slight plot, embroidered with running gags, should be well received.

Irene Franklin scores heavily in a small bit. Others featured are Tom Dugan, Inez Courtney, James Burke, Mae Busch, Buster Phelps, William Pawley, Paul Tead and Dorothy Granger. The screen play is by Clarence Marks, H. M. Walker and Andrew Bennison from a story by Manny Page under the direction of Kurt Neumann. David Diamond produced.

The film should please Miss Pitts' fans.

Production Code Seal No. 1,206. Running time, 62 minutes. "G."

Reply to Omaha Suit

LINCOLN, Neb., Sept. 13.—Paramount, Vitagraph, Radio, Fox, Universal, M-G-M and United Artists, defendants in the Independent Theatres Corp. conspiracy suit in Federal Court, today filed answers asking that several allegations be stricken out and that others be made more specific.

The suit is for $1,353,000 and was filed early in July. Trial is scheduled for early October.

Gets European Product

Jean H. Lenauer, head of the recently formed Lenauer International Films, Inc., has acquired American distribution rights of several European films: "Atalanta," "Le Vieux Chateau" (The Old Castle), "Pompei and Heraculaneum" and "Isola De Capri," travelogues; "Selenophon Magazine," a pictorial review of Austria and "Three Minutes," scientific cartoon subjects.

Franklin Building Two

HOLLYWOOD, Sept. 13.—J. J. Franklin is building two theatres in Honolulu. They will be finished in about three months. The Kings, seating 1,200, will be downtown. The Queens, seating 900, is in the suburbs.

Franklin already operates two houses in Honolulu. Both new houses will be first runs.

Buck's Captures Arrive

Frank Buck began unloading a cargo of birds and animals at Staten Island yesterday morning from the Isthmian Liner *Steel Navigator*. There were 5,000 birds and nearly 500 animals of various kinds. Some of these are headed for various zoos and others are to be kept at Buck's place at Massapequa, L. I.

Brandt Takes Inwood

Harry Brandt yesterday took over the Inwood, Forest Hills, L. I., from Morris Kutinsky, making 43 for the Brandt circuit. The deal had been on for some time and was closed yesterday.

Gertrude Michael Gains

HOLLYWOOD, Sept. 13. — Gertrude Michael, Paramount actress, who was injured in an automobile accident at San Bernardino late Tuesday night, is resting in the San Bernardino Hospital, and X-rays show she is not hurt as seriously as was at first supposed. Though her head was badly lacerated, it is believed that she suffered no fractures.

Miss Michael was alone in her car at the time of the accident, and ran into a tree after swerving to avoid a pedestrian.

Predicts Sonotone Gain

Dr. Hugo Lieber, president of Sonotone Corp., has written stockholders that the company is on the "threshold of greater scientific achievements, of greater sales and of greater profits." The letter was incident to the registration of a new preferred issue with the Securities and Exchange Commission.

Current liabilities have been reduced more than $43,000, he says, and a Federal Reserve loan due in 1937 will be paid in a few days.

Wilby, Kincey Men Meet

CHARLOTTE, Sept. 13.—Wilby and Kincey managers held a two-day conference here with H. F. Kincey regarding operating policies and plans for the autumn and winter season, when an improvement in business is anticipated.

It was a district meeting and was attended by about 30 managers and their assistants.

Leases Waldorf Theatre

A syndicate, owning a circuit of theatres, and headed by Myron Robinson and Daniel A. Udell, has taken a long term lease on the Waldorf on 50th Street, controlled by the Greenwich Savings Bank.

Albany Gets Vaude

ALBANY, Sept. 13.—The RKO Palace, under Fabian management, inaugurated vaudeville today.

"Steamboat" Sets Up New Denver Mark

DENVER, Sept. 13.—Every house record for the Denver under Harry Huffman's ownership was broken by "Steamboat 'Round the Bend." The picture opened strong and built toward the end of the week. It reached $11,000, over par by $6,000, and was moved to the Broadway.

In the face of this remarkable showing "Top Hat" went 100 per cent over normal with $10,000 at the Orpheum, following three days on the previous week. It was held for a full two weeks.

Other houses held up remarkably well. "Diamond Jim" was a smash hit at $2,000, 100 per cent over normal, in the Broadway; "The 39 Steps" was up by $1,000 on a take of $3,000 at the Aladdin.

Total first run business was $34,500. Average is $19,500.

Estimated takings for the week ending Sept. 12:

"THE 39 STEPS" (G. B.)
ALADDIN—(1,500), 25c-35c-50c-60c, 7 days. **Gross:** $3,000. (Average, $2,000)
"DIAMOND JIM" (Univ.)
BROADWAY — (1,500), 25c-40c, 7 days. Following a week at the Denver. **Gross:** $2,000. (Average, $1,000)
"ANNAPOLIS FAREWELL" (Para.)
DENHAM — (1,500), 25c-35c-40c, 7 days. **Gross:** $6,000. (Average, $4,000)
"STEAMBOAT 'ROUND THE BEND" (Fox)
DENVER — (2,500), 25c-35c-50c, 7 days. Stage band. **Gross:** $11,000. Average, $5,000)
"TOP HAT" (Radio)
ORPHEUM—(2,600), 25c-35-40c, 7 days. Followed three days on last week and stayed full two weeks. **Gross:** $10,000. (Average, $5,000)
"THE CLAIRVOYANT" (G. B.)
PARAMOUNT—(2,000), 25c-40c, 3 days. **Gross:** $600
"DON'T BET ON BLONDES" (W. B.)
PARAMOUNT—(2,000), 25c-40c, 4 days. **Gross:** $1,900. (Average for week, $2,500)

Court Quashes Case On Currency Award

Currency Award, another of the many games being played at local theatres, was yesterday declared legal when Magistrate Malbin in the Snyder Ave. Court in Brooklyn dismissed a complaint against Century circuit's Patio in Brooklyn.

District Attorney Geoghan brought a charge of violation of the state lottery laws against the circuit and Manager David Teir. Evelyn Woods, cashier; Arthur Neuman, in charge of the awards, and R. S. Trettler, master of ceremonies, were witnesses for Century. Mitchell Klupt represented the circuit.

In dismissing the complaint, Magistrate Malbin held there was no consideration demanded or taken from patrons in connection with the game.

Talbot in Para. Post

HOLLYWOOD, Sept. 13.—Irvin Talbot today was appointed head of the Paramount music department, succeeding Nathaniel Finston, who resigned. Talbot was Finston's assistant.

Crosby in Air Deal

HOLLYWOOD, Sept. 13.—Bing Crosby today signed a two and one-half year contract with Kraft Cheese Co., calling for 39 weekly broadcasts annually over NBC.

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MOTION PICTURE DAILY

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VOL. 38. NO. 65 NEW YORK, MONDAY, SEPTEMBER 16, 1935 TEN CENTS

B. & K. Moves On Clearance Worry Chicago

Circuits Are Expected To Reach Agreement

CHICAGO, Sept. 15.—Local theatre men are concerned over the efforts of Balaban & Katz to change the present system of booking.

At present there is not much clearance between the "C" week houses and the "first run" houses. B. & K. want to change the schedule so that there will be at least seven days clearance between the two because at present if a "C" theatre plays a picture on Friday and Saturday, for example, the "first run" house can play it starting Sunday, which is in another week.

Probable windup of the matter will be the rearranging of either the "A" or "B" week schedules, which now have three weeks clearance each, to have but two weeks. This will let the extra week come between the "C" week and "first run" dates and will simplify matters.

However, not until the local circuits such as B. & K., Essaness, Schoenstadt, and Warner Bros., get together and decide what will work out best will the matter be settled completely. If no conference is held, there is a possibility that the whole schedule may be thrown into a turmoil and the system now in use discarded.

Production Rises; 40 Features Going

HOLLYWOOD, Sept. 15.—Production gained last week, showing an uplift in both the feature and short subject classifications. Forty features and eight shorts were in work as compared to 37 features and five shorts for the week before.

Warners continued to hold the top spot with nine features in work, two being prepared for cameras within the next two weeks and 10 in the cutting

(*Continued on page 6*)

Mexican Producers Subject to Censors

By JAMES LOCKHART

MEXICO CITY, Sept. 15.—Producers in Mexico are now subject to censorship with the establishment of a special bureau by the Ministry of the Interior. This censorship is friendly, the government explains. It is intended to aid native producers

(*Continued on page 6*)

Skouras and Century Delay Pooling Move

Skouras and Century circuits have again put off the date for final closing of the Long Island pool. The new date is Sept. 30. Contracts were to have been signed Sept. 14.

The two independent circuits got together about a year ago and agreed to pool 15 theatres, but never settled the question of interchangeability of management in the houses affected by the deal. Skouras has eight theatres involved while Century has seven. The specific houses to be turned over to each other will be determined on the postponed date.

Century's houses affected are the Merrick, Jamaica; Fantasy, Rockville Center; Grove and Freeport, Freeport; Huntington, Huntington; Beacon, Port Washington; Franklin, Franklin Square. Skouras theatres are the Jamaica, Jamaica; Valley Stream, Valley Stream; Lynbrook, Lynbrook; Rivoli and Hempstead, Hempstead; Glen and Cove, Glen Cove; Playhouse, Great Neck.

Warners Turn Over Two Newark Houses

Warners on Sept. 21 will drop the American and Cameo, Newark. M. Eskin, who operates the Stamford, Stamford, Conn., will take the duo. He closed a deal for the houses Saturday.

About a week ago, the major circuit turned back the Mosque, Newark, to Prudential Insurance Co. The house has been dark for some time due to inability to obtain first run product. The American and Cameo were leased by Warners on a year's trial basis. The one-year deal with Jerome Kirdel for the Mayfair, South Orange, N. J., has been continued for a similar term.

Briskin Quits Post Sooner Than Planned

HOLLYWOOD, Sept. 15.—Samuel J. Briskin, general manager of Columbia studio, left the studio Friday instead of on Oct. 15 as he had planned at the time he tendered his resignation. The earlier date was agreed upon in order to give Briskin an extended vacation before making an affiliation with another studio.

"Reports of a disagreement are unfounded," Briskin said. "I am leaving

(*Continued on page 6*)

Vogel Denies Loew, Essaness Troubles

Reports from Chicago that Loew's and Essaness were having trouble over the New Oak Park, construction on which will be started shortly, were denied Saturday by Joseph Vogel.

"Any reports of that nature are all wrong," Vogel stated. He added that,

(*Continued on page 6*)

Prices as Is

Baltimore, Sept. 15.—There is no tendency here to raise admission prices. Many neighborhood houses have a "10 cents always" scale for children, but night prices generally are 10 and 20 or 25 cents.

The Century and Hippodrome have an evening top of 65 cents; the Stanley, 55; the New, 50, and Keith's 40.

Delaware Holding To Present Scales

WILMINGTON, Del., Sept. 15.—No price cutting or boosting in admissions in Delaware. Just over the line in Maryland two independent houses at Hurlock and Ridgely have cut prices. Adult admissions were cut from 35 to 25 cents and children from 15 to 10 cents. These two theatres are open in evenings only except Saturday.

The cut in admissions by the two houses brought about protests by members of the Independent M. P. T. O. A. of Delaware and the Eastern Shore of Maryland. The Hurlock and Ridgely are members of this association.

A meeting was scheduled at Har-

(*Continued on page 6*)

"Jim" 3-Week Roxy Run Does $122,850

With a tally of $30,000 for the third and last week, "Diamond Jim" garnered a total of $122,850 during its three week tenancy at the Roxy. The initial week's gross was $47,000, the second stanza, $45,850.

"Dark Angel" at the Rivoli ended its first week in the neighborhood of $28,600. The second week of "Two for Tonight'" wound up with $17,000 at the Paramount. "Alice Adams" at the Palace got around $8,000, while the second week of "Page Miss Glory" at the Strand ended with $15,731. The third week of "The Crusades" at the Astor found the Cecil B. DeMille picture holding up nicely with a gross of $9,500.

Bank Night Appeal Lost in Milwaukee

MILWAUKEE, Sept. 15.—Bert Nathan, operator of the Hollywood, north side neighborhood house, lost an appeal to the municipal court here in his Bank Night case when a jury returned a verdict of guilty.

Nathan was fined $15.01 in the District Court early in August, charged with operating a gambling device in staging Bank Night at his theatre. He appealed.

Para. Theatre Partnerships Will Be Kept

Renewals Are Scheduled After Sept. 28

Paramount will not discontinue its present policy of decentralized theatre operation, MOTION PICTURE DAILY was advised on Saturday in an official statement on theatre policy by a high official of the company.

The basis for renewal of partnership and management agreements covering the operation of more than 700 of Paramount's 1,000 theatres will be defined by John E. Otterson, Paramount president, in advance of his departure for Hollywood at the end of this week, it was stated. The operating agreements expire Sept. 28 and the policy embracing their renewal will not bring about any radical changes in operation. With the policy once having been set by Otterson, the negotiations for the drafting of the new pacts with part-

(*Continued on page 6*)

Amusement Census Details to Begin

By CLARENCE LINZ

WASHINGTON, Sept. 15.—Preparations for the new census of amusement services will begin tomorrow at Philadelphia, which will be the headquarters for the $8,000,000 survey of business financed by Public Works funds, it was stated tonight by Secretary of Commerce Roper.

The actual canvass of places of amusement and business will begin Jan. 2, and will require from three to four months. Basic information will be gathered relating to the number of operating units, employment, payrolls, receipts and other pertinent data.

Three months will be required to whip the project into shape, it being planned to prevent repetition of the errors which marked the survey made in 1933.

Ask British Quota Cut to 10 Per Cent

LONDON, Sept. 4. — The London Branch of the C. E. A. voted today, asking the General Council of the association to approach the Board of Trade requesting a reduction in the exhibitors' quota from 20 to 10 per cent.

That the C. E. A. should also register opposition to the suggestion of a minimum cost clause in a revised Films Act was another resolution.

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Wall Street

Warner Pfd Up 2½ on Big Board

	High	Low	Close	Net Change
Columbia	68¾	68¾	68¾	+ ¼
Consolidated pfd.	17	16¾	17	+ ⅝
Loew's Inc.	44⅞	44⅛	44½	.....
Paramount	10⅜	10	10⅜	+ ⅛
Paramount 2 pfd.	12	11⅞	12	+ ⅛
Pathe Film	6½	6¼	6½	+ ¼
RKO	3⅞	3⅝	3⅞	+ ⅛
20th Century Fox.	17¾	17⅜	17¾	+ ¼
20th Century pfd.	26¾	26¼	26⅝	+ ½
Warner Bros.	6⅛	6⅛	6⅛	.....
Warner pfd.	44⅜	42	44¼	+2½

Little Activity on Curb

	High	Low	Close	Net Change
Sentry Safety Control	⅜	⅜	⅜	.....
Technicolor	20⅛	20⅛	20⅛	— ¼
Trans Lux	3½	3⅜	3½	.....

Bonds Maintain Levels

	High	Low	Close	Net Change
General Theatre Equip. 6s '40 ctf.	14½	14½	14½	+ ⅛
Paramount Pict. 6s '55	96	95¾	96	+ ¼
RKO 6s '41 pp.	67	67	67	+ ½
Warner Bros. 6s '39 wd.	80	80	80	.....

(Quotations at close of Sept. 14)

Lesser Signs Howard

HOLLYWOOD, Sept. 15.—Sol Lesser has signed David Howard to direct the next George O'Brien picture, "Whispering Smith Speaks." Howard directed the last two O'Briens, "Thunder Mountain," and "Hardrock Harrigan" and will point the next more for comedy values.

Insiders' Outlook

By RED KANN

REPORTS that Adolph Zukor, following the reorganization of Paramount last July 1, was being handed an inactive and more or less honorary post with his election to the chairmanship of the board of the new company, were freely heard on all sides at that time and during the summer. Zukor had a title, but there was little that went with it. So went the solemn pronouncement of those who professed to be in the know. It has been less than three months since Zukor was given that title. Now listen to what one official, a personage of unquestioned importance in Paramount, who asks that his name be withheld, has to say on the subject. . . .

▼

"Reports and impressions of Zukor's position in Paramount notwithstanding," says this official, "he is an active and valuable officer of the company and will continue to be as long as he wishes. His judgment in all important company affairs is respected and valued. He has not ceased to be consulted by old or new authorities within the company and many circumstances, now obtaining within Paramount, have tended to increase rather than to diminish his value to the company." . . .

▼

This official pointed out, by way of elaborating on the last, that Zukor's intimate knowledge of Paramount operations, together with the frequent necessity for John E. Otterson to make first-hand studies of knotty company problems which have and will continue to take the latter away from the home office for prolonged periods of time, make Zukor an essential point of contact at the home office for company directors and officers at such times. Otterson's presence at the studio for lengthy periods, and, later in the year, in Europe, are certainties at this time. . . .

▼

"Even if this were not so," the speaker observed, "Zukor's abilities and his rare knowledge of the company and the industry would make him a genuine, not an 'honorary' asset to the new management." . . .

▼ ▼

Merit in overdoses has to be inherent in any picture which braves a showing starting at midnight and winding up a few minutes before two in the morning even for radio song pluggers and crooning duos and trios who have time only when your ordinary individual is in bed or thinking seriously about it. M-G-M, essaying nothing in courage as events proved themselves, did this with "Broadway Melody of 1936" early Friday morning at the Ziegfeld to the very apparent delight of the hundreds of night owls who assembled to be shown. . . .

▼

This is a gorgeous entertainment, eye, ear and laugh-filling with

A new star equipped profusely with a rare ability to do ballet and tap dancing, to sing and to charm by her wholesomeness. Eleanor Powell is the name of this female Fred Astaire and familiarity with it is this department's suggestion now and at the outset, for it is usually regarded as smart to be in the know.

Jack Benny and his dry brand of humor.

Sid Silvers and his comic lunacies.

Trigger-toed Vilma and Buddy Ebsen, but more particularly Buddy, who might be described quickly as a hill-billy in evening clothes.

Frances Langford warbling torch songs, and well.

Una Merkel as Una Merkel, which is enough.

Robert Taylor doing a juvenile conventionally, but competently withal.

June Knight as blonde menace, who added little, but, at at least, manages to detract less.

Lavish production values.

Swinging and lilting tunes by Nacio Herb Brown and Arthur Freed.

And not the least because it happens to get mention almost last the very, very funny snoring comicalities of dead-pan Robert Wildhack.

From Nick Schenck to Louis Mayer to Sam Katz to John Considine to Roy Del Ruth and all others, mentioned or otherwise, and not at all overlooking the lucky theatres who get the attraction, this is a happiest of occasions, for "Broadway Melody of 1936," by prodigious merit apparent, is gilt-edged, all wool, fourteen karat, of and in the money. . . .

▼ ▼

Further excitement quivers up, down and around the Loew and Metro offices, this having to do with the screening of a rough print, so rough it was sans music, of "A Night at the Opera" the other day. Irving Thalberg had the Marx Brothers comedy hurried east to display what it might display. The result, unearthed by the usual high type of reporting on which theory dictates this column is to deport itself, was a heart-warming, albeit undignified, spectacle of reserved and dignified executives doing everything but rolling in the narrow aisles of the projection room atop the Loew State Building. . . .

▼ ▼

Myrna Loy, who smiles at the lion while Leo now returns the courtesy in his pleasantest roar, will make no picture for H-M Pictures, contract—phantom or actual—as the case may have been. "It was up to Myrna," says Ben Hecht, or the "H" in the incident. "Was there a contract in the first place?" he was asked. "Yes, there was," was the answer. "Was that contract contingent upon her signing peace pacts with Metro?" ran the next query which rated this answer, "Something like that." Which leads to some wonderment, Hecht and MacArthur being the clownsters they are, if the entire incident, which cracked much publicity around the town, was not another of their gags. . . .

Century Drops Plan For Singles, Raises

Original plans to single feature Warner-First National product and simultaneously increase admissions in 10 Long Island and Brooklyn houses have been abandoned by Century circuit. The decision follows the recent adoption of duals generally by Loew's and RKO with the exception of the State and Palace on Broadway.

On Oct. 4, "Page Miss Glory" will be shown in 10 Century houses first run with an accompanying feature, yet to be set. The prior run houses are Patio, Marine, Kingsway, Albemarle and Surf, Brooklyn; Fantasy, Rockville Center; Grove, Freeport; Oceana, Brighton Beach; Merrick, Jamaica; Huntington, Huntington. The Kingsway and Huntington have been first runs while the others have been second, third and fourth.

In addition to the houses listed, 14 others in the circuit will continue double features.

W. M. James Improved

COLUMBUS, Sept. 15.—Condition of William M. James, although improved, is still regarded as serious, three blood transfusions having been made so far.

James, president of the old M. P. T. O. of Ohio for 10 consecutive years, and a prominent exhibitor before retiring several years ago, was stricken with an internal hemorrhage early this month.

Zanuck Signs Winninger

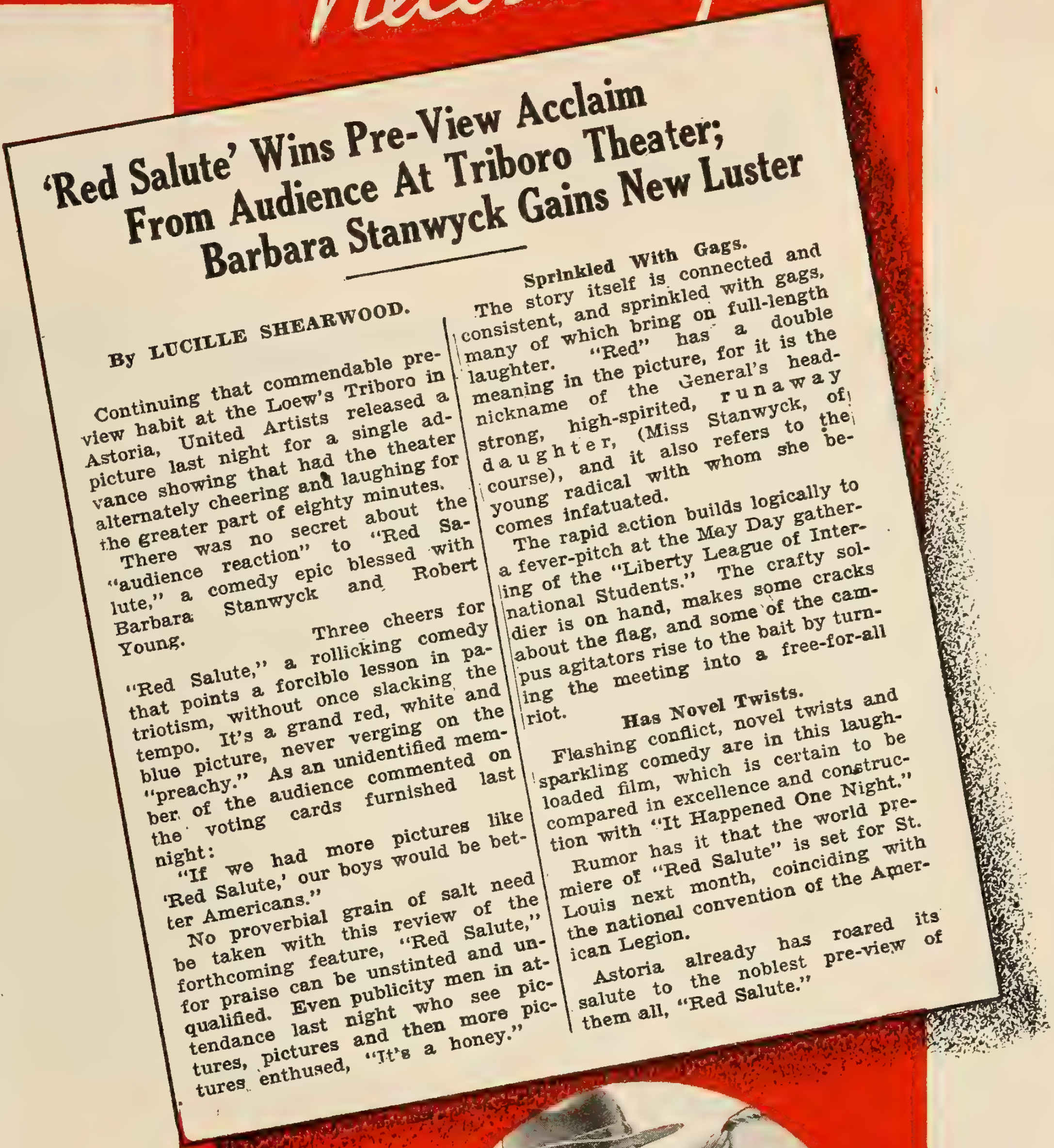
HOLLYWOOD, Sept. 15.—Darryl F. Zanuck has signed Charles Winninger to a long term contract for Twentieth Century-Fox. Winninger will report to the studio soon. No assignment has been set for him.

Olsen, Johnson Colonels

CINCINNATI, Sept. 15.—Olsen and Johnson, appearing at the RKO Shubert, were made Kentucky colonels while guests of the Cuvier Press Club last week. They also were made honorary members of the club.

LAST WEEK
WE ASKED

Are Superlatives Necessary?



'Red Salute' Wins Pre-View Acclaim From Audience At Triboro Theater; Barbara Stanwyck Gains New Luster

By LUCILLE SHEARWOOD.

Continuing that commendable preview habit at the Loew's Triboro in Astoria, United Artists released a picture last night for a single advance showing that had the theater alternately cheering and laughing for the greater part of eighty minutes.

There was no secret about the "audience reaction" to "Red Salute," a comedy epic blessed with Barbara Stanwyck and Robert Young.

Three cheers for "Red Salute," a rollicking comedy that points a forcible lesson in patriotism, without once slacking the tempo. It's a grand red, white and blue picture, never verging on the "preachy." As an unidentified member of the audience commented on the voting cards furnished last night:

"If we had more pictures like 'Red Salute,' our boys would be better Americans."

No proverbial grain of salt need be taken with this review of the forthcoming feature, "Red Salute," for praise can be unstinted and unqualified. Even publicity men in attendance last night who see pictures, pictures and then more pictures enthused, "It's a honey."

Sprinkled With Gags.

The story itself is connected and consistent, and sprinkled with gags, many of which bring on full-length laughter. "Red" has a double meaning in the picture, for it is the nickname of the General's headstrong, high-spirited, runaway daughter, (Miss Stanwyck, of course), and it also refers to the young radical with whom she becomes infatuated.

The rapid action builds logically to a fever-pitch at the May Day gathering of the "Liberty League of International Students." The crafty soldier is on hand, makes some cracks about the flag, and some of the campus agitators rise to the bait by turning the meeting into a free-for-all riot.

Has Novel Twists.

Flashing conflict, novel twists and sparkling comedy are in this laugh-loaded film, which is certain to be compared in excellence and construction with "It Happened One Night."

Rumor has it that the world premiere of "Red Salute" is set for St. Louis next month, coinciding with the national convention of the American Legion.

Astoria already has roared its salute to the noblest pre-view of them all, "Red Salute."

We blush with pride in reproducing this review by Lucille Shearwood, of the Long Island Daily Star, who seems to think that superlatives are necessary judging from her reaction. She attended a sneak preview of "RED SALUTE" and witnessed one of the most enthusiastic audience demonstrations that ever took place in a motion picture theatre. But let her review speak for itself!

HARRY M. GOETZ
presents

BARBARA STANWYCK
in
Red Salute

ROBERT YOUNG

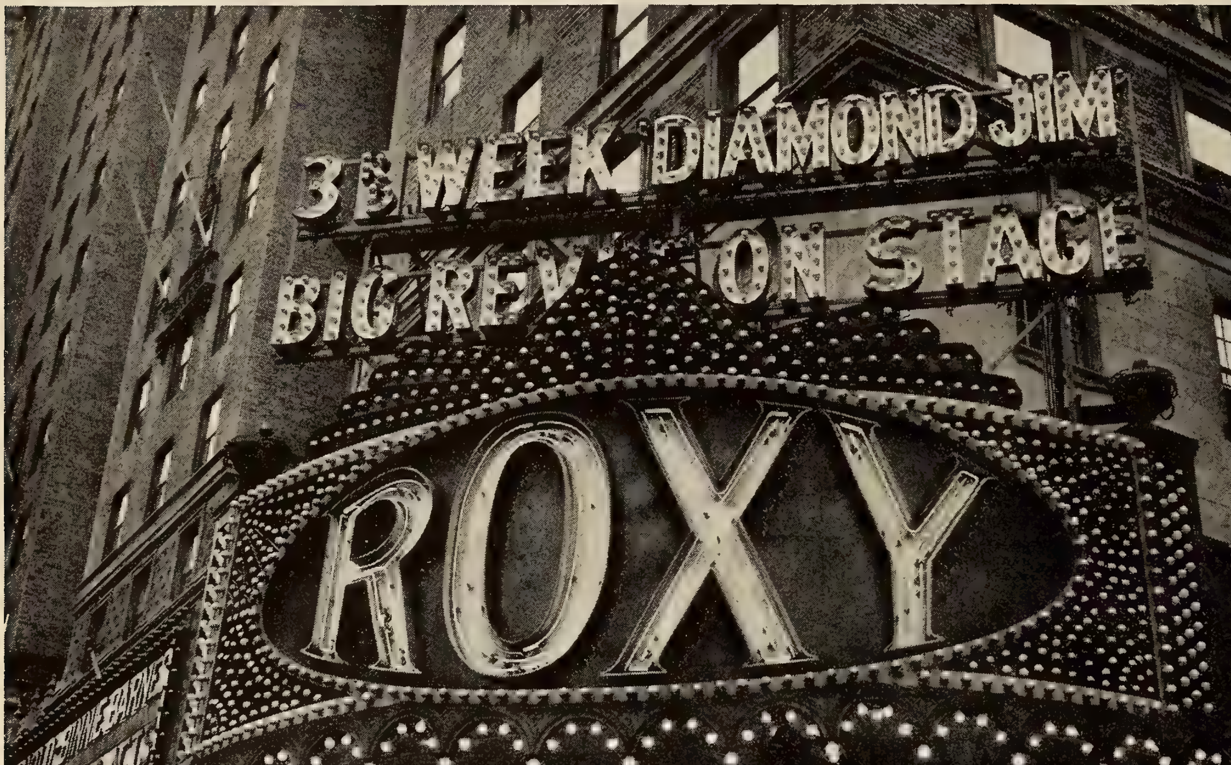
HARDIE ALBRIGHT • RUTH DONNELLY
CLIFF EDWARDS • GORDON JONES • PAUL STANTON
A Reliance Picture • *An EDWARD SMALL Production*

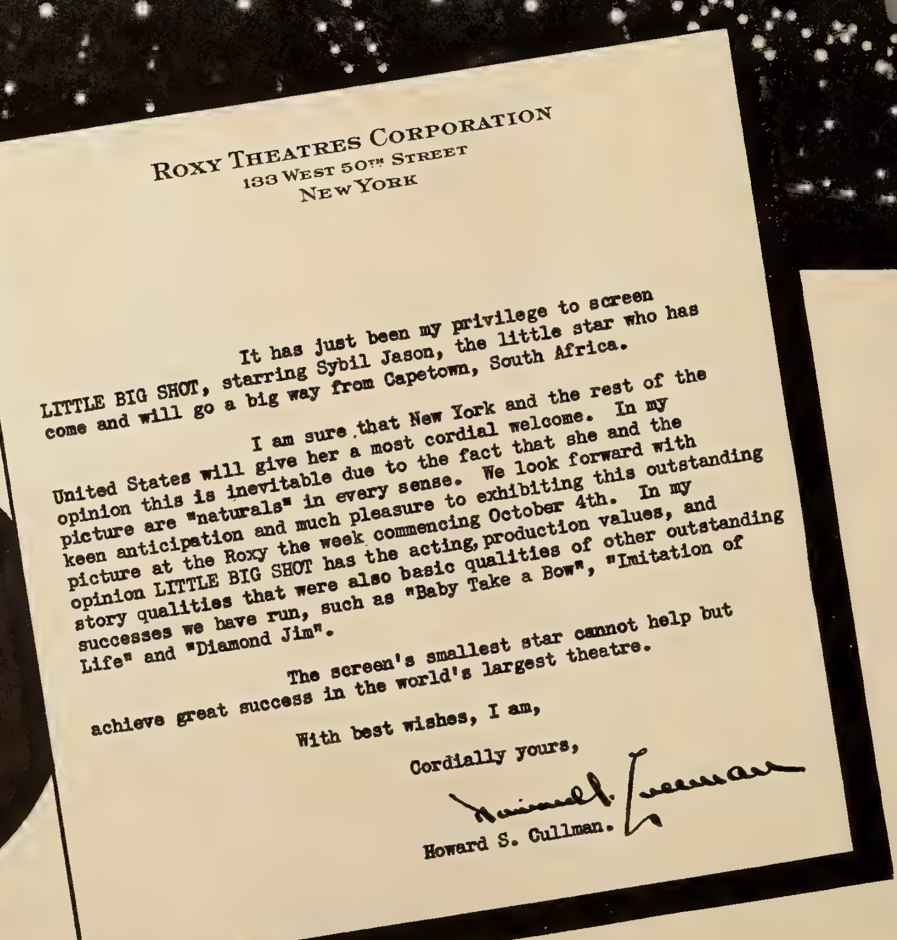
•

Released thru UNITED ARTISTS

ANOTHER "GEM"

Littlest Star to Make N. Y. Debut





Roxy Theatres Corporation
133 West 50th Street
New York

It has just been my privilege to screen LITTLE BIG SHOT, starring Sybil Jason, the little star who has come and will go a big way from Capetown, South Africa.

I am sure that New York and the rest of the United States will give her a most cordial welcome. In my opinion this is inevitable due to the fact that she and the picture are "naturals" in every sense. We look forward with keen anticipation and much pleasure to exhibiting this outstanding picture at the Roxy the week commencing October 4th. In my opinion LITTLE BIG SHOT has the acting, production values, and story qualities that were also basic qualities of other outstanding successes we have run, such as "Baby Take a Bow", "Imitation of Life" and "Diamond Jim".

The screen's smallest star cannot help but achieve great success in the world's largest theatre.

With best wishes, I am,

Cordially yours,

Howard S. Cullman.

FOR THE ROXY

at Broadway's Biggest House

Howard S. Cullman, the man who called the turn on scores of the trade's top profit properties, turns to Warner Bros. for an attraction to continue the phenomenal records of his world-famed 6,000-seat show palace—

SYBIL JASON

Uncle Sam's Favorite Child

in

"Little Big Shot"

With GLENDA FARRELL • ROBERT ARMSTRONG
EDWARD EVERETT HORTON • JACK LaRUE

Directed by Michael Curtiz. The song, 'I'm a Little Big Shot', by Dixon & Wrubel

"Topnotch entertainment . . . slated for fancy grosses at the box-office."
Motion Picture Daily

"Sybil Jason has everything necessary for screen success."
Variety Daily

WARNER BROS . . . PRODUCERS

Delaware Holding To Present Scales

(*Continued from page* 1)

rington, Del., recently to iron out the protests, but the gathering was postponed until fall due to the fact that some managers were away on vacations and would be unable to attend at that time.

No New Haven Shift

New Haven, Sept. 15.—For the summer there was no sign that admissions in Connecticut theatres are on the increase. Premium-giving and other inducements which tend to lower prices have been more and more widespread in the state with many subsequent runs offering "bargain nites" once or twice a week in addition.

The Bijou, 1500-seat downtown second run, recently reduced its prices to 25 cents orchestra and 15 cents balcony, the 25 cent admission being the average for better neighborhood houses in and around New Haven, also. The College, a first run, offers Amateur Nite once a week at no increase in its 35 cent top while the Paramount, one of the three leading houses in the city, has offered stage shows several times during the past season with no increase in its 50 cent top.

Agreement Aimed at On Beecroft Houses

Madison, Wis., Sept. 15.—An agreement for administration of the Beecroft theatre properties is to be sought by attorneys for interested groups at a conference within a week.

Further testimony on reorganization plans of the Beecroft Bldg. Co., owner of the Orpheum, Strand and Parkway, is to be presented and steps considered necessary to give the houses an earning capacity sufficient to take care of outstanding bonds will be discussed.

It has been intimated that a demand may be made for a change in management of the theatres, which are operated by the Ashley Theatre Co. Testimony at earlier hearings disclosed that the company and its officers received $50,967 in profits and salaries in 1934, while auditors' reports showed the Ashley firm to have received a net profit of $33,912 during the same year.

Total value of the three houses is placed at $765,000, while the sum due bondholders of the Beecroft Co. totals $1,191,673, or $426,673 above the appraisal figures.

Vogel Denies Loew, Essaness Troubles

(*Continued from page* 1)

although contracts have been let, actual work cannot be started until the forms are rewritten according to the state of Illinois requirements. This is now being done, he said.

Vogel asserted that actual building will take four and a half months. The house will seat 1,400 instead of 1,600. The Loew executive was in Chicago last week and signed the contracts with builders.

Schorr Gets New Play

William Schorr, formerly a Paramount director, who directed the stage play, "The Milky Way," has been engaged to put on another stage production, "The Body Beautiful." Polly Walters will have the lead.

Para. Theatre Partnerships Will Be Kept

(*Continued from page* 1)

ners and operators will be left to the heads of the Paramount theatre department.

Otterson returns to the coast for an indefinite stay to complete the studio reorganization which has been in progress for several months past. Shortly after his return to New York he will leave for Europe to make a complete survey of Paramount operations abroad, and during this trip the company's foreign policies will be decided. Policy on eastern production by Paramount will also be resolved at a later date.

The impression gained from the official statements is that major policy—at the studio, in Europe and here—may involve no radical changes. Particularly does this appear to be true of operations which are showing satisfactory results. Changes of policy on other operations, it is indicated, may be made only after careful study by Otterson.

Official denial was made by this source that Paramount had discussed any deal which would bring Sam Briskin, whose resignation from Columbia became effective Friday, into the company. Likewise, denial was made that negotiations of any kind had been opened with Winfield Sheehan, even for release by Paramount of any product that the former Fox production chief might make independently.

Denial that any new duties in Paramount had been designated to S. A. Lynch was also made. It was stated that for the time being Lynch is continuing with the same work he did for the trustees of Paramount, which was to advise them on theatre reorganizations and to chart their reorganization course.

Fred Niblo to Resume

Hollywood, Sept. 15.—Fred Niblo, who has been in retirement on his northern California ranch for the last few years, will return to direct "The Holy Lie" for Twentieth Century-Fox. Sol Wurtzel will produce. The picture will be a translation from the play, "Die Heilige Luege," by Karin Michaelis Stangeland.

Albright Succeeds Rowe

Pittsburgh, Sept. 15.—Zone manager Harry Kalmine of Warners has named H. A. Albright as city manager in nearby Washington, Pa. Albright, formerly with the Schine circuit in New York state, succeeds Roy Rowe, who has returned to his home at Burgaw, N. C., to become an independent exhibitor.

Change Syndicate Name

Hollywood, Sept. 15.—The American Radio Features Syndicate has changed its name to American Radio Features to avoid conflict with a newly established firm of a similar name.

Puckett Is Promoted

Cleveland, Sept. 15.—Nat Holt, RKO division manager, has promoted H. A. Puckett from doorman at the RKO Palace here to assistant manager at the RKO Palace in Columbus.

Two Setting Records

Columbus, Sept. 15. — For the first time in local theatre history, all-time records are being established simultaneously at two theatres. No dollars and cents figures are immediately available, but "Top Hat," at the RKO Palace, has broken the week-end attendance record set by "I'm No Angel" two years ago.

At Loew's Broad, "Steamboat 'Round the Bend" has established a new high for the same period. The previous record was made with "Doubting Thomas."

Both pictures are continuing to play to capacity. The two houses are located directly opposite each other.

Mexican Producers Subject to Censors

(*Continued from page* 1)

abroad by making certain that pictures they export are real in authentic Mexican atmosphere, history, customs and the like.

Another thing the censor will watch for is to keep Mexican pictures as purely Mexican as possible; to permit but a faint foreign flavor and influence and to make these productions individual.

* * *

Mexican interests have started building a 1,500-seat de luxe neighborhood house. Construction of a luxury downtown first run house is scheduled to start after the national holidays this month. Efforts are being made to have both houses ready for the winter tourist trade which starts soon after New Year's Day.

Big Turnout Opens Rome, Ga., Theatre

Rome, Ga., Sept. 15.—Opening of the new $74,000 Gordon theatre here was celebrated with an outing and festival at the Coosa Country Club. More than 500 persons took part. Roy Petty, vice-president of the Whittaker Paper Co. of Atlanta won the blind bogey golf tournament. He was awarded a silver trophy presented by O. C. Lam, president and general manager of the Lam Amusement Co., operator of the Gordon.

First Div. Shifts Titles

Hollywood, Sept. 15.—First Division has changed the titles of two pictures. "Drake, the Pirate" is the new name for "Elizabeth, the Virgin Queen," and "False Pretenses" has been picked for the picture started as "Queen of Hell."

Open at Demopolis

Demopolis, Ga., Sept. 15.—Latest addition to the Wilby & Kincey circuit is the Marengo, a new 740-seat house, with L. J. Pepper as manager. Jean Harlow spoke over a long distance phone hookup at the opening, with a reply by Mayor N. C. Floyd.

Cleveland House Bombed

Cleveland, Sept. 15.—The Family theatre, neighborhood house, was completely destroyed by a bomb, thrown by unknowns the other night. Damage is estimated at about $7,000.

Briskin Quits Post Sooner Than Planned

(*Continued from page* 1)

Columbia with the kindliest feeling toward each and every one of my associates. Other opportunities, however, make it advantageous for me to retire from Columbia at this time and after a rest I will announce my new connections."

William Perlberg, casting director, has been made assistant to Harry Cohn, and will take over a part of Briskin's former duties, including the physical handling of the studio. Robert North, associate producer, will take over the production supervision of the program pictures and the B product.

Perlberg probably will continue to supervise the casting department, though some of his former duties will be handled by Robert Mayo, assistant casting director.

It is understood that Cohn plans further changes to fill the gap left by Briskin.

Robert Kalloch, Columbia costume designer, has resigned.

Production Rises; 40 Features Going

(*Continued from page* 1)

room. Fox had six, three and three; Paramount, six, four and nine; M-G-M, four, zero and 12; Universal, four, one and two; Columbia, four, two and four; Radio, two, three and six; Goldwyn, one, zero, and two. The independents had four, two and one.

Short subject production topped figures for the past month. M-G-M had two shorts before cameras, one in preparation and slated for work within two weeks and four in the cutting room. Roach had two, two and four; Columbia had one, two and one; Warners, one, zero and one; Radio, one, one and four; Universal, zero, one and zero, with the independents registering one, one and one.

M-G-M Reproduces Ship

Hollywood, Sept. 15.—M-G-M will send a replica of the *Bounty* all over the country in connection with exploitation on "Mutiny on the Bounty." The replica is one-fourth the size of the famous ship, will operate under its own power, and is small enough so that it may be sent up rivers that the big *Bounty* could not negotiate.

Mary Pickford East Soon

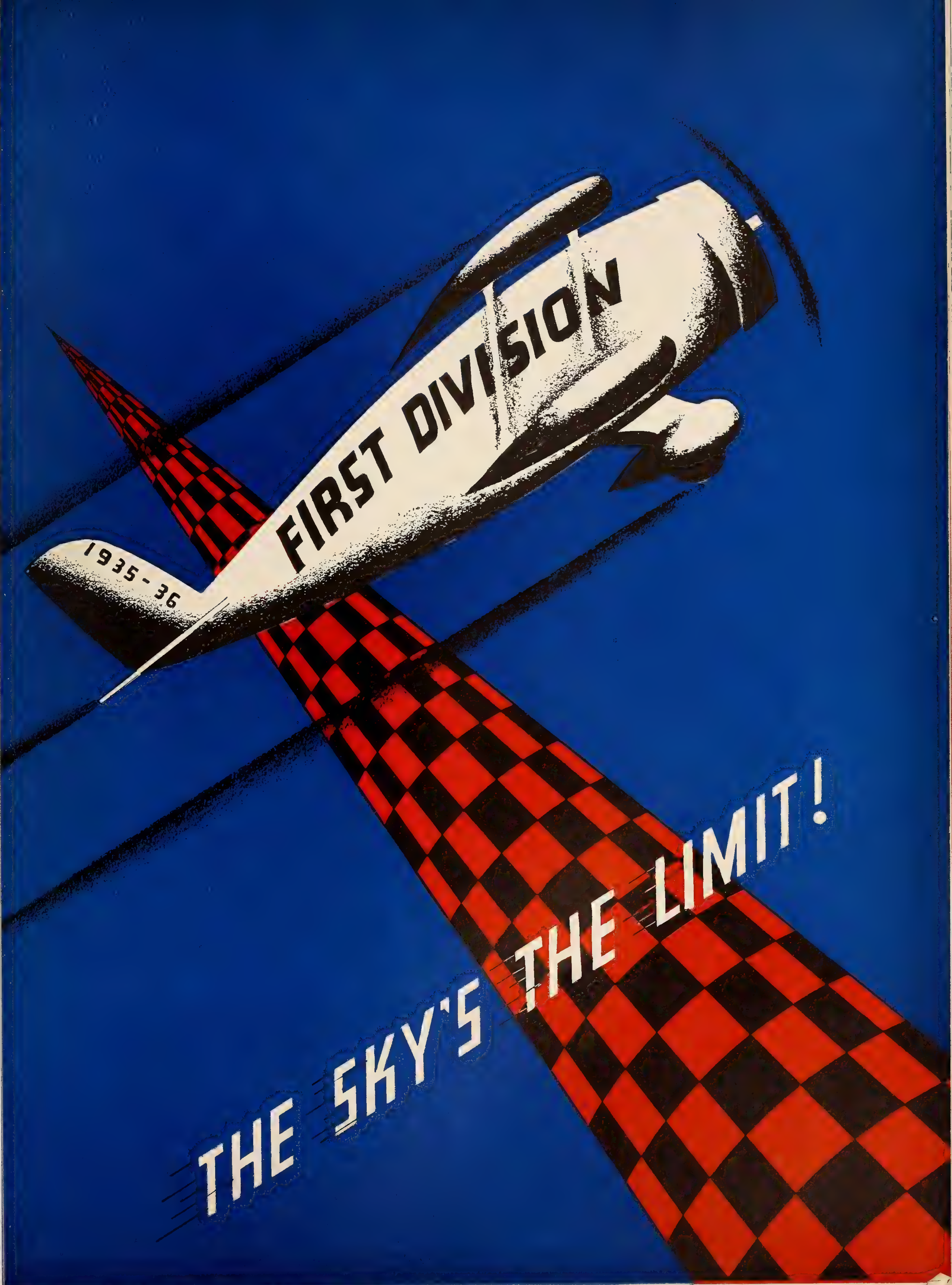
Hollywood, Sept. 15.—Mary Pickford expects to leave soon for New York. She will stay for about 10 days, for conferences in connection with the final organization of the new Pickford-Lasky Prod. Miss Pickford has cancelled her plans to meet Lasky in London.

Wanger to Do "Voice"

Hollywood, Sept. 15. — Walter Wanger will produce "Her Master's Voice," stage play by Claire Kummer, which has been the property of Paramount for some time. Charles Ruggles will have the lead, and Billie Burke and Mary Boland are being considered as feminine leads.

Ohio ITO Meeting Set

Columbus, Sept. 15.—The third annual convention of the Independent Theatre Owners of Ohio will be held here Nov. 19-20 at the Deshler-Wallick Hotel.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1935-36
THE SKY'S THE LIMIT!

SILVER LINING FOR *Your* BO

Douglas Fairbanks, Jr.
and
Gertrude Lawrence
in
"Mimi"

"Red Wagon"
with
Charles Bickford, Raquel Torres,
Greta Nissen, Don Alvarado,
Anthony Bushell

"Elizabeth the Virgin Queen"
with
Matheson Lang, Jane Baxter,
Athene Seyler

Charles 'Buddy' Rogers
in
"Dance Band"
with
June Clyde

Bebe Daniels
in
"Southern Maid"
with
Lupino Lane

GRETA NISSEN
in
"Secret Agent"
with
Don Alvarado

ALLIANCE FILMS

FIRST DIVISION

Harry H. Thomas, Pres.
Executive Offices R. K. O. Bldg., Radio City

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FAITH BALDWIN'S
"*August Week End*"

VERE HOBART'S
"Ring Around the Moon"

URSULA PARROTT'S
"*Brilliant Marriage*"

"Below the Deadline"
by
Hervey Adams

Little Red Schoolhouse"
by
Robert Ellis

"Bridge of Sighs"
by
Robert Ellis

"*Mother of the World*"
by
Helen Mackage Forbes

VIDA HURST'S
"Tango"

LOUISA M. ALCOTT'S
"*Under the Lilacs*"

"Phantom Clue"
by
Monte Brand

HORACE MANSFIELD'S
"*Hidden Alibi*"

"Death Rides Double"
by
Herbert Asbrook

Product of
CHESTERFIELD
George R. Batcheller, Pres.

Product of
INVINCIBLE
Maury M. Cohen, Pres.

Your SHIP COMES IN!

10 Ready Now 10

"QUEEN OF HELL" Sidney Blackmer, Irene Ware, Russell Hopton, Betty Compson

•

"SOCIETY FEVER" Lois Wilson, Lloyd Hughes, Hedda Hopper, Guinn Williams

•

"UNSEEN DEATH" Russell Hopton, Lola Lane, George Marion, Sr.

•

"HER COMEBACK" Sidney Blackmer, Shirley Grey, Noel Madison

•

"LIFE SENTENCE" Ralph Morgan, Pedro de Cordoba, Maxine Doyle, Mischa Auer

•

"HAPPINESS C. O. D." Maude Eburne, Donald Meek, Irene Ware, William Bakewell

•

"MURDER AT GLEN ATHOL" a Crime-Club best-seller by Norman Lippincott

•

"LADY IN SCARLET" a thriller by Robert Ellis

•

"LOADED DICE" one of Herbert Bronson Herbert's famous Sandra stories

•

"MURDER ON ICE" thrills for the nerveless

Associated Talking Pictures

Joseph Hergesheimer's prize-winning

"JAVA HEAD"

Anna May Wong, Elizabeth Allan, Edmund Gwenn, John Loder

Roaring Action!

8 Hoot Gibsons 8

Walter Futter

Thundering Drama!

8 Big Boy Williams 8

Alexander Bros.

Walter Futter's

"HONG KONG NIGHTS

Tom Keene, Wera Engels, Warren Hymer, Tetsu Komai

FIRST DIVISION

(PICTURES NOT PROMISES!)

◂ Purely Personal ▸

H. D. MINICH, chairman of the Research Council of the Controllers' Institute of America, has been named treasurer and controller of Sonotone Corp. He succeeds C. A. Lemkuhl, vice-president and treasurer, and W. E. Varin, controller and assistant treasurer, both of whom resigned.

•

Earl Tucker, who is identified with Kay Kamen's activities on behalf of Mickey Mouse toys and such in London, postcards from Scotland:

"Was up here on a two-weeks business trip and got to see a bit of Scotland. Gorgeous country."

•

James A. and Mrs. FitzPatrick return today from Atlantic City, where they spent the week-end working on the narration of "Oriental Paradise."

Quip of the Day

Editor, Motion Picture Daily:

Can you verify report Bank Night prize in Mox Shobbus' theatre has mounted so high Mox will give away theatre in lieu of cash to winner next Thursday night? *ALI GAGA*

Ben Chapman, outfielder of the New York Yankees, will present a silver cup, trophy of the Tri-Borough Theatre Basketball League, to the Roxy team at the theatre tonight.

•

Joe Hornstein tomorrow celebrates his 25th wedding anniversary. He left yesterday with his wife for Atlantic City and a tour of the South. They will return in a few days.

•

Leah Ray, who rounds out the entertainment in Phil Harris' band at the Waldorf Astoria, is being given quite a bit of attention by talent scouts.

•

Ann Jordon's "Kitchen Privileges" has been acquired by Universal as a starring vehicle for Jane Wyatt.

•

James Oliver Curwood's novel, "God's Country and the Woman," has been purchased by Warners.

•

Gene Murphy is handling publicity temporarily for Loew's theatres in and around New York.

•

Mack Gordon and Barrett Kiesling are in from the coast. They are stopping at the Warwick.

•

W. A. Bach, president of Audio Prod., is on his way to England for business conferences.

•

The Bernie Armstrongs have named the new arrival John Bernard, Jr.

•

Will Hays is due from his extended Hollywood trip this morning.

•

Joe Moskowitz went play-going in Philadelphia Saturday night.

•

Walter Eberhardt's been playing golf these week-ends with the missus.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"The Girl With the Lucky Legs"

(*Warners*)

Hollywood, Sept. 15.—Smart dialogue supersedes the mystery in this murder yarn to make surefire entertainment. Warren William, in his familiar Perry Mason role, romps through the story treating all the others with clever impertinence.

Craig Reynolds, a crooked promoter, stages a series of leg contests, then clears out with all the cash, including the prize money of the winners. Patricia Ellis and Peggy Shannon, two of the winners, pursue him, as does Lyle Talbot, Miss Ellis' fiance, and Porter Hall, a store owner. William, engaged by Hall to find Reynolds, discovers his murdered body after Allen Jenkins locates his address. Keeping all suspects from the police, William eventually pins the crime on Hall after many exciting chases.

The direction of Archie Mayo, pointed for comedy, scores repeated laughs from the situations and lines.

The supporting cast, including Genevieve Tobin, Barton MacLane, Olin Howard and Henry O'Neill, play the piece lightly with Talbot the only character giving a straight performance.

Brown Holmes' and Ben Markson's screenplay from Jerry Chodorov's adaptation of Earle Stanley Gardner's story occasionally compares favorably with "The Thin Man."

The picture should be exploited for comedy value.

Production Code Seal No. 1,153. Running time, 75 minutes. "G."

"The Virginia Judge"

(*Paramount*)

Hollywood, Sept. 15.—A vaudeville headliner for 20 years and star with the Theatre Guild, Walter C. Kelly excels in this film of southern life with a definite appeal to the home circle.

In his familiar role of the Virginia Judge, Kelly metes out humor, kindliness and justice. The town admires him, but he and his stepson are miles apart. The boy, Robert Cummings, out of step with family and friends, appropriates a car, takes Marsha Hunt for a spin and hits a tree. Charged $50 for repairs, he steals a gun and sells it to his love rival, Johnny Downs. Confronted with this theft by Johnny, in a scuffle Robert shoots Johnny. Judge Kelly, forced to bring his stepson to justice and forced to smack the boy on the chin to do so, opens the path for mutual understanding.

Comedy dominates, with tears in the undercurrent. Kelly's characterization stands out, with Stepin Fetchit runner-up for laughs. The negro bits in court are all good. The romance is between Marsha Hunt and Downs and Cummings.

Edward Sedgwick directed from an original by Octavus Roy Cohen and Walter Kelly, with the screen play by Henry Johnson and adaptation by Frank Adams and Inez Lopez. Charles R. Rogers produced with an eye for mass reactions.

As a slice of homespun Americana, this will register nicely with the family trade. Previewed without production code seal. Running time, 60 minutes. "G."

"Beauty's Daughter"

(*Twentieth Century-Fox*)

Hollywood, Sept. 15.—Situations of unusual appeal for women, combined with characters and background with striking interest for men unite to give "Beauty's Daughter" plenty of exploitation angles.

Claire Trevor is a navy nurse whose parents were divorced in her childhood. She tries to make her job fill her life, regarding marriage with serious distrust until she falls head over heels in love with Ralph Bellamy, a navy doctor. Bellamy offers Miss Trevor marriage based on mutual respect. Miss Trevor accepts him hoping to supplant his dead wife in his affections. Miss Trevor takes Bellamy's little daughter away for an infantile paralysis treatment. While she is gone, Bellamy becomes involved with an international spy, Kathleen Burke, who does her best to wreck their marriage.

Naval life at North Island and Pearl Harbor is full of color and navy hospital life gives a new exploitation angle.

The direction by Allan Dwan deserves special credit, as does the screenplay by Sonya Levien from the book by Kathleen Norris, with additional dialogue by Edward T. Lowe. The music score by David Buttolph and photography by John Seitz and Rudolph Mate are of note.

Sol Wurtzel produced for box-office emphasis.

Production Code Seal No. 1299. Running time, 70 minutes. "G."

"Hat" Topples Chicago Mark With $32,500

Chicago, Sept. 15.—"Top Hat" broke all house records at the Palace by $2,000 on a gross of $32,500. Average is $19,000. It looks like a five-week run.

"Steamboat 'Round the Bend" was still strong in its third week at the Roosevelt on a take of $10,500, and "China Seas," likewise in a third week, held up to $12,500.

Total first run business was $128,300. Average is $122,100.

Estimated takings:

Week Ending Sept. 12:

"PAGE MISS GLORY" (W. B.)

CHICAGO—(4,000), 35c-50c-68c, 7 days. Stage: Gala stage revue with Jack Holland-June Hart and others. **Gross:** $33,500. (Average, $34,600)

"THUNDER IN THE EAST" (U. A.)

ORIENTAL—(3,490), 25c-40c, 7 days. Stage: Renee Villon, 3 Stooges and vaudeville revue with Mark Fisher. **Gross:** $16,400. (Average, $15,000)

"TOP HAT" (Radio)

PALACE—(2,509), 25c-35c-50c, 7 days. Stage: Eddie Peabody and Revue. **Gross:** $32,500. (Average, $19,000)

"STEAMBOAT 'ROUND THE BEND" (Fox)

ROOSEVELT—(1,591), 30c-40c-60c, 7 days, 3rd week. **Gross:** $10,500. (Average, $11,000)

"CHINA SEAS" (M-G-M)

UNITED ARTISTS—(1,700), 30c-40c-60c, 8 days. 3rd week. **Gross:** $12,500. (Average, $17,000)

"SMILING THRU" (M-G-M)

APOLLO—(1,400), 25c-35c-50c, 7 days. **Gross:** $3,000. (Average, $6,000)

"THE IRISH IN US" (W. B.)

GARRICK—(900), 25c-35c-50c, 7 days. **Gross:** $5,500. (Average, $6,500)

Week Ending Sept. 13:

"AFTER THE DANCE" (Col.)

STATE-LAKE — (2,776), 20c-30c-35c, 7 days. Stage: "Hollywood Bound" Revue with M-G-M-*Daily Times* Film Tests. **Gross:** $14,400. (Average, $13,000)

"Karenina" Top in Milwaukee's Slump

Milwaukee, Sept. 15.—Despite fair days and cool nights, business was quiet along the Riviera this week, even the neighborhood houses sending up a squawk. Takes continued just fair with "Anna Karenina" at Fox's Wisconsin high with $8,800.

Estimated takings for the week ending Sept. 12:

"RED HEADS ON PARADE" (Fox)
"THE BLACK ROOM" (Col.)

PALACE—(2,800), 25c-40c, 7 days. **Gross:** $5,000. (Average, $4,500)

"DEATH FROM A DISTANCE" (Invincible)

RIVERSIDE—(2,300), 15c-20c-25c, 7 days. Stage: Gus Van, Gwynn & Co., Sully & Thomas, Dorothy & King Bros. **Gross:** $4,800.

"SHE" (Radio)
"SHE GETS HER MAN" (Univ.)

STRAND—(1,400), 25c-35c, 7 days. **Gross:** $1,250. (Average, $1,250)

"ALICE ADAMS" (Radio)
"WE'RE IN THE MONEY" (W.B.)

WARNER—(2,400), 25c-40c, 7 days. **Gross:** $5,200. (Average, $5,000)

"ANNA KARENINA" (M-G-M)

WISCONSIN—(3,200), 25c-35c-55c, 7 days. **Gross:** $8,800. (Average, $8,000)

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WILLIAM MORRIS OFFICE

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10 FOOTBA
EVER MAD
"FIGHTIN

A UNIVERSAL PICTUR

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With JUNE MARTEL, Andy Devine, J. Farrell MacDonald,

A Fred S. Meyer Production • Ansel Friedberger, Associate Producer

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ld, **Eddie Nugent, Ann Sheridan and All-American Football Stars**

Original story by Stanley Meyer • Directed by Hamilton Macfadden

NEW YORK, FRIDAY, SEPTEMBER 1

Top Feet Tap Out Top

Forecast became fact yesterday when a fir ond week's gross of **"Top Hat"** *at the Music ture $113,500, or $244,700 in 14 days, includ weekend and a slight advance in prices.*

The picture thereby garnered two reco a new second week high and it outdistanc week highs, except its own, naturally, by b ter" to the tune of $3,500.

RK

1 35

Gross

ally of the sec-
ll gave the pic-
the Labor Day

It established
all previous first
ng "Little Minis-

MORE FRONT PAGE NEWS

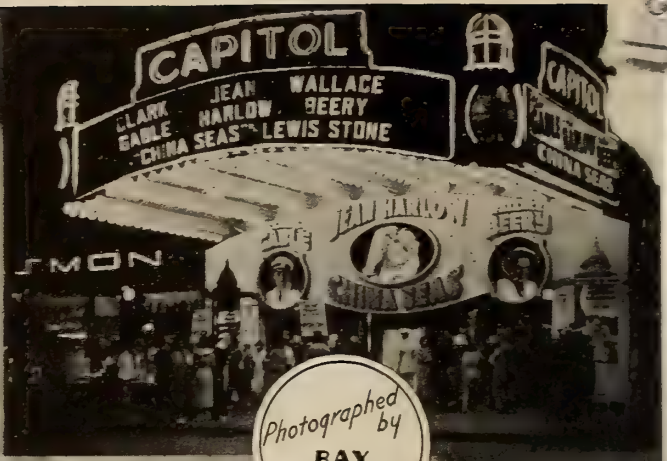
BY "RED" KANN

MOTION PICTURE DAILY

RADIO PICTURE

FREDRIC MARCH
ANNA KARENINA
CAPITOL
GRETA GARBO & FREDRIC MARCH
TOLSTOY'S EPIC "ANNA KARENINA"
EXTRA - "PITCAIRN-ISLAND"
GARBO
FREDRIC MARCH

Photographed by
WILLIAM DANIELS


CAPITOL
CLARK GABLE
JEAN HARLOW
WALLACE BEERY
"CHINA SEAS" LEWIS STONE
JEAN HARLOW
CHINA SEAS

Photographed by
RAY JUNE

OFF FOR A LONG RUN

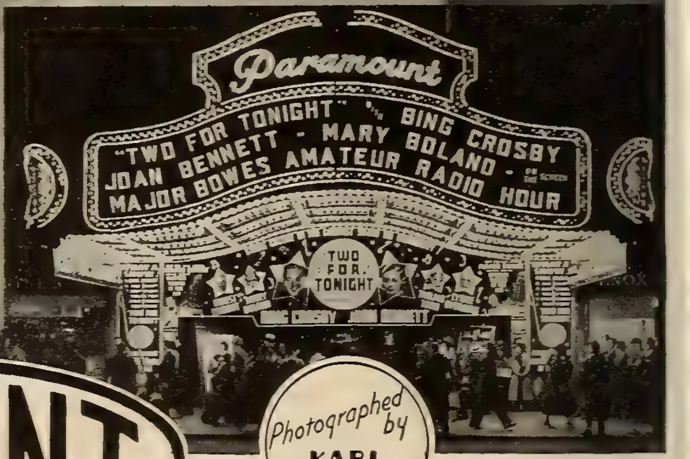
WITH DU PONT NEGATIVE

United Artists
RIVOLI
The DARK ANGEL
FREDRIC MARCH MERLE OBERON HERBERT MARSHALL "THE DARK ANGEL"
A SAMUEL GOLDWYN PRODUCTION

Photographed by
GREGG TOLAND

Paramount
SYLVIA SIDNEY & HERBERT MARSHALL
IN "ACCENT ON YOUTH" FILMED FROM
SEASON'S SMASH STAGE SUCCESS
Sylvia Sidney Herbert Marshall
ACCENT ON YOUTH

Photographed by
LEON SHAMROY


Paramount
"TWO FOR TONIGHT" BING CROSBY
JOAN BENNETT - MARY BOLAND -
MAJOR BOWES AMATEUR RADIO HOUR
TWO FOR TONIGHT

Photographed by
KARL STRUSS

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VOL. 38. NO. 66 NEW YORK, TUESDAY, SEPTEMBER 17, 1935 TEN CENTS

Little Interest Shown in New NRA Moves

See Support Lacking for "Self Government"

By **BERTRAM F. LINZ**

WASHINGTON, Sept. 16.—Reactions to proposals that legislation continuing the NRA be enacted at the next session of Congress have been disappointing to those behind the move, it was learned today.

Any such legislation developed, it is indicated, will have little or no support, even from the trades which benefited most under their codes, and much opposition, particularly if the present improvement in industrial conditions continues.

Lack of interest in "self government" by industry is demonstrated by the few applications received by the Federal Trade Commission for voluntary agreements and is increasing daily as that body delays action upon such applications as are before it.

Reports reaching Washington indicate that industrial leaders in all lines are skeptical of Congress' ability to draft a bill which will effectively regulate competition, in view of the Schechter decision. Interest in the decision is also minimized by the realization that in all probability the new legislation would not provide the exemption from anti-trust laws which was the major bait held out for the development of the recovery codes.

Korda's Film Plans Still at Six to Eight

Alexander Korda has not changed his production plans since being made a fifth producer-partner in U. A., he stated yesterday. The London Films' producer plans to make six to eight for the 1935-36 season which will be designed for the world market.

Asked whether he will bring to London any American stars, Korda said he had not yet decided on this matter. He will sail Thursday night on the *Berengaria* and expects to return some time in January.

Set New Fee System On Production Code

HOLLYWOOD, Sept. 16.—Every individual picture carrying the Breen seal must pay a proportionate share of maintaining the Breen organization under a new system inaugurated this month. Independent producers such as Republic, Chesterfield, Invincible and smaller state right operators, will

(*Continued on page* 4)

Resume Wage Talks

Grading of theatres in the local area was continued last night by Local 306 and circuit representatives after a week-end lull. The classification of theatres is preliminary to setting a basic wage scale for circuit and independent theatres. It will take about two weeks before a deal is finally set.

Allied Union Loses Move on Injunction

Supreme Court Justice John H. McCooey in Brooklyn yesterday denied a motion by Benjamin F. De Agostina, president of Allied Operators' Union, for a temporary injunction before trial against Terminal Associates, operating the Terminal at 4th Ave. and Dean St., Brooklyn. The suit seeks to restrain Terminal from employing any other than Allied members as operators.

Decision on a similar motion against Estates Operators Co., Inc., operating the Avon, Garfield and 16th St., Brooklyn, was postponed until tomorrow.

IATSE to Campaign On "Unfair" Spots

KANSAS CITY, Sept. 16.—While in Oklahoma last week to attend the organization's annual convention at Muskogee, George E. Browne, I. A. T. S. E. president; John P. Nick, vice-president, and Felix Snow, divisional representative, who presided at the convention, decided on a campaign to clear up "unfair" situations throughout the state, including the Griffith circuit, which is largely non-union.

No Scale Advances Seen in Louisville

LOUISVILLE, Sept. 16.—No change in admissions will be made in this territory, say the majority of theatre men here. Top price is 40 cents at night, with a one cent state sales tax added. 25 cents at matinees and 10 cents for children at all times. Sales tax is added to both children and adult admissions. Twenty-cents is top price for practically all suburban houses. with children a straight 10 cents at all times.

The only change in the local situation has been inaugurated by National. vaudefilm, with a straight 25 cents admission at all times. This policy has had no apparent effect on other houses. admissions remaining as is with no indication of changing prices.

Neighborhoods are contemplating no change, having to resort to cash and other prizes to get their customers in.

MAJOR POOLS SET FOR NEW SEASON

Fox-Skouras Briefs To Be Filed Today

Attorneys for Fox and RKO today will file briefs with Supreme Court Justice Hoffstadter in connection with Skouras Theatres' injunction proceedings to prevent RKO's 81st St. from playing Fox product day-and-date with the Riverside and Nemo.

Skouras alleges he has seven days' protection over RKO under a Fox franchise. The suit was filed last Thursday and at the first hearing before Judge Hoffstadter on Friday briefs were ordered filed today.

Kuykendall to Date Sessions While Here

A date for the M. P. T. O. A.'s next annual convention as well as one for the next meeting of its board of directors is included among organization matters expected to be determined by Ed Kuykendall, president, during a three or four-day stay in New York. He arrived last night.

Kuykendall had little to say for publication pending conferences here. He said a number of ideas had accumulated from the field relative to a voluntary industry code for the exhibition industry, but nothing had been done by way of analysis of them.

Ohio's Legislators Called to Talk Tax

COLUMBUS, Sept. 16.—Governor Davey has issued a call for a special session of the Legislature starting Wednesday to consider tax and other financial programs. This will be followed by another special session in November, it is understood. It is considered likely that the question of restoring the 10 per cent admission tax may be brought up at one of the sessions, although nothing definite has so far been announced.

Missouri Business Gains Are Reported

KANSAS CITY, Sept. 16.—Business conditions in Missouri are much better than they may seem. This is borne out by the Missouri Press Ass'n which, through C. W. Keller, field secretary, has just published the findings of a statewide survey conducted by the association, chiefly among its own members, but includ-

(*Continued on page* 4)

Several Operating Deals Ended — Fox Theatres Lead New Pacts

Unless unforeseen developments occur, major and independent circuits have concluded all pooling deals for the 1935-36 season, it was stated yesterday by various theatre executives. Negotiations for joint theatre operations usually begin at the end of the season and generally go into effect Sept. 1, which officially marks the debut of the new theatre year.

At the same time a number of interests have called off operating deals which have been on for a year or more.

Fox theatre units, including Skouras Theatres Corp., took the lead in the number of deals closed recently. The largest pool was between Evergreen States and John Hamrick in Portland and Seattle. The parent company is Cascade Theatres Corp. of which Frank L. Newman, Sr., is president; John Hamrick, vice-president; John P. Garvin, Clarence Innis, Alfred Shermanski, Hamrick and Newman, directors. Hamrick is gen-

(*Continued on page* 4)

Para.-FWC Deal Set To Be Signed Today

Paramount and Fox West Coast are scheduled to affix signatures today to contracts for the 1935-36 output of the former in all F. W. C. units. Neil Agnew, general sales manager of Paramount, and Jack J. Sullivan and Edward L. Alperson of the circuit, are working on the deal.

Due to delay in signing the pact, F. W. C. houses around Los Angeles have been withholding dates on Paramount product. However, both parties are understood to have reached an accord on new terms with definite signing slated for this afternoon.

B. & K. to Pay $1.75 On Preferred Stock

B. & K. has declared a $1.75 dividend on the preferred stock, payable Oct. 1. Directors held a quarterly meeting in Chicago last Friday which was attended by Y. Frank Freeman, who returned to New York yesterday.

B. & K. is catching up on its back dividends, Freeman reported, and now has only three preferred dividends payable. Business in the Windy City is fairly good, Freeman stated, and theatre men are looking forward to a good season.

MOTION PICTURE
DAILY

(Registered U. S. Patent Office)

Vol. 38 September 17, 1935 No. 66

Martin Quigley
Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

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Mrs. Fox to Change Merger Fight Papers

Attorneys for Eva Fox and All Continent Corp., in their action against the Twentieth Century-Fox merger and reorganization, plan a change in the complaint, intended to bring in the Chase National Bank and its officers, it was stated yesterday. The complaint change will be based on what has already been accomplished in the reorganization, and which, it is contended, is in violation of court order. They intend, also, to seek the right to examine Twentieth Century-Fox officers before trial. Application for that right will not be made to the court for at least a week, it was said.

Lawrence to Europe

"Laudy" Lawrence, general European representative for M-G-M, is aboard the *Lafayette*, which is en route to Europe.

Bischoff with Warners

Hollywood, Sept. 16.—Sam Bischoff today signed a new one-year term associate producer contract with Warners.

LYDA ROBERTI
"THE BIG BROADCAST OF 1936"
WILLIAM MORRIS OFFICE

◂ Purely Personal ▸

John D. Clark, Charlie McCarthy and George Skouras talking it over, despite the latter's suit against Fox and RKO on protection as it concerns the Riverside and the 81st St., at Sardi's yesterday. Also there were Arthur and Dave Loew, George Gerhard, Fred Ayer, Eddie Miller, George Brown, Joe Rivkin, Eddy Edelson, who has a decorating problem—apartment, not interior—on his hands; Herschel Stuart, Brock Pemberton, Antoinette and Margaret Perry, William Davidson, Irving Hoffman, Walter Jenks, Leon Netter and Louis Dent and others.

•

Neil Agnew, James A. FitzPatrick, Arthur Lee, M. A. Schlesinger, Arthur Kelly, Harry D. Buckley, William Feitelson, M. J. Kandel, Emil Jensen, Arnold Van Leer, Harry H. Thomas and Gregory Dickson, at the Tavern; George Dembow, Paul Benjamin, Ed MacNamee, Gradwell Sears, Al Friedlander, John Curtis, Gus Edwards, Ed Davidow and Herb Ebenstein at the Astor during the midday hour yesterday.

Quip of the Day

Ali Gaga, breaking loose again, says:

"I hear Minnesota exhibitors expect to do great business with that Metro picture which deals with Minneapolis and St. Paul, "A Tale of Twin Cities."

Alexander Korda, Sir Connop Guthrie and Etienne Pallos, who arrived from the coast Sunday, sail on the *Berengaria* Thursday with Maurice D. Silverstone, who returned from the coast several days before the London Films group.

•

Peter Friedhoff, treasurer of Republic, returned to his desk yesterday. He recently suffered a broken neck in an auto accident. Although he is improving rapidly, Friedhoff has to wear a brace for a few more weeks.

•

Arthur A. Lee, G. B. executive vice-president, and Arthur Jarratt, G. B. circuit buyer in England, were in Philadelphia yesterday. Jarratt and Mrs. Jarratt leave for Hollywood Thursday.

•

George B. Weeks, general sales manager of G. B., is visiting the company's exchange in Chicago. He returns to New York at the end of the week.

•

Edwin Carewe returned yesterday on the *Bremen* after taking exteriors for "The Life of Christ" in the Holy Land.

•

Edward Eliscu and Mrs. Eliscu are at the Warwick. He is here to arrange the production of "Paris Sensation," Shubert musical.

•

Francine Larrimore has been signed to a long term contract by M-G-M. She will leave for the coast Oct. 20.

•

H. J. Yates and W. Ray Johnston plan to go to the coast next week.

•

H. Staunton Wallach of Buenos Aires, who represented Monogram in Argentina, is in town, at the Chesterfield, to discuss the Republic setup.

•

C. King Charney, who has the motion picture franchise for Agfa, is here from the coast to attend the company's convention at the Roosevelt.

•

Harry C. Arthur has returned from St. Louis and will spend several days here before moving to the Missouri city.

•

Lloyd Bacon, directing James Cagney in Warners' "Frisco Kid," plans to leave the coast for New York next Monday.

•

Pat O'Brien, Warner star, leaves the coast today for a New York vacation.

•

Oliver H. P. Garrett's and Billy Wilder's "Encore" has been acquired by Pioneer.

•

Helen Jepson arrived in Hollywood yesterday by plane to discuss film plans with Paramount executives.

•

. . . Atlanta

W. M. Richardson, district manager of First Division, has named Emmett Davis, salesman in the Atlanta office, as branch manager in Charlotte.

H. H. Everett, branch manager of Republic Pictures in Charlotte, was in Atlanta this week conferring with Arthur C. Bromberg, president of Republic's southern division.

M. C. Moore, operator of the Riverside, Jacksonville, Fla., was on Film Row several days.

Frank Rogers of Jacksonville, an executive of Sparks' Enterprises, was in Atlanta several days.

•

. . . Boston

Adolph Buerig, Loew's State manager; Thomas Woodbury, Ramsdell Theatre, Beverly; Ken Douglas, head of Capitol Theatre Supply Co.; Joseph Brennan, business manager of the M. P. T. O. unit, back from vacations.

Jack Saef recently celebrated the third birthday of Robert Saef. Jack is assistant manager at the Metropolitan.

•

. . . Buffalo

Jules Michael, Regent manager who resigned recently, is on a 10-day vacation in Cleveland, Detroit and Mackinaw. He intends to concentrate on the M. P. T. O. when he returns.

George Gammell, operator of the Unity and Seneca, is back from a vacation spent at R. L. Woods' summer home at Georgian Bay, Ontario.

•

. . . Denver

George Paper, city manager for Fox at Boulder, Colo., is on a six months' leave of absence, necessitated by a breakdown.

William Lyris, inspector for F. W. C., was in this territory for three weeks on an inspection trip.

Ethel Holland, secretary in the Fox Intermountain offices, has purchased a new car.

B. D. Cockrill, manager of the Denham, flew to New York to arrange for roadshowing "Crusades" at the Denham beginning Oct. 2.

Max Kravetz has been added to the executive staff of the Alexander Film Corp. in Colorado Springs.

Wall Street

Paramount Issues Up on Big Board

	High	Low	Close	Net Change
Columbia	69½	67	67	—1¾
Consolidated	4¾	4⅝	4⅝	+ ⅛
Consolidated, pfd	17⅜	17	17	.....
Eastman	158	157	158	— ½
Loew's, Inc.	45½	44	44	.....
Paramount	10⅞	10⅜	10⅞	+ ½
Paramount, 1 pfd	94	91½	94	+3
Paramount, 2 pfd	13¼	12¼	13⅛	+1⅛
Pathe Film	6⅝	6⅛	6⅜	— ⅛
RKO	4⅜	3⅞	4¼	+ ⅜
20th Century Fox	17⅞	17⅝	17⅝	— ⅛
20th Century, pfd	26¾	26⅜	26½	— ⅛
Universal, pfd ..	34	34	34	—2
Warner Bros. ..	7½	7⅛	7⅜	+ ⅜
Warner, pfd	45½	44	44	— ¼

Sonotone Off on Curb

	High	Low	Close	Net Change
Sonotone	1¾	1¾	1¾	— ¼
Technicolor	20¼	19⅞	19⅞	— ¼
Trans-Lux	3½	3¼	3¼	— ¼

Gen'l Theatre Bonds Gain Fractionally

	High	Low	Close	Net Change
General Theatre Equip. 6s '40...	15	14½	14¾	+ ⅜
General Theatre Equip. 6s '40 ctf	15	14¾	14¾	+ ¼
Keith B. F. 6s '46	89½	89½	89½	.....
Loew's 6s '41 ww deb rights..	104½	104½	104½	.....
Paramount Pict. 6s '55	95¾	94¾	95¾	+ ¼
RKO 6s '41 pp....	71	67½	67½	+ ½
Warner Bros. 6s '39 wd	82¼	81¼	81½	.....

(Quotations at close of Sept. 16)

Modern Photography Out

Ninety-nine photographs, some of them even more striking than any of their predecessors, with extraordinary effects obtained by light and shade, are contained in the fifth annual edition of *Modern Photography*, edited by C. G. Holme.

In London the volume is printed by the Studio, Ltd., and in this country by The Studio Publications, Inc.

Also included are articles on "Creative Photography," by Francis Brugiere, and "To the Beginnner in Advertising Photography," by John Havinden, and personal notes by some of the photographers whose work is shown.

The volume is of especial interest to those interested in advertising illustrations. J. H. J.

Universal Closes Deal

Universal has signed with Famous Players Canadian for the entire Universal feature and short output in its 187 theatres. J. R. Grainger, Universal general manager of distribution, closed the deal for Universal. Famous has also signed for the complete Warner lineup.

Brower Called East

Hollywood, Sept. 16.—Jack Brower, Warner coast district manager, was called east by the home office on unknown business. He leaves tomorrow by plane.

Thalberg Leaves

Irving G. Thalberg and Norma Shearer, his wife, left for Hollywood yesterday afternoon.

Hays in from Coast

Will H. Hays reached New York yesterday from his lengthy coast trip.

Republic to Warners

Republic has sold its entire output to the Warner circuit in New Jersey.

She's Starting the New Year with a Smil

As their fourth successive 1935-'36 innovation, Warner Bros. give you a gay Kay for the new season . . . doing a grand job in a show which Variety Daily calls so good that "few comedies . . . can top it for entertainment!"

KAY FRANCIS

in

"THE GOOSE AND THE GANDER"

A First National Picture

With GEORGE BRENT • GENEVIEVE TOBIN • RALPH FORBES • CLAIRE DODD

Directed by Alfred E. Green and produced by **WARNER BROS.**

Missouri Business Gains Are Reported

(*Continued from page* 1)

ing statistics from several other official sources.

The findings show an improved financial condition for the farmer, increasing retail sales, rising bank deposits, growing building activity, improved demand for business and resident property and a steady increase in advertising lineage.

The state's farm income will show an increase of 12 per cent this year as compared with last, placing it at $259,500,000, as compared with $215,250,000 in 1934, $208,000,000 in 1933 and $186,400,000 in 1932, estimated by E. O. Logan, senior statistician of the Bureau of Agricultural Economics.

AAA payments will reach $25,000,000 for the year, compared with $29,250,000 in 1934 and $4,000,000 in 1933.

Move to Examine 6 In "Inflation" Suit

A motion to take the testimony of five persons who were in charge of the production of "Inflation" was made in the Supreme Court by Charles K. Stern, assistant treasurer of M-G-M, yesterday. The application was made in connection with the $25,000 suit for damages brought against M-G-M by Supremetone Recording Studio.

The complaint charges that M-G-M and the M-G-M Distributing Corp. wrongfully appropriated the title "Inflation" and the subject matter which were originally created by the plaintiff. The hearing is to take place this morning before Justice Carew.

Jerry Shea Observes His 36th Anniversary

Toronto, Sept. 16.—Jerry Shea celebrated the 36th anniversary of the opening of his first theatre in Toronto when he received the personal and wired congratulations of many old friends in the theatre field.

Shea's first house, then a vaudeville spot, got under way on Yonge St. in 1899 and six years later he began to show single-reel films in conjunction with the stage bill. In August, 1910. Shea opened his larger Victoria St. and in 1926 went to Shea's Hippodrome, seating 2,800.

Kimball Award Upheld

Lincoln, Neb., Sept. 16.—A judgment for $3,367 awarded Frank Kimball, Rialto owner, will stand against the Lincoln Theatre Corp., as a result of a denial of a rehearing by the Supreme Court. The judgment draws seven per cent interest. It was handed down nearly two years ago in District Court on a rent claim.

Petty on Coast

Hollywood, Sept. 16.—Tom Petty, of the Producers' Association in New York, arrived here today to change places with Lupton Wilkinson, press relations head for the Hays office here. Wilkinson goes to New York for two months on Sept. 28.

Hal Roach to New York

Hollywood, Sept. 16.—Hal Roach leaves by plane for New York tomorrow to supervise the recording for "Bohemian Girl." Elmer Reguse, soundman, left by train yesterday.

Major Pools Are Set for Next Season

(*Continued from page* 1)

eral manager of the Seattle group of seven houses, while Al Finkelstein is director of nine theatres in Portland.

George Skouras on Sept. 6 began a pooling arrangement with Warners in New Jersey. Involved in the deal are three Skouras houses and four of Warners. Hackensack, Elizabeth and Jersey City theatres of both circuits were included.

On Oct. 1, Fox Midwest will resume individual operation of the Granada, Kansas City, while Grubel Bros. will take back the Electra. Both circuits operated the two houses on a joint basis.

Mort Shea of Feiber & Shea recently combined bookings for the Midland, Auditorium and Grand in Newark, O. The new operating company for the trio is Newark Amusement Co.

RKO in Three-Way Deal

RKO, which on Sept. 1 withdrew its Hillstreet, Los Angeles, from a Warner pool and then made a deal with Alexander Pantages for the latter's Pantages, some time ago effected a three-way operating pact for the Keith's, Paramount and Eckles in Syracuse. RKO has Keith's and the Paramount while Meyer Schine has the Eckles. Both circuits will jointly operate. A deal has been on for the Warners' Strand which was pooled with RKO last year.

Loew's and Wilmer & Vincent last month ended an eight-year joint working tieup in Norfolk and Richmond, Va. Loew now operates the theatres in each town bearing the circuit name while W. & V. have the Norva and Grandy in Norfolk and Strand in Richmond. Negotiations between RKO and Loew's to combine operations in Union City and North Bergen, N. J., fell through after Loew stockholders had turned down the proposition.

There were several other independent pooling deals effected during the past few months. Likewise there have been discussions centering about booking combines, some of which have materialized and some of which remain to be settled one way or another. The I.E.P.A. of Philadelphia has a combine still in the air with definite action scheduled shortly.

Skouras-Century Unsettled

Although preliminary details were set about a year ago, Skouras and Century circuits have yet to settle interchangeability of management of 15 theatres affected in a Long Island pool. This is scheduled for Sept. 30 after several postponements.

At Paramount, Loew and RKO headquarters executives state no further pooling deals are planned.

Meanwhile, Milton C. Weisman continues his efforts to line up local independents for a new circuit. About 60 of 87 theatres pledged to join Independent Theatre Circuit, Inc., have sent in checks, but elections have been put off until Harry Brandt, president of the I.T.O.A., joins with his 43 units. A meeting is scheduled for tomorrow at the Astor, but a heavy calendar of the exhibitor organization may again result in delaying the elections.

Censors Can't Knit

Portland, Sept. 16.—Women censors must not take their knitting when they are passing on pictures, and furthermore they must be on the job on time.

This is but part of the instructions given to Portland viewers.

According to Robert M. H. Mount, chairman of the board, vigilance and knitting do not go together.

Also, after viewing a picture these same viewers should discuss it together and pass on it together, and not allow a single member of the group to depart until final decision is made.

Nathanson Finds His Prairie Houses Gain

Winnepeg, Sept. 16.—N. L. Nathanson, president of Famous Players Canadian Corp., and J. J. Fitzgibbons, director of theatre operations, addressed a midwest convention of managers here today. The company's business is showing a definite increase over box-office receipts last year because of better crop conditions and returning confidence, it was said.

The officials will proceed to Calgary, Alberta, for a similar session on Sept. 19, then plan to go from there to Vancouver for a Pacific coast meeting.

Rush St. Louis Work

St. Louis, Sept. 16.—Decorators are in a rush to get the Grand Opera house finished in time for the American Legion convention scheduled to start Sept. 23.

Sam Ward, Chicago agent, is also assembling a girl show which he intends to start at the New Grand Central on Sept. 21.

Admits Deal Is On

William Morris, Jr., yesterday acknowledged that a deal was under way between the agency he heads and that of Frank Orsatti in Hollywood, but added the move was so far only in the conversational stage. The arrangement would cover picture bookings only.

Rogers Will Probated

Los Angeles, Sept. 16.—The will of the late Will Rogers was admitted to probate in the Superior Court here today. Unofficial estimates place Rogers' wealth at $2,500,000. His entire estate was left to his widow, Mrs. Betty Blake Rogers.

Paramount Signs Five

New contracts have been awarded by Paramount to Frances Drake, Rosalind Keith and Akim Tamiroff. In the music department John M. Leipold and Sigmund Krumgold also have been re-signed.

Colleen Moore Better

St. Louis, Sept. 16.—Colleen Moore has recovered from injuries received in a fall in a department store on Sept. 9 and has left the hospital. She paid a visit to Children's Hospital.

Set New Fee System On Production Code

(*Continued from page* 1)

pay a flat fee with $25 set as the minimum. Feature pictures will be taxed $50 where production cost is under $50,000, $100 for pictures costing up to $100,000 and so on up to $525 for features costing over $200,000. Shorts will be taxed $25 per reel.

Also to be discussed at a meeting of the M.P.P.D.A. this week, will be a plan to admit independents who release through member companies to associate membership in the organization. Eligible for membership in this class, if it is favorably voted upon, are Edward Small, Sol Lesser, David Selznick, Pickford-Lasky, and Pioneer.

$100 Fines Imposed On I.E.B.W. Members

Hollywood, Sept. 16.—Fines of $100 are being imposed on I.E.B.W. members now being tried for alleged affiliation with the National Association of Cinema Craftsmen. Twenty-five of the 40 members accused of disloyalty yet remain for trial board judgment.

The $25 fines being imposed on members not appearing will be dropped if proper cause for absence at the trial is shown. Reliable reports place the N.A.C.C. membership at more than 3,000, with meetings still being conducted under cover.

Order Berkeley Held In Fatal Auto Crash

Hollywood, Sept. 16. — Busby Berkeley will be called upon to answer a manslaughter complaint for the death of two and the injury of three persons in a three-car crash Sept. 7.

District Attorney Buron Fitts ordered the complaint prepared following the coroner's inquest at which the jury held that Berkeley's driving was the cause of the accident.

Funeral services for Mrs. Ada von Brieson, 60, were held Friday. Final rites for Dorothy Shannon Daley, 20, were conducted Saturday.

Film Figures Arriving

The screen and stage will be well represented when the *Ile de France* docks today. Among the passengers will be Miriam Jordan, Wallace Beery, Benita Gould, Felix F. Feist, Robert Ritchie, manager of Jeanette MacDonald, and Val Parnell and Harry Foster. Also on board is Mrs. Claire Booth Brokaw, formerly with Campi.

Take Over Westminster

Irvin Shapiro and Archie Mayers have taken over the Westminster and will rename it the World. The film policy will consist of out of the ordinary pictures.

Claims "Steps" Record

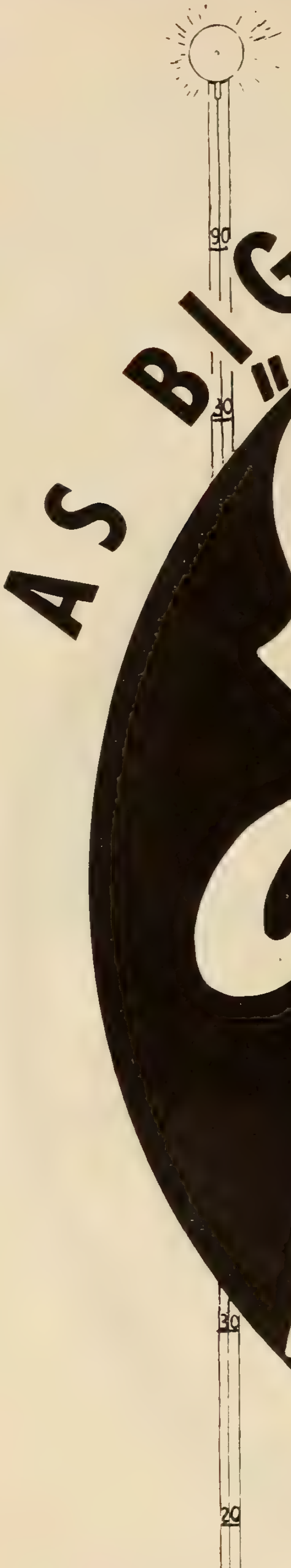
G.B.'s "The 39 Steps" set a new single day's attendance record at the Roxy on Saturday when 30,453 persons attended, Howard S. Cullman stated yesterday.

Claremont Signed

Hollywood, Sept. 16. — Harvey Claremont today was signed by Walter Wanger as head of the casting department.

3 MORE RECORD BREAKERS *coming!*

AND ALL FROM THE SAME COMPANY . . .



AS BIG AS THE HEAVENS!

"STORM over the ANDES"

RELEASED SEPT. 16

Starring

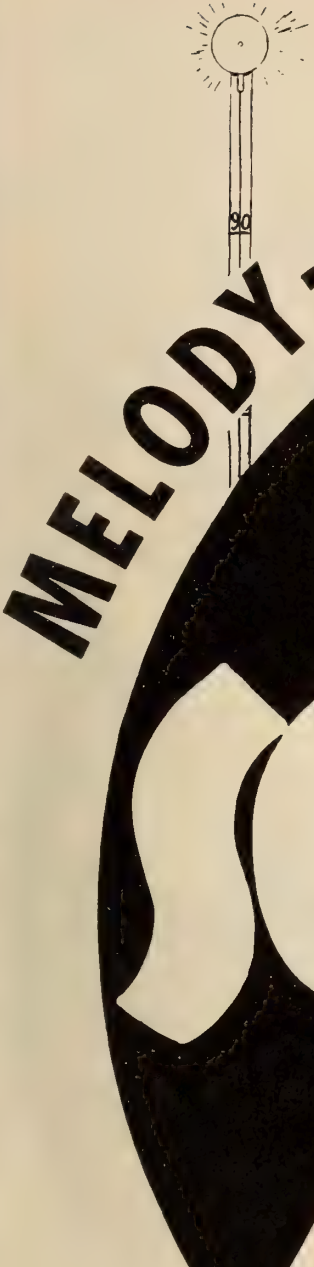
JACK HOLT

With Mona Barrie, Antonio Moreno, Gene Lockhart, Grant Withers, Barry Norton, George Lewis

Directed by W. Christy Cabanne • Produced by Maurice Pivar • Presented by Carl Laemmle

UNIVERSAL

MELODY — MELODRAMA — MONEY!



"KING SOLOMON of Broadway"

RELEASED SEPT. 30

Starring

EDMUND LOWE

With DOROTHY PAGE, PINKY TOMLIN
ED PAWLEY, LOUISE HENRY
Charles Grapewin, Arthur Vinton, Bradley Page, Clyde Dilson
Directed by Alan Crosland • Produced by Julius Bernheim • Presented by Carl Laemmle

UNIVERSAL

THE BOX OFFICE TOUCHDOWN!

"FIGHTING YOUTH"

RELEASED
SEPT. 30

Starring

CHARLES FARRELL

With JUNE MARTEL, Andy Devine, J. Farrell MacDonald,
Eddie Nugent, Ann Sheridan and All-American Football Stars

Original story by Stanley Meyer • Directed by Hamilton Macfadden

A Fred S. Meyer Production • Ansel Friedberger, Associate Producer • Presented by Carl Laemmle

UNIVERSAL

"Every Night" And Show Big In Pittsburgh

PITTSBURGH, Sept. 16.—While the other three first run houses were settling down to average business, or slightly better, following the sensational holiday takings, the Stanley was continuing its dizzy pace, running up still another fine gross. With "Every Night at Eight" and a stage unit featuring a number of screen names, the figure was around $21,000, over normal by $6,000.

At the Alvin, "Steamboat 'Round the Bend" did fairly well in its second week, getting around $4,750 in five days on top of a sizzling $14,000 during the opening session. Although "Call of the Wild" has been doing great all around the surrounding territory, its first run here at the Penn was something of a disappointment, the picture doing only around $9,700.

The Warner, too, slipped a bit, winding up at $4,400 with "Murder Man" and "Paris In Spring," a double feature without any particular marque strength.

Total first run grosses were $39,850. Average is $35,500.

Estimated takings for the week ending Sept. 12:

"STEAMBOAT 'ROUND THE BEND" (Fox)
ALVIN—(2,000), 25c-40c, 5 days, 2nd week. **Gross:** $4,750. (Average, for 6 days, $5,500)

"CALL OF THE WILD" (U. A.)
PENN—(3,300), 25c-40c, 6 days. **Gross:** $9,700. (Average, $10,000)

"EVERY NIGHT AT EIGHT" (Para.)
STANLEY—(3,600), 25c-55c, 6 days. Stage: Joan Marsh, Roscoe Ates, Sammy Cohen, Doris Roche, Tip, Tap and Toe. **Gross:** $21,000. (Average, $15,000)

"MURDER MAN" (M-G-M)
"PARIS IN SPRING" (Para.)
WARNER—(2,000), 25c-40c, 6 days. **Gross:** $4,400. (Average, $5,000)

"Hat," "Steamboat" Pacing Louisville

LOUISVILLE, Sept. 16.—"Top Hat" and "Steamboat 'Round the Bend" are still getting the money, and are both being held over for a third week. "Hat," at the Brown, garnered a nifty $3,500, which is $1,500 overboard, while "Steamboat 'Round the Bend" at the Strand held up well enough to justify another week, with a take of $3,200.

Total first run business was $21,900. Average is $18,500.

Estimated takings for the week ending Sept. 13:

"TWO FOR TONIGHT" (Para.)
RIALTO—(3,000), 15c-25c-40c, 7 days. **Gross:** $3,400. (Average, $3,500)

"CALL OF THE WILD" (U. A.)
LOEW'S STATE—(3,000), 15c-25c-40c, 7 days. **Gross:** $4,800. (Average, $4,500)

"NELL GWYN" (U. A.)
NATIONAL—(2,400), 25c, 7 days. Stage: "Radio City Revels." **Gross:** $3,100. Average, $3,500)

"TOP HAT" (Radio)
BROWN—(1,400), 25c-40c, 7 days, 2nd week. **Gross:** $3,500. (Average, $2,000)

"STEAMBOAT 'ROUND THE BEND" (Fox)
STRAND—(1,500), 15c-25c-40c, 7 days, 2nd week. **Gross:** $3,200. (Average, $2,500)

"BRIGHT LIGHTS" (F. N.)
MARY ANDERSON — (1,000), 25c-40c, 7 days. **Gross:** $2,800. (Average, $2,500)

"BORN TO GAMBLE" (Liberty)
"CHASING YESTERDAY"
"SHE" (Radio)
"SWEEPSTAKE ANNIE" (Liberty)
ALAMO—(900), 15c-25c, 7 days. **Gross:** $1,100. (Average, $1,400)

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"The Pay Off"

(Warners)

HOLLYWOOD, Sept. 16.—With a newspaper and sporting background, this picture moves swiftly and has appeal for most types of audience.

James Dunn, sportswriter, has popularized his column by attacks on Alan Dinehart, crooked promoter. Dinehart's attempts to buy Dunn off are unsuccessful until he gets Claire Dodd, Dunn's wife, in his power by winning several thousand dollars from her at roulette. Forced to "play ball" with Dinehart, Dunn's column soon hits skids and he loses his job. Miss Dodd, meanwhile, has left him for Dinehart.

Through the efforts of Patricia Ellis, his former teammate on the paper, Dunn gets a job with a race bookie. Then Frankie Darro, a jockey, brings him an inside tip on a race Dinehart is trying to fix. Scoring an exclusive beat with the story, Dunn is restored as Miss Dodd shoots Dinehart, then kills herself, leaving Dunn free for Miss Ellis.

The direction by Robert Florey finely shades the difference in character between Miss Dodd and Miss Ellis and works in splendidly the atmosphere of the background in which sportswriters work. The story by George Bricker and Joel Sayre, while aimed at male audiences, nevertheless has feminine appeal because of the care used in developing the female characters.

Production Code Seal No. 1,073. Running time, 64 minutes. "G."

"Steamboat" $17,350 Wow In Cleveland

CLEVELAND, Sept. 16.—"Steamboat 'Round the Bend" at the Hippodrome outgrossed all previous Rogers pictures, topping the $8,000 average by $9,350 to a $17,350 gross. It was moved to the Allen for a long run.

"Welcome Home" on the screen with Major Bowes' No. 4 unit on the stage gave the RKO Palace $23,500 against a $15,000 average.

"The Farmer Takes a Wife" did average during the last three days of a holdover from the previous week at the Allen.

Total first run business was $63,350. Average is $40,000.

Estimated takings for the week ending Sept. 13:

"THE FARMER TAKES A WIFE" (Fox)
ALLEN—(3,300), 30c-35c-42c, 3 days. Holdover from previous week. **Gross:** $1,300. (Average for week, $3,000)

"KEEPER OF THE BEES" (Republic)
ALLEN—(3,300), 30c-35c-42c, 4 days. **Gross:** $1,700. (Average for week, $3,000)

"STEAMBOAT 'ROUND THE BEND" (Fox)
WARNERS' HIPPODROME—(3,800), 30c-35c-42c, 7 days. **Gross:** $17,350. (Average, $8,000)

"WELCOME HOME" (Fox)
RKO PALACE—(3,100), 30c-42c-60c, 7 days. Stage: Major Bowes' Amateurs. **Gross:** $23,500. (Average, $15,000)

"CALL OF THE WILD" (U. A.)
LOEW'S STATE—(3,400), 30c-35c-42c, 7 days. **Gross:** $13,000. (Average, $10,000)

"ANNA KARENINA" (M-G-M)
LOEW'S STILLMAN—(1,900), 30c-35c-42c, 7 days, 2nd week downtown. **Gross:** $6,500. (Average, $4,000)

File Bank Night Suit

ATLANTA, Sept. 16.—Affiliated Enterprises, Inc., filed suit here last week in U. S. District Court against Lucas & Jenkins and Wilby Theatres, Inc., for infringement on Bank Night. Claud Ezell, who heads the Bank Night organization with headquarters in Dallas, was here with Eugene I. Reed, Denver attorney.

"Diamond" Is High Grosser In St. Louis

ST. LOUIS, Sept. 16.—"Diamond Jim" was the big grosser of the week. It took $13,500 at the Fox and $10,500 at the Ambassador, over normal by $500 at the former and above the line by $1,500 at the latter. Both houses dropped their usual double features for the engagement and went on a straight film basis.

"Anna Karenina," in its second week at Loew's State, played to $12,000, about $6,000 under the opening week mark.

Total first run business was $60,000. Average is $54,000.

Estimated takings for the week ending Sept. 12:

"DIAMOND JIM" (Univ.)
AMBASSADOR — (3,018), 25c-35c-55c. **Gross:** $10,500. (Average, $10,000)

"DIAMOND JIM" (Univ.)
FOX—(5,038), 25c-35c-55c. **Gross:** $13,500. (Average, $12,000)

"ANNA KARENINA" (M-G-M)
LOEW'S STATE—(3,162), 25c-35c-55c, 2nd week. **Gross:** $12,000. (Average, $9,000)

"THE RACKET SMASHER"
"CLAIRVOYANT" (G. B.)
MISSOURI—(3,514), 25c-40c. **Gross:** $6,500. (Average, $8,000)

"ACCENT ON YOUTH" (Para.)
"LITTLE BIG SHOT" (W. B.)
ORPHEUM—(2,950), 25c-35c-55c. **Gross:** $9,200. (Average, $8,500)

"SPECIAL AGENT" (W. B.)
"HERE COMES COOKIE" (Para.)
SHUBERT-RIALTO—(1,725), 25c-35c-55c. **Gross:** $8,500. (Average, $6,500)

"Hat" Portland Wow

PORTLAND, Sept. 16.—"Top Hat" opened here with a terrific rush. It is estimated 3,000 saw the picture in the first two days with the S.R.O. sign hanging out almost continuously.

Selects Pitts Title

HOLLYWOOD, Sept. 16.—Universal has selected "The Affair of Susan" as the final title of the latest Zasu Pitts-Hugh O'Connell feature.

"Top Hat" Is Washington's Holdover Top

WASHINGTON, Sept. 16.—"Top Hat" continued on its merry way here for a second week and piled up $15,200, over first week's par by $4,600, at RKO Keith's.

There was one other holdover and two return engagements and all three were good. "China Seas," brought back to Loew's Columbia, was $2,300 over a first week average on a take of $5,900, and "Page Miss Glory," returned for a week at the Metropolitan, took $6,500, up by $2,200. "Anna Karenina" dropped off to $9,000 in its second week at Loew's Palace.

"Accent on Youth," helped by a stage show, was the leader among the new films at $21,000, over average by $2,600. "My Heart Is Calling" made a good showing at the Belasco, $3,800, but "Dante's Inferno" wobbled along to a weak $17,000 at Loew's Fox.

Total first run business was $81,900. Average is $79,200.

Estimated takings, exclusive of tax:

Week Ending Sept. 12:

"ACCENT ON YOUTH" (Para)
EARLE—(2,218), 25c-77c, 7 days. Stage: Ted Weems & Orchestra, with Elmo Tanner, "Red" Ingle, Dancing Selbys. **Gross:** $21,000. (Average, $18,400)

"CHINA SEAS" (M-G-M)
LOEW'S COLUMBIA—(1,264), 25c-40c, 7 days (return engagement). **Gross:** $5,900. (Average, first run, $3,600)

"DANTE'S INFERNO" (Fox)
LOEW'S FOX—(3,434), 25c-66c. Stage: Arthur Jarrett & Orchestra, Eleanor Holm, Bliss Lewis & Ash, Eddie Rio, Margot & Libby Robbin, Dupree, Man & Lee. **Gross:** $17,000. (Average, $20,900)

"ANNA KARENINA" (M-G-M)
LOEW'S PALACE — (2,370), 35c-77c, 7 days, 2nd week. **Gross:** $9,000. (Average, first week, $15,900)

"PAGE MISS GLORY" (W. B.)
METROPOLITAN — (1,591), 25c-40c, 7 days (return engagement). **Gross:** $6,500. (Average, first run, $4,300)

Week Ending Sept. 13:

"MY HEART IS CALLING" (G. B.)
BELASCO—(1,140), 25c-65c, 7 days. **Gross:** $3,800. (Average, $2,200)

Week Ending Sept. 14:

"TOP HAT" (Radio)
RKO-KEITH'S—(1,836), 25c-55c, 7 days, 2nd week. **Gross:** $15,200. (Average, first week, $10,600)

Week Ending Sept. 15:

"HARMONY LANE" (Mascot)
RIALTO—(1,864), 25c-55c, 7 days. Stage: The Southernaires, Kathleen Lawlor, Crinoline Girls. **Gross:** $3,500. (Average, $3,300)

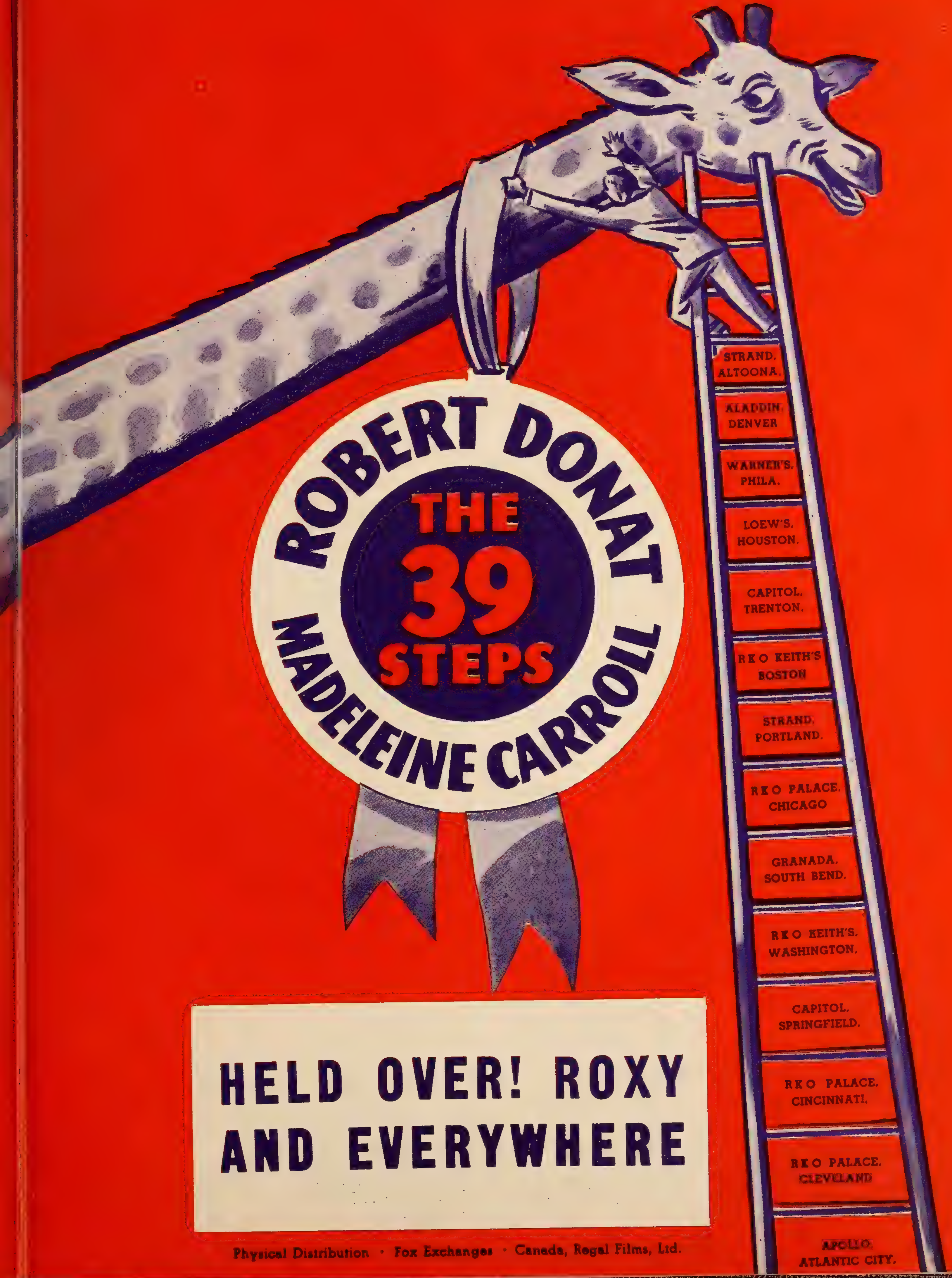
WORLD PREMIERE COMING SOON!

"MORE DRAMA AND ENTERTAINMENT IN TWO REELS THAN A VAST MAJORITY OF LAST YEAR'S FEATURES!"
-MOTION PICTURE DAILY

TOPS 'EM ALL

Boom days of '29 brought back by receipts of "39"

Directed by ALFRED HITCHCOCK
Director of "The Man Who Knew Too Much"



ROBERT DONAT

THE 39 STEPS

MADELEINE CARROLL

STRAND, ALTOONA.

ALADDIN, DENVER

WARNER'S, PHILA.

LOEW'S, HOUSTON.

CAPITOL, TRENTON.

RKO KEITH'S BOSTON

STRAND, PORTLAND.

RKO PALACE, CHICAGO

GRANADA, SOUTH BEND.

RKO KEITH'S, WASHINGTON.

CAPITOL, SPRINGFIELD.

RKO PALACE, CINCINNATI.

RKO PALACE, CLEVELAND

APOLLO, ATLANTIC CITY.

HELD OVER! ROXY AND EVERYWHERE

Physical Distribution · Fox Exchanges · Canada, Regal Films, Ltd.

"China Seas" Twin Cities' Best Grosser

MINNEAPOLIS, Sept. 16.—"China Seas" skimmed the cream off the business here and in St. Paul last week. It reached $6,500, over average by $1,000, at the State here, and did well at the St. Paul Paramount, where the $6,200 gross was up by $700. It was held in both places.

"Page Miss Glory" took a strong $4,700 at the Century, but there was nothing else to get excited about on either side of the river.

Total first run business in Minneapolis was $22,200. Average is $21,000. Total first run business in St. Paul was $17,600. Average is $16,000.

Estimated takings:

Minneapolis:

Week Ending Sept. 11:

"PAGE MISS GLORY" (Warners)
CENTURY—(1,680), 25c-40c, 7 days. **Gross:** $4,700. (Average, $4,000)

"WE'RE IN THE MONEY" (Warners)
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

Week Ending Sept. 12:

"BRIGHT LIGHTS" (F. N.)
ORPHEUM—(2,300), 25c-40c, 7 days. **Gross:** $5,500. (Average, $5,500)

"CHINA SEAS" (M-G-M)
STATE—(2,300), 25c-40c, 7 days. **Gross:** $6,500. (Average, $5,500)

"THE HOOSIER SCHOOLMASTER" (Monogram)
TIME—(300), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

"THE RUNAWAY QUEEN" (U. A.)
WORLD—(400), 25c-55c, 7 days. **Gross:** $2,500. (Average, $3,000)

St. Paul:

Week Ending Sept. 12:

"CHINA SEAS" (M-G-M)
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $6,200. (Average, $5,500)

"WOMAN WANTED" (M-G-M)
RIVIERE—(1,200), 25c-40c, 7 days. **Gross:** $3,900. (Average, $3,500)

"THE GIRL FRIEND" (Col.)
ORPHEUM—(2,000), 25c-40c, 7 days. **Gross:** $4,000. (Average, $4,000)

"GOING HIGHBROW" (W. B.)
TOWER—(1,000), 15c-25c, 4 days. **Gross:** $800. (Average for week, $1,500)

"PURSUIT" (M-G-M)
TOWER—(1,000), 15c-25c, 3 days. **Gross:** $700. (Average for week, $1,500)

"ESCAPE ME NEVER" (U. A.)
WORLD—(400), 25c-35c, 7 days, 2nd week. **Gross:** $2,000. (Average, $1,500)

"Two for Tonight" $8,300 in Buffalo

BUFFALO, Sept. 16.—"Two for Tonight" proved a winner at the Great Lakes by going $1,300 over normal for a total of $8,300.

"Thunder in the Night" and "Redheads on Parade" were also strong at the Century at $6,800.

Total first run business was $40,000. Average is $36,100.

Estimated takings for the week ending Sept. 13:

"PAGE MISS GLORY" (W. B.)
BUFFALO—(3,500), 30c-50c, 7 days. **Gross:** $11,800. (Average, $11,000)

"BONNIE SCOTLAND" (M-G-M)
"WITHOUT REGRET" (Para.)
HIPPODROME—(2,100), 30c-50c, 7 days. **Gross:** $6,600. (Average, $7,000)

"TWO FOR TONIGHT" (Para.)
GREAT LAKES—(3,000), 25c-40c, 7 days. **Gross:** $8,300. (Average, $7,000)

"THUNDER IN THE NIGHT" (Fox)
"REDHEADS ON PARADE" (Fox)
CENTURY—(3,000), 25c, 7 days. **Gross:** $6,800. (Average, $5,600)

"LOVE ME TONIGHT" (Col.)
LAFAYETTE—(3,300), 25c, 7 days, 2nd week. **Gross:** $6,900. (Average, $5,500)

Frisco Goes Gaga; "Hat" Hits $26,000

SAN FRANCISCO, Sept. 16.—"Top Hat" stirred up the biggest box-office excitement here so far this season. It was a riot at the Golden Gate, with the gross going to $26,000, twice normal.

Business was done in several other spots in the face of this competition. "Anna Karenina" grabbed $23,750, up by $3,750, at the Warfield, and a dual, "Every Night at Eight" and "The Gay Deception," reached $13,000 at the Paramount. The disappointment of the week was "Steamboat 'Round the Bend" with $6,100 at the St. Francis.

Total first run business was $87,250. Average is $74,200.

Estimated takings:

Week Ending Sept. 10:

"TOP HAT" (Radio)
GOLDEN GATE—(2,800), 25c-35c-40c, 7 days. Stage, band. **Gross:** $26,000. (Average, $13,000)

Week Ending Sept. 11:

"DIAMOND JIM" (Univ.)
ORPHEUM—(3,100), 15c-35c-40c, 7 days, 3rd week. **Gross:** $4,500. (Average, $7,500)

"THE GAY DECEPTION" (Fox)
"EVERY NIGHT AT EIGHT" (Para.)
PARAMOUNT—(2,670), 25c-35c-40c, 7 days. **Gross:** $13,000. (Average, $10,000)

Week Ending Sept. 12:

"WITHOUT REGRET" (Para.)
"THIS WOMAN IS MINE" (Para.)
FOX—(4,600), 10c-25c-35c, 7 days. **Gross:** $5,000. (Average, $7,000)

"STEAMBOAT 'ROUND THE BEND" (Fox)
ST. FRANCIS—(1,400), 15c-30c-40c, 7 days. **Gross:** $6,100. Average, $7,000)

"ANNA KARENINA" (M-G-M)
WARFIELD — (2,700), 25c-35c-40c-50c, 7 days. Stage, band. **Gross:** $23,750. (Average, $20,000)

Week Ending Sept. 13:

"THUNDERSTORM" (Amkino)
CLAY—(400), 25c-35c, 7 days. **Gross:** $1,400. (Average, $700)

"CALL OF THE WILD" (U. A.)
UNITED ARTISTS—(1,400), 15c-25c-35c-40c-55c, 7 days, 2nd week. **Gross:** $7,500. (Average, $9,000)

"Top Hat" Cracks Marks in Omaha

OMAHA, Sept. 16. — "Top Hat" smashed all records at the Brandeis by topping the two-year-old mark set by "Little Women." The $9,500 take was more than double par. "Little "Women" took $8,200 two years ago. "Top Hat" was held over.

"China Seas," on a dual bill with "Silk Hat Kid," was a smash hit at the same time at $10,100. This is also more than 100 per cent over average. This is a house record for a week of double features. Both pictures were held. The Orpheum, with "Bonnie Scotland" and "College Scandal," couldn't stand the pace and wound up at $5,800 for six days. Both features were replaced by "Dark Angel" and "Woman Wanted."

Total first run business was $25,400. Average is $16,500.

Estimated takings:

Week Ending Sept. 11:

"TOP HAT" (Radio)
BRANDIES—(1,200). 25c-35c-40c, 7 days. **Gross:** $9,500. (Average, $4,000)

"CHINA SEAS" (M-G-M)
"SILK HAT KID" (Fox)
OMAHA—(2,200), 25c-40c, 7 days. **Gross:** $10,100. (Average, $5,000)

Week Ending Sept. 12:

"BONNIE SCOTLAND" (M-G-M)
"COLLEGE SCANDAL" (Para.)
ORPHEUM — (3,000). 25c-40c, 6 days. **Gross:** $5,800. (Average, $7,500)

WPA Gets Blame

Lincoln, Neb., Sept. 16.—Gag on stunting for "39 Steps," the British spy picture, got a lot of laughs on the rebound. Varsity had a man out stepping off 39 steps on the main drag after which he'd set a large block on the sidewalk which was marked "39 Steps." Baffled most people, and one man, calling a newspaper, asked:

"Is that a new WPA project?"

"Hat" Is $4,800 Smash in Lincoln

LINCOLN, Neb., Sept. 16.—In spite of the presence of two stage shows in town, "Top Hat" gave the Stuart a second week of heavy profit, $4,800, over average by $1,700. "Steamboat 'Round the Bend" during the previous week doubled average.

The Varsity and the Orpheum, biting at each other with stage shows and matched prices, did heavy business, the Varsity $300 up with $2,000 on a full week of stage shows with "Girl Friend," and the Orpheum $1,000 high on a trio of pictures and Esther Ralston headlining a stage show which gathered $2,700.

Total first run business was $12,300. Average is $9,650.

Estimated takings:

Week Ending Sept. 11:

"LARAMIE KID" (Steiner)
"THUNDER IN THE NIGHT" (Fox)
COLONIAL—(750), 10c-15c, 7 days, split. **Gross:** $800. (Average, $850)

Week Ending Sept. 12:

"ACCENT ON YOUTH" (Para.)
LINCOLN—(1,600), 10c-20c-25c, 7 days. **Gross:** $2,000. (Average, $2,200)

"GIRL FRIEND" (Col.)
VARSITY—(1,100), 10c-15c-25c, 7 days. Running full week vaudeville headlining Croel & Allan, Elmer Cleve & Co. **Gross:** $2,000. (Average, $1,700)

"LITTLE BIG SHOT" (W. B.)
"DEALERS IN DEATH" (Topical)
"WHEN STRANGERS MEET" (Liberty)
ORPHEUM — (1,200), 10c-15c-20c-25c, 7 days. Three days of vaude headlining Esther Ralston. **Gross:** $2,700. (Average, $1,700)

Week Ending Sept. 13:

"TOP HAT" (Radio)
STUART — (2,000), 10c-25c-40c, 7 days. **Gross:** $4,800. (Average, $3,100)

"Diamond Jim" Big Indianapolis Draw

INDIANAPOLIS, Sept. 16.—"Diamond Jim" made a big impression at the Circle in spite of the fact that competition was formidable. The $4,500 gross left par behind by $1,500.

"Redheads on Parade," with a vaudeville show at the Lyric, garnered $8,250, up by $1,250. "Steamboat 'Round the Bend" was also in the big money with $5,000 at the Apollo.

Total first run business was $21,750. Average is $19,500.

Estimated takings for the week ending Sept. 14:

"STEAMBOAT 'ROUND THE BEND" (Fox)
APOLLO—(1,100), 25c-40c, 7 days. **Gross:** $5,000. (Average, $4,000)

"DIAMOND JIM" (Univ.)
CIRCLE—(2,800), 25c-40c, 7 days. **Gross:** $4,500. (Average, $4,000)

"REDHEADS ON PARADE" (Fox)
LYRIC—(2,000), 25c-40c, 7 days. Vaudeville. **Gross:** $8,250. (Average, $7,000)

"BONNIE SCOTLAND" (M-G-M)
"THE BLACK ROOM" (M-G-M)
LOEW'S—(3,000), 25c-40c, 7 days. **Gross:** $4,000. (Average, $4,500)

"Hat" Almost Hits Holdover Record in Hub

BOSTON, Sept. 16.—After breaking an admission record the first week as well as setting an all-time one-day record, "Top Hat" came close to another admission record in its second week at Keith's Memorial. The $27,000 gross was over average by $15,000.

In the face of all this competition only two other attractions got to first base. "Page Miss Glory," with a stage show at the Metropolitan, went over the line $3,000 on a take of $25,000 and "Thunder in the Night," helped by a holdover of the "Folies Bergere" revue, reached $19,500 at the RKO Boston.

Total first run business was $99,500. Average is $80,500.

Estimated takings for the week ending Sept. 13:

"LITTLE BIG SHOT" (W.B.)
"REDHEADS ON PARADE" (Fox)
FENWAY—(1,382), 30c-50c, 7 days. **Gross:** 4,000. (Average, $4,500)

"TOP HAT" (Radio)
KEITH'S MEMORIAL—(2,907), 25c-65c, 7 days, 2nd week. **Gross:** $27,000. (Average, $12,000)

"ANNA KARENINA" (M-G-M)
LOEW'S ORPHEUM—(2,970), 25c-65c, 7 days, 2nd week. **Gross:** $10,000. (Average, $12.000)

"HERE COMES THE BAND" (M-G-M)
"AIR HAWKS" (Col.)
LOEW'S STATE—(3,537), 25c-55c, 7 days. **Gross:** $8,000. (Average, $12,000)

"PAGE MISS GLORY" (W.B.)
METROPOLITAN — (4,332), 35c-65c, 7 days. Stage: Glen Gray and his Casa Loma Orchestra. **Gross:** $25,000. (Average, $22,000)

"LITTLE BIG SHOT" (W.B.)
"REDHEADS ON PARADE" (Fox)
PARAMOUNT—(1,793), 25c-50c, 7 days. **Gross:** $6,000. (Average, $7,000)

"THUNDER IN THE NIGHT" (Fox)
RKO BOSTON—(3,246), 25c-50c, 7 days. Stage: "Folies Bergere," 2nd week. **Gross:** $19,500. (Average, $11,000)

"Regret," "Tonic" Pull Montreal Top

MONTREAL, Sept. 16.—Two reopenings, Loew's and the Imperial, gave business a general boost last week, with Loew's getting off to a flying start on a combination of double features and vaudeville. "Without Regret" and "Spring Tonic" made up the film program, the take going to $12,000, over last year's par by $1,500.

"Steamboat 'Round the Bend" was good for $10,500, over the line by $1,000. "Top Hat" held up to $8,500 in its second week at the Palace.

Total first run business was $41,500. Average is $40,500.

Estimated takings for the week ending Sept. 14:

"STEAMBOAT 'ROUND THE BEND" (Fox)
"GINGER" (Fox)
CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $10,500. (Average, $9,500)

"L'AGONIE DES AIGLES" (French)
IMPERIAL—(1,914), 20c-29c-34c, 7 days. **Gross:** $4.500. (Average, $3,500)

"WITHOUT REGRET" (Para.)
"SPRING TONIC" (Fox)
LOEW'S — (3,115), 30c-34c-40c-50c-60c, 7 days. Stage: "Revue Continental." **Gross:** $12,000. (Average, $10.500)

"TOP HAT" (Radio)
PALACE — (2,600), 25c-35c-40c-50c-65c, 7 days, 2nd week. **Gross:** $8,500. First week: $13,500. (Average, $11,000)

"LOVE ME FOREVER" (Col.)
"EIGHT BELLS" (Col.)
PRINCESS—(2,272), 30c-35c-50c-65c, 7 days, 2nd week. **Gross:** $6,000. First week: $9,000. (Average, $6,000)

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British Study KRS Delay on Booking Deals

Expect Refusal to Deal With H. & G. Group

By BRUCE ALLAN

London, Sept. 9.—Postponement by the council of the Kinematograph Renters' Society of a final ruling on the arrangement between Gaumont British and H. & G. Kinemas is being read in Wardour Street as foreshadowing an ultimate refusal to trade with the H. & G. houses as part of the G. B. booking circuit.

Officially, the matter has been adjourned in order that G. B. may produce further evidence to the K. R. S. proving that a majority control of H. & G. has been acquired by Gaumont British Super Cinemas, Ltd., the subsidiary floated to take them over.

Unofficially, it is thought significant that during the adjournment of the G. B. case the K. R. S. should have issued the statement of its attitude to-

(*Continued on page 6*)

Shift of Operators Irks Circuit Heads

Rotation of operators in circuit booths somewhat annoyed theatre executives yesterday, despite claims of Local 306 that this move had been taken in an effort to relieve the unemployment situation.

While no protest was lodged with the union, circuit heads were inclined to believe that the shifting of operators to booths unfamiliar to them was purposely done to inconvenience theatre managers, who were somewhat put out by the relief men.

Meanwhile, negotiations between the two parties continue amicably with indications that nothing definite will materialize for two weeks or more.

Korda Party Lunch Guests of Quigley

A luncheon in compliment to Alexander Korda and his British associates, Sir Connop Guthrie and Etienne Pallos, was tendered by Martin Quigley at the Rockefeller Center Luncheon Club yesterday.

Those present were Korda, Sir Connop, Pallos, Will H. Hays, Nicholas M. Schenck, Dr. A. H. Giannini, Robert H. Cochrane, W. G. Van Schmus, Ned E. Depinet, Al Lichtman, Arthur W. Kelly, Harry D. Buckley, Maurice Silverstone, Carl E. Milliken, Colvin Brown and Mr. Quigley.

English Houses Booming, States Feist Upon Return

"All cinemas in England are doing a terrific business and those in London are very prosperous," Felix F. Feist, general sales manager of M-G-M, stated yesterday upon his arrival on the *Ile de France* from a five-week "holiday" in England and France.

Feist said he couldn't make an observation about business in France inasmuch as he attended only one film house. He said he spent most of his time at legitimate theatres.

Questioned about reports from Chicago that M-G-M and Essaness were having trouble, Feist said that before he sailed for England he had set his deal with the Windy City circuit and had not heard of any dissatisfaction since.

Wallace Beery, who has 14 months to go on his M-G-M pact, stated he will leave for the coast on Oct. 1. He plans to attend the Baer-Louis fight, but is undecided on whom to

(*Continued on page 6*)

Louisianians Seek Censor Law Repeal

New Orleans, Sept. 17.—With the death of Senator Long, it is believed the censorship board's lease of life will be short. A movement is on foot for a special session of the legislature to repeal many laws.

It is said that exhibitors and exchange men will bring the matter up at the proposed extra session, giving as a reason that the existence of the board is not necessary for the public welfare. The extra taxes placed on the exchanges will also be stressed.

RKO and Fox File Replies to Skouras

RKO and Fox yesterday filed affidavits in the Supreme Court in answer to an injunction suit filed last week by Skouras Theatres Corp., which claims it has seven days' protection on Fox product over RKO's 81st St. The Skouras theatres involved are the Nemo and Riverside.

Skouras yesterday filed counter affidavits and today RKO and Fox attorneys will file briefs with Justice Hofstadter. A decision is expected in a few days.

Bank Nights Under Fire in So. Dakota

Minneapolis, Sept. 17. — Bank Night, declared illegal by authorities in Iowa and North Dakota, was also under scrutiny by the attorney general's office of South Dakota last week,

(*Continued on page 6*)

Ohio Gets Admiral

Columbus, Sept. 17.—Ohio film men who may hereafter seek titular recognition may not need to look to Kentucky.

Governor Davey has commissioned Sidney Frohman, a friend, at Sandusky, as an admiral in the Ohio navy. It was done because the Governor and his family were entertained on Frohman's yacht recently.

The commission has but one precedent in Ohio, and that was many years ago.

Reopenings Spurt In N. Y. Territory

Theatre activity in the local territory took a sudden spurt during the last week with a number of reopenings and changes in management taking the spotlight. Dick Edelson and Harold Blumenthal have closed for the Strand, Hackettstown; Palace, Flemington, and Strand, Lambertsville, N. J., while M. Eskin of New Haven has taken the Cameo and American, Newark.

Having reopened the Imperial,

(*Continued on page 6*)

Carewe to Set Up His Own Exchanges

Fifty exchanges will be established in the U. S. and Canada for the handling of the 10 programs planned annually by Edwin Carewe Pictures Corp. of California, Carewe stated yesterday following his return from Rome and England, where he made exteriors for "The Life of Christ."

Rafaal Films, Ltd., has just been organized in London to handle United Kingdom distribution. H. B. Robb

(*Continued on page 6*)

Carriers to Talk New Trucking Law

Devising a uniform system of tariffs and other new problems that will have to be met under the Motor Carriers' Act passed at the last session of Congress will be one of the important topics at the annual convention of National Film Carriers, Inc., to be held at the Park Central Oct. 7-9. Under the terms of the

(*Continued on page 6*)

No New Pact, All Is Fine, Says Thalberg

Old Contract Has Years To Run, He Asserts

Chicago, Sept. 17.—Irving Thalberg today denied experiencing difficulties with M-G-M, adding "everything is fine." He was caught by a Motion Picture Daily reporter in between trains and tonight was aboard The Chief Hollywood-bound from New York.

"Reports that I have signed a new contract are untrue," he said. "My old contract has several years to run and I have made no new agreement. I have had no difficulties with Metro, everything is fine and I had a grand time in New York on what was my first visit there in two years.

"I am anxious to get back to Hollywood and start work on 'Romeo and Juliet,' 'The Good Earth' and other pictures and have no statement to make other than that I have a heavy

(*Continued on page 6*)

Independents Start New Group on Coast

Hollywood, Sept. 17.—As forecast exclusively in Motion Picture Daily, an independent producer group headed by I. E. Chadwick met at a dinner conference last night at the Hotel Roosevelt for the purpose of laying the foundation for a new independent producers' organization.

William Berke, Fred Futter and Charles C. Burr were named as a committee to get the new organization started. Its principal purposes will be to force state righters to maintain contractual obligations. Producers attending included Sig Neufeld, Ray Kirkwood, A. W. Hackle, William Smith, Maurice Conn and Lester Simmons.

One of the points brought out at the meeting centered on payment for code seals under the new regulations laid down by the Hays office.

Van Schmus to Run Center Film Policy

RKO will not book the Center when the house reopens the first week in October. W. G. Van Schmus, who supervises operation of the Music Hall, will also guide the Center.

Negotiations are understood under way to reopen the smaller of the two Radio City theatres with "The Last Days of Pompeii" either Oct. 1 or Oct. 8. Policy of the Center will be first run.

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Wall Street

Paramount Issues Gain on Big Board

	High	Low	Close	Net Change
Columbia	67	66⅝	66⅝	— ⅛
Consolidated	4⅝	4½	4½	— ⅛
Consolidated, pfd	17¼	17	17	.....
Eastman	159¼	157½	157½	+1¼
Loew's, Inc.	44⅛	43⅝	43⅞	— ⅛
Paramount	11	10¾	10⅞	.....
Paramount, 1 pfd	98	94	97¼	+3¼
Paramount, 2 pfd	13⅜	13	13¼	+ ⅛
Pathe Film	6⅜	6¼	6¼	— ⅛
RKO	4¼	4⅛	4⅛	— ⅛
20th Century Fox	17¾	17¼	17¼	— ⅜
20th Century pfd	26¾	26	26	— ½
Warner Bros.	7⅝	7¼	7½	+ ⅛
Warner, pfd	45½	43¾	45¼	+1¼

Technicolor Gains ¼ on Curb

	High	Low	Close	Net Change
Sonotone	1¾	1¾	1¾	.....
Technicolor	20⅛	19⅞	20⅛	+ ¼
Trans-Lux	3⅜	3¼	3¼	.....

RKO Bonds Hit 70

	High	Low	Close	Net Change
General Theatre Equip. 6s '40 ctf	15	14¾	14¾	.....
Keith B. F. 6s '46	88⅞	88¾	88¾	— ¾
Loew's 6s '41 ww deb rights	104½	104½	104½	.....
Paramount B'way 3s '55	61¼	61¼	61¼	+ ¼
RKO 6s '41 pp	70	70	70	+2½
Warner Bros. 6s '39 wd	82⅜	81½	82	+ ½

(Quotations at close of Sept. 17)

Roxy Holds "Steps"

"The 39 Steps" will be held over at the Roxy for a second week.

Insiders' Outlook

By RED KANN

PERSONAL preferences, or some results of a tour of neighborhood houses and projection rooms:

Spencer Tracy's natural, and so bang-up, performance as the lead in "The Murder Man," an interesting picture despite its fantastic handling of big city newspaper routine.

Peter Lorre's psychopathic and powerful characterization as the surgeon in "Mad Love," a film grotesque which may mean something abroad, but certainly not here.

Fred Stone's homely and thoroughly human role as Katharine Hepburn's screen father in "Alice Adams" which, incidentally, is the best part Hepburn has had in several pictures.

Eleanor Powell's miraculous dancing limbs in "The Broadway Melody of 1936" which opens at the Capitol tonight.

Robert Wildhack's snoring routine in the same picture and Director Roy Del Ruth's timing of the former's appearance and re-appearance when you expect him least.

June Knight's final shot in "Melody" to which might be added general regret that it didn't come along sooner. . . .

▼ ▼

"The March of Time," sixth issue previewed yesterday, stops some of its bristling, but by turning less controversial this time, at least, loses none of its interest. There is no better conceived or edited subject of its kind on the market within the doddering span of this space's memory. On this occasion, the two-reeler, in its usual method of telling a pictorial story with beginning, middle and end, discusses the bootleg coal situation in the Eastern Pennsylvania coal belt, presents the salient facts, inclines toward the sympathetic where the miners are concerned but gives the companies a break by the same token and leaves the problem, viewed as a serious one industrially, to go on to its second chapter. . . .

▼

The next episode deals with the C.C.C., explains its purpose and the difficulties encountered in the rush to put the unemployed young to work and one method by which the trouble was erased. In general and because "The March of Time" is inherently editorial and so opinionated in its outlook, the footage leans with favor toward the idea which brought the Civilian Conservation Corps into existence. For the treatment, however, it should be said that expression is given to the speculation in many minds, if here is not a waiting force, powerful and sweeping and ready to help propel America into Fascism, if and when. . . .

▼

The third and most exciting yarn deals with Lake Tana, which feeds the Blue Nile which feeds the Sudan's cotton fields and helps keep Britain's spindles in Lancashire busy, Ethiopia, and Italy, Ricketts and oil and is a corking narration in clear and lucid form of the political and economic fundamentals beyond the ominous crisis looming on the East African horizon. Typical of "The March of Time's" editorial and photographic standards—cryptic, punch-laden although less pungent, and timely—is this latest release. . . .

▼ ▼

When Bob Cochrane recently advertised on the page opposite "The Greatest Two-Reeler on Earth," the secretary who does yeoman's service for this department wrote a note few in words but great in skepticism. Some days elapsed to bring along yesterday and a peek at "Camera Thrills," a two-reeler edited by Charles E. Ford who ordinarily gets out Universal Newsreel. The special is a compilation of choice newsreel clips, decorated very effectively by camera "wipes" and grinding newsreel cameramen showing them on duty in well and little known corners of the globe catching for the record thrills that make your average audience catch its breath. There are plenty of gasps drawn from air crashes, motor collisions on speedways, riots and steeplechases, collapsing bridges and fires. The assortment is varied; many are horrible, but all are undeniably skin-raising. It's excitement galore caught neatly in the camera box for projection now on screens that belong to alert and progressive showmen. . . .

▼ ▼

The cables reported what her statement had to say, but perhaps it was not quite the reason. For Diana Wynyard, unforgettable in "Cavalcade," to publicly declare she was through with Hollywood because she did not screen well is to attribute to her intelligence a triteness which her work on the coast has persistently and constantly denied. While the League at Geneva is finding Mussolini unreasonably pugnacious, intervention on behalf of film incurables at large, not excepting this one, might find Miss Wynyard more tractable

AFA Starts Move to Restore Vaudeville

A campaign to restore vaudeville by stirring up nationwide sentiment has been launched by the American Federation of Actors. Prominent figures in the theatrical, political and newspaper fields have been enlisted in the effort.

The "Save Vaudeville Campaign" begins on Sept. 25 at the St. James, contributed by Eddie Dowling. At a meeting presided over by Ralph Whitehead and attended by Heywood Broun, Alfred Lunt, Senator Robert H. Wagner and Postmaster General James Farley and Jack Dempsey among others will start the move.

The circulation in key cities of petitions to marshal public opinion and enlist the aid of business organizations has already been started. From Bridgeport a petition with over 3,500 names signed to it has been turned over to Marvin H. Schenck of the Loew theatre operating department.

Finish Revamping Of First Division

Reorganization plans for First Division were completed last night. It is understood Harry H. Thomas, president, will continue in that capacity with Willis Bright as vice-president and treasurer. Al Friedlander also will be continued as a vice-president, it is said. Robert Atkins, president of First International, may succeed Frank Kolbe as chairman of the First Division board.

Under reorganization plans, First International has agreed to finance First Division for $225,000 with additional funds promised after the first of the year. Pathe Film Corp. is backing First International. The boards of all three companies are expected to meet later in the week to elect officers.

F.W.C. Executives Get New Contracts

HOLLYWOOD, Sept. 17.—Fox West Coast has given J. J. Sullivan, chief film buyer, and Charles Buckley, legal department head, new five-year contracts as vice-presidents. Contracts for a similar period are being prepared for Arch Bowles, San Francisco; Elmer Rhoden, Kansas City; H. J. Fitzgerald, Milwaukee; Rick Ricketson, Denver. The new deals are in fulfillment of a promise made to F.W.C. executives when the company faced bankruptcy a couple of years ago, and executives took wage cuts. Charles Skouras said district manager bonuses will be continued with increases.

Allied Delays Session

Because of the short notice to members, Allied of New Jersey postponed a meeting scheduled for yesterday at the Walt Whitman in Camden. The session is now slated for next Tuesday at the same place. A number of Philadelphia and southern New Jersey exhibitors are expected to attend.

F.W.C. Hearing Today

HOLLYWOOD, Sept. 17.—Final hearing and dismissal from bankruptcy of Fox West Coast has been definitely set for tomorrow before Referee Samuel McNabb.

SEE YOU TONIGHT! WORLD PREMIERE, CAPITOL THEATRE, N. Y.

ROBERT TAYLOR, June Knight, JACK BENNY, Una Merkel, Nick Long, Jr., Frances Langford
Sid Silvers, ELEANOR POWELL, Buddy Ebsen and all the Gang!

FORWARD MARCH!

"BROADWAY MELODY OF 1936"

Hooray M-G-M and Director Roy Del Ruth and Producer John W. Considine, Jr.

FROM SCOOPS

Vitaphone Will Deal Out a Ro

From brilliant novelty scoops like "Keystone Hotel" to the grandest collection of sure-fire comics in the business, Vitaphone is showing the way in Comedy this season! Watch the boys who took the lead in Musicals and many other innovations step up the laugh-short standard—starting right now!

●

Leading the parade of hits—the Keystone gang in all their pie-eyed glory! Ben Turpin, Chester Conklin, Ford Sterling, Hank Mann, Marie Prevost—the whole kaboodle of old-time favorites in a new 2-reel custard opera! And what a build-up! For months, the nation's press has been heralding the return of the Keystone Kops with a newspaper campaign bigger than that given most feature films.* There's a readymade audience of millions waiting with open arms for . . .

'KEYSTONE HOTEL'

RELEASED SEPTEMBER 21st

**And the trade press chimes in with:*

"The film winds up with an old-fashioned pie-throwing fight that should not only please audiences but start them reminiscing. Exhibitors can't miss by playing this. Highly recommended."
—*Motion Picture Daily*

"Can stand up as the second feature on many double bills. As a novelty or a recording of motion picture history, it should mean something in ace houses. Production of the picture with the oldtime cast was a smart idea, one that should mean cash."
—*Variety Daily*

....TO NUTS

al Laugh-Feast in 1935-'36

And then week after week . . . the industry's ace comedians . . . all under contract to Vitaphone . . . all big names . . . and all set to make this a great year for comedies . . . and for you!

THE YACHT CLUB BOYS, singing clowns of two continents, are due to be among the year's best screen bets. Watch for their first 'The Vodka Boatmen' on Oct. 25th.

EL BRENDEL had 'em in the aisles last year with "What! No Men?" This will be an even better year for the legion of Brendel fans.

SHEMP HOWARD, Vitaphone's own discovery, has become one of the country's most popular howl-provokers. More laugh-filled releases coming from him this season!

HENRY ARMETTA is another of Vitaphone's feature scoops! He's starring in 'Romance of the West', the nation's newest short sensation.

BOB HOPE is known as 'Broadway's show-saver'. Better grab his shorts now—you'll have to pay more for him when he's grabbed for features. Watch for his first, 'Double Exposure'—it's a knockout!

ALLEN JENKINS, fresh from triumphs in feature films, brings a unique deadpan humor to short subjects — — and a huge following!

ROSCOE ATES' stuttering will continue to make plenty of trouble for his playmate, Shemp Howard. Funny? Y-y-y-you b-b-b-betcha!!

FRANK McHUGH and his inimitable laugh will be starred by Vitaphone this year—in answer to the requests of millions of rabid fans! Remember him in 'Glory'?

HOBART CAVANAUGH has proved his box-office value in full-length films. Watch 'em flock when he appears in a short all his own!

WARNER BROS.' VITAPHONE FOR COMEDIES

No New Pact, All Is Fine, Says Thalberg

(Continued from page 1)

schedule and plan to make some good pictures."

Norma Shearer, Thalberg's wife, is traveling west with him.

"Left Happy"—Schenck

Nicholas M. Schenck declared yesterday Irving Thalberg had left New York for Hollywood as "happy as he was when he came here."

The trip, added the head of Loew's and M-G-M, was for the purpose of discussing production problems. Schenck made this added comment in flatly denying reports circulating in New York yesterday that M-G-M had voted Thalberg a substantial cash bonus.

The latter, according to persistent reports, has been dissatisfied with his status as a producer on the M-G-M lot and presumably had come to New York to straighten out the alleged difficulties with Schenck.

"I have done no such thing and would not have the authority to vote the bonus reported," said Schenck.

Rumors that Thalberg had signed a new contract were published earlier in the week in the chatter column of a local tabloid.

Carriers to Talk New Trucking Law

(Continued from page 1)

new act all interstate shipments come under the regulation of the Interstate Commerce Commission.

The first session of the convention will be at 10:30 o'clock.

Last Saturday and Sunday, the executive committee comprising James Clark, president, Philadelphia; George Blackman, Albany; George Callahan, Pittsburgh; Harold Robinson, Detroit, and John Vickers, Charlotte, met in Washington to confer with Tedd Rogers, president of the American Trucking Ass'n, on the new act.

On Oct. 8, Charles C. Pettijohn and Rogers will be the principal speakers. On this day, a special committee will be named to attend the American Trucking convention in Washington a week following the local meet. In the evening a banquet will be held.

Elections will be held Wednesday, Oct. 9. No changes in the present administration are anticipated.

New Mickey Mouse Magazine Out Soon

The first monthly issue of *Mickey Mouse Magazine,* published and edited by Hal Horne, makes its bow on newsstands throughout the country Sept. 25.

Produced in four colors, the publication is filled with cartoons, gags, comic stories and contests and carries 10 pages of ads in its first monthly issue of 42 pages.

Gillmore on Coast

HOLLYWOOD, Sept. 17.—Frank Gillmore, Equity head, is here for discussions with the Actors' Guild on how to obtain recognition for collective bargaining under the terms of the Wagner Law.

Carewe to Set Up His Own Exchanges

(Continued from page 1)

and Bert Walsh are the two leading factors in charge, Carewe said.

Explaining his instructional entertainment program, Carewe asserted the company will install sound equipment in schools and churches throughout the country for the handling of the features and shorts which comprise a program. All subjects are being made in color and black and white on both 35mm and 16mm films. The British company will set up a similar system.

Each program consists of an eight-reel feature, one two-reeler, two one-reelers and two split-reelers. The first feature will be "The Life of Christ," which is expected to be ready for release Christmas Week. The two-reeler will deal with how other nations live. The two single-reel subjects will be divided into one entertainment and one scientific subject. The entertainment part will comprise a cartoon while the other will devote its footage to picturing modern scientific developments.

Five Subjects Completed

The two split-reelers will consist of one Biblical subject and a color film. The color subjects will picture the highlights of America. Five subjects already have been completed in the "See America First," including "Zion National Park and Bryce Canyon," "Crater Lake and Mt. Rassen," "Yellowstone National Park," "Catalina Island" and "Trail of the Mission." Other subjects to be made will include Hudson Bay, the Mississippi, Niagara Falls, the Grand Canyon and the Rockies.

Carewe, who expects to leave for Hollywood today, stated there are 11 members of the church and educational board who pass on every subject before it is made. Production headquarters are at General Service Studios in Hollywood.

He said he spent two weeks in Rome during which time he had an audience with the Pope.

Reopenings Spurt In N. Y. Territory

(Continued from page 1)

Brooklyn, Aug. 31, Harry Brandt tonight relights the Sutter, formerly the Stratford, Brooklyn, which was dropped by Randforce recently. Within two or three weeks Brandt will reopen the Clinton, Brooklyn.

Robert S. Horsley, formerly assistant branch manager of the local Warner exchange, and George Walmath, have closed for the Fort Lee, Fort Lee, N. J. M. & D. Operating Co. has taken over the Euclid, Brooklyn, with reopening slated within the next week or so. Louis Katzman, president of the Kayde Amusement Co., has acquired the Majestic, Jersey City, which Elias Mayer of Belle Theatres had operated for a few months.

Trimming Train Time

The Santa Fe, now experimenting with Diesel engines for the Chicago-Los Angeles run of The Chief, expects to cut the east-west running time between the two points by 12 hours in the next few months. The schedule now is 53 hours and 45 minutes.

British Study KRS Delay on Booking Deals

(Continued from page 1)

wards the general problem of booking combines, as published in MOTION PICTURE DAILY Sept. 6, which made it plain that an arrangement whereby a theatre booked by one exhibitor and managed by another might be classified as a combine.

This clause has every appearance of having been specially drafted to meet the case of the G. B. buy of the H. & G. houses, it being understood that the Hyams brothers would remain in control of the theatres with G. B. doing the booking. The directorate is also 50-50 as between the two interests.

Expect Official Appeal

Present indications are that the K. R. S. will indicate its final attitude to the G. B.-H. & G. deal about Sept. 20. In the meantime, the Cinematograph Exhibitors' Ass'n., through its general council, will debate the trade situation created by the K. R. S. statement of policy. Strictly applied, the latter would put out of operation a large number of booking arrangements of many years' standing and the possibility has created widespread alarm in theatre circles. An official appeal from C. E. A. to K. R. S. is expected.

John Maxwell, president of the K. R. S., has gone on record stating that a ban on booking combines is necessary to save the British producer from extinction. He admits that the K. R. S. policy is designed to maintain prices, but declares that it is also a protection for the independent exhibitor who might otherwise find his competitor linking up with a combine to secure a booking advantage.

See Attack on K.R.S.

The Maxwell statement is regarded as significant as an anticipation of attacks on the K. R. S. as a body with a majority American membership and a reply in advance to such assertions. "If rentals fell in this country, the American renter would lose only part of his profit," says Maxwell, "but the British producer-renter . . . is working on a very small margin of profit and, if his rentals are reduced, he is going to be put out of business."

Regarding the position of his own (A. B. C.) circuit, the closest competitor of G. B., Maxwell said:

"We do not take over any cinema today unless we have complete control of it."

A. B. C. had recently decided against taking a "substantial interest" in two theatres and booking them, he declared, in deference to the policy of the K. R. S.

Henry Lazarus Returns

NEW ORLEANS, Sept. 17.—Henry Lazarus, accompanied by Mrs. Lazarus, who has spent several weeks vacationing in the east and north, have returned to their theatres, the Wonderland and Coliseum.

McCormick on Coast

HOLLYWOOD, Sept. 17.—S. Barret McCormick, director of advertising and publicity for Radio, is here from New York on a lightning visit.

English Theatres Booming, Says Feist

(Continued from page 1)

bet. He said he visited England, France, Switzerland, Austria, Hungary and Holland during his vacation and when he returns to the coast he will make a picture for Twentieth Century-Fox after first appearing in an M-G-M vehicle.

Robert Ritchie, manager of Jeanette MacDonald, was on the same boat and will leave by plane today for Hollywood, returning next Tuesday to attend the Baer-Louis fisticuffs.

Miriam Jordan said her trip abroad was purely for a vacation. While in England she said she signed with C. M. Woolf to appear in one picture early next year. Miss Jordan, a former Fox player, plans to remain in New York and appear in a Sidney Kingsley play. Clare Booth Brokaw, former impartial member of Code Authority, also returned from a vacation abroad. Asked whether she was doing any writing for films, she said: "That's one thing I've kept away from."

Others arriving included Val Parnal, Harry Foster and Benita Gould.

Bank Night Under Fire in So. Dakota

(Continued from page 1)

with a view to statewide prohibition. Twin City exhibitors were meeting this week to decide the problem. Use of the mails in promotion has been denied by postal officials here.

Bank Night has been discontinued at five Tri-State houses in Des Moines, pending trial on a petition of the county attorney's office to stop them. Action against Blank houses at Clinton is pending.

Bank Night Outside U.S.

With approximately 3,000 theatres throughout the country now playing Bank Night, Claude Ezell plans to introduce the game in Canada and South America, he stated yesterday upon his arrival from Chicago. He was accompanied by Eugene Reed, Denver attorney.

Ezell and Reed contemplate leaving for Canada the end of the week to establish offices either in Montreal or Toronto.

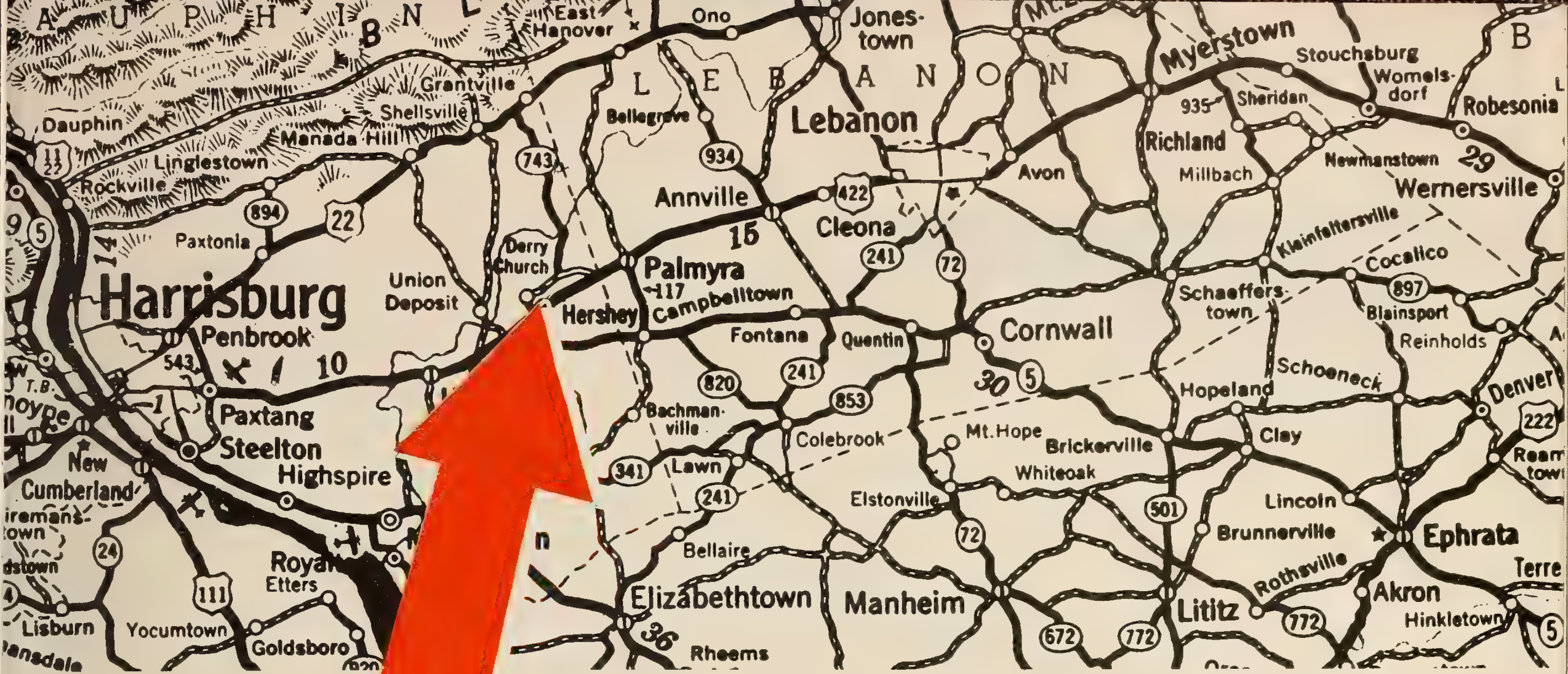
"Every theatre in Chicago is playing Bank Night one day each week," Ezell said, "and there are about 200 houses in Greater New York using the game." Roy Heffner of Boston, handling New England for Bank Night, was in town yesterday conferring with Ezell.

Race Nights Due Here

Race Nights, which have been adopted in theatres of 19 states west of the Mississippi, will make their debut in New York around Oct. 1. Film Products, Inc., which is handling the game, has taken a lease in the Film Center Bldg., effective Oct. 1.

The game started in California about a year ago and created quite a debate among theatre owners. Andrew L. Stone, president of the company, is now on the coast closing for the eastern setup. Tom Walsh will be associated with him.

Following the New York office, others will be established on the eastern seaboard and middle west.


Dauphin
Grantville
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Manada Hill
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Campbelltown
Paxtang
Steelton
Highspire
New Cumberland
Royalton
Etters
Yocumtown
Goldsboro
Lisburn
East Hanover
Ono
Jonestown
LEBANON
Bellegrove
Lebanon
Annville
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Stouchsburg
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Richland
Millbach
Newmanstown
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Reinholds
Fontana
Quentin
Cornwall
Schoeneck
Hopeland
Denver
Bachmanville
Colebrook
Mt. Hope
Brickerville
Whiteoak
Clay
Lawn
Elstonville
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THIS IS HERSHEY, PA.

[POPULATION 2500]

The Community Theatre played to three times the population of the town in the first three days of the run. They came from 100 miles around. They'll do the same for you. Another reason why we say:

CLEAR YOUR SCHEDULE FOR A RECORD RUN!

"TOP HAT"

FRED ASTAIRE · GINGER ROGERS

with Edward Everett Horton, Helen Broderick, Erik Rhodes, Eric Blore

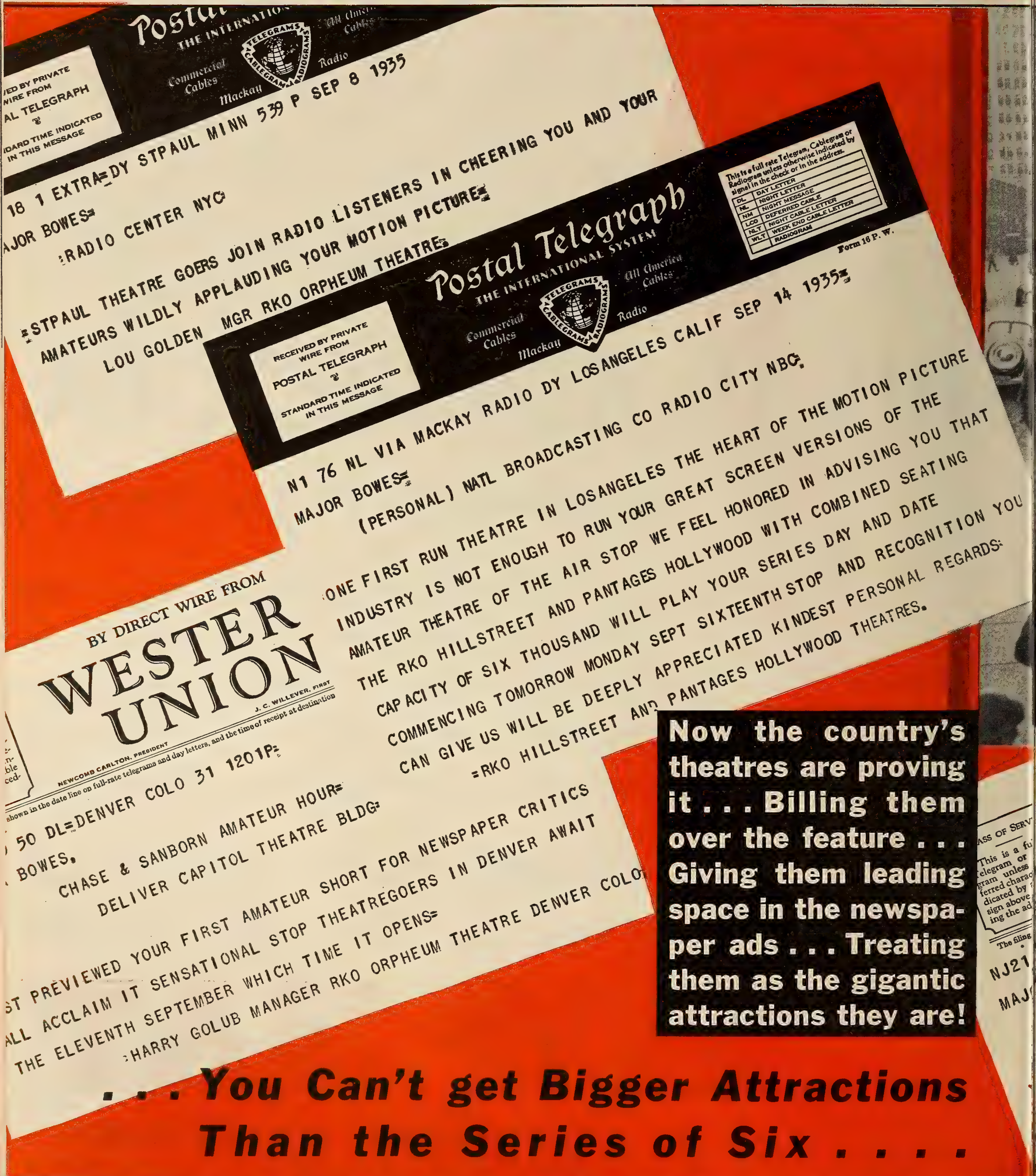
Directed by Mark Sandrich . . . . . Pandro S. Berman Production

with music and lyrics by

IRVING BERLIN

RKO-RADIO
PICTURE

WE TOLD YOU THEY WERE



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MAJOR BOWES=

:RADIO CENTER NYC=

=STPAUL THEATRE GOERS JOIN RADIO LISTENERS IN CHEERING YOU AND YOUR AMATEURS WILDLY APPLAUDING YOUR MOTION PICTURE=

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NL	NIGHT LETTER
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LCO	DEFERRED CABLE
NLT	NIGHT CABLE LETTER
WLT	WEEK END CABLE LETTER
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MAJOR BOWES=

(PERSONAL) NATL BROADCASTING CO RADIO CITY NBC=

ONE FIRST RUN THEATRE IN LOSANGELES THE HEART OF THE MOTION PICTURE INDUSTRY IS NOT ENOUGH TO RUN YOUR GREAT SCREEN VERSIONS OF THE AMATEUR THEATRE OF THE AIR STOP WE FEEL HONORED IN ADVISING YOU THAT THE RKO HILLSTREET AND PANTAGES HOLLYWOOD WITH COMBINED SEATING CAPACITY OF SIX THOUSAND WILL PLAY YOUR SERIES DAY AND DATE COMMENCING TOMORROW MONDAY SEPT SIXTEENTH STOP AND RECOGNITION YOU CAN GIVE US WILL BE DEEPLY APPRECIATED KINDEST PERSONAL REGARDS=

=RKO HILLSTREET AND PANTAGES HOLLYWOOD THEATRES.

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NEWCOMB CARLTON, PRESIDENT J. C. WILLEVER, FIRST

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CHASE & SANBORN AMATEUR HOUR=

DELIVER CAPITOL THEATRE BLDG=

ST PREVIEWED YOUR FIRST AMATEUR SHORT FOR NEWSPAPER CRITICS ALL ACCLAIM IT SENSATIONAL STOP THEATREGOERS IN DENVER AWAIT THE ELEVENTH SEPTEMBER WHICH TIME IT OPENS=

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The filing

NJ21

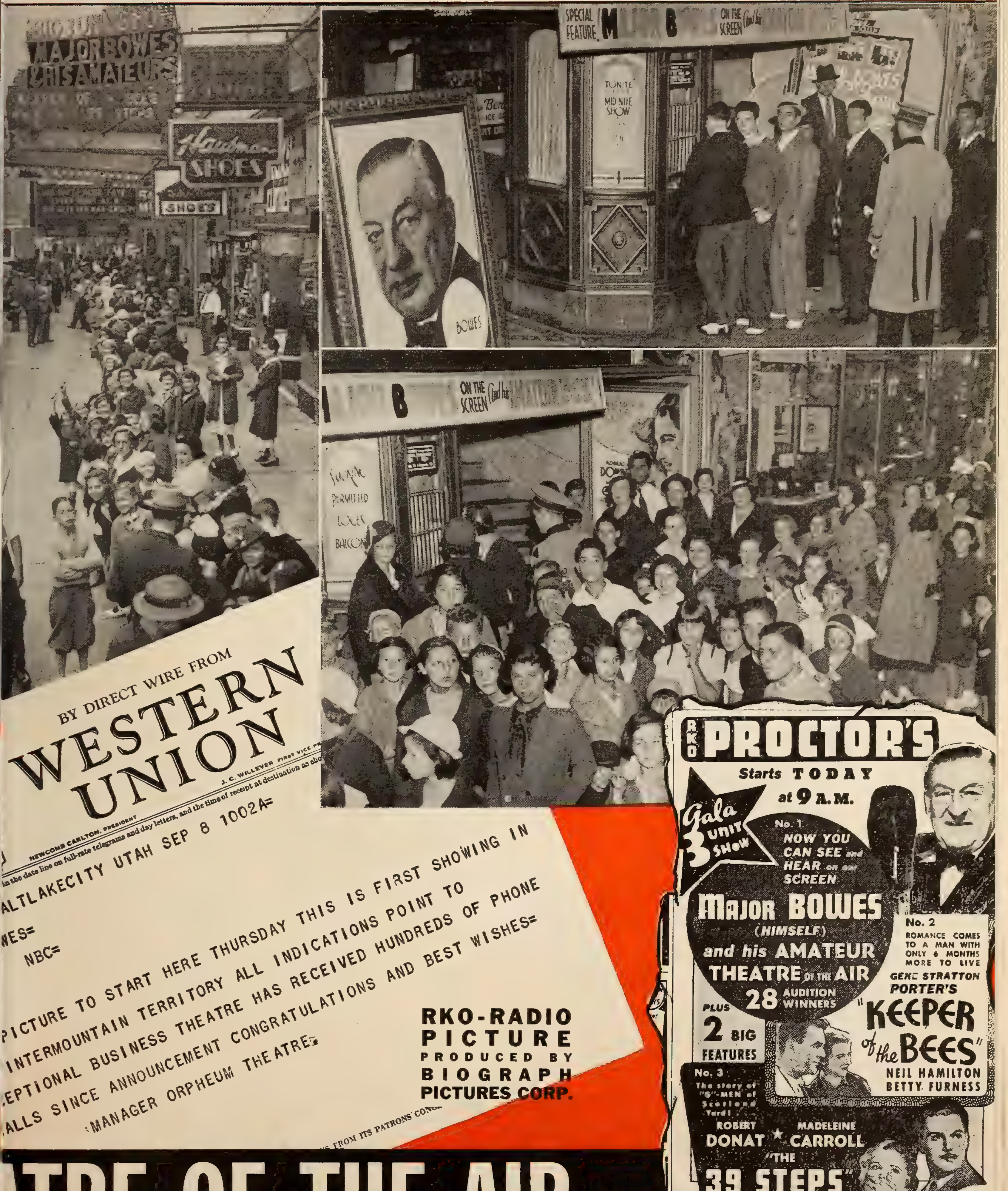
MAJ

Now the country's theatres are proving it . . . Billing them over the feature . . . Giving them leading space in the newspaper ads . . . Treating them as the gigantic attractions they are!

. . . You Can't get Bigger Attractions Than the Series of Six . . . .

MAJOR BOWES' AMATEUR THE

TWO-REEL ROAD SHOWS!



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PICTURE TO START HERE THURSDAY THIS IS FIRST SHOWING IN
INTERMOUNTAIN TERRITORY ALL INDICATIONS POINT TO
EPTIONAL BUSINESS THEATRE HAS RECEIVED HUNDREDS OF PHONE
ALLS SINCE ANNOUNCEMENT CONGRATULATIONS AND BEST WISHES=
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RKO-RADIO PICTURE
PRODUCED BY
BIOGRAPH PICTURES CORP.

RKO **PROCTOR'S**

Starts TODAY at 9 A.M.

Gala 3 UNIT SHOW

No. 1
NOW YOU CAN SEE and HEAR on our SCREEN
MAJOR BOWES
(HIMSELF)
and his AMATEUR THEATRE OF THE AIR
28 AUDITION WINNERS

PLUS 2 BIG FEATURES

No. 2
ROMANCE COMES TO A MAN WITH ONLY 6 MONTHS MORE TO LIVE
GENE STRATTON PORTER'S
"KEEPER of the BEES"
NEIL HAMILTON
BETTY FURNESS

No. 3
The story of "G"-MEN of Scotland Yard!
ROBERT DONAT ★ MADELEINE CARROLL
"THE 39 STEPS"

RKO—LEDGER SHIRLEY TEMPLE FAN CLUB FIRST MEETING SAT. AT 8:30 A.M.

ATRE OF THE AIR

British Lion Will Raise Its Capital

London, Sept. 9.—Details of the expected reconstruction of British Lion Film Corp., Ltd., include an increase of capital from £210,000 to £750,000 and the addition to the board of N. L. Nathanson, of Famous Players Canadian and Regal, and Andrew P. Holt, once chairman of the Standard Film Co., Ltd., the holding company which sold control of P. C. T., Ltd. to Gaumont British.

The scheme involves the rearrangement of the capital into 1,250,000 preference shares of 10/ value and 2,500,000 ordinaries of 1/-. There is also provision for £300,000 convertible six per cent debenture stock.

Smith, Nathanson and Holt are to provide £150,000 in debentures and £25,000 in ordinaries. The offer to existing shareholders, which is expected to provide the further working capital needed, is that the present preferred ordinaries (value 12/6) will be converted into 7½ per cent non-cumulative participating preference shares of 10/- value, on the basis of five new shares for four old, with an option to subscribe for one ordinary share, at par, for each preference share held. The present deferred shares, market value 4d, will be exchanged into preference at the rate of 30 old shares for one new and will carry an option of buying new ordinaries at the rate of three to each preference held.

No dividend is to be paid for the current year. Accounts show a profit of £14,891 against £5,801, but all moneys are needed, say the directors, to finance new developments, of which the chief is the addition of a new stage at the Beaconsfield studio to enable three pictures to be produced at the same time, and the marketing of the Republic product fixed by S. W. Smith during his recent New York visit.

Two Holdovers Set Omaha Precedent

Omaha, Sept. 17.—For the first time in this town's history two pictures in competition played two-week holdovers simultaneously. "China Seas" stuck it out at the Omaha after breaking the house record, while "Top Hat," which smashed every record at the Brandeis, was held.

The Tri-States circuit, Evert Cummings, district manager says, will set a precedent for the Orpheum since that circuit took it over two years ago, by playing "Steamboat 'Round The Bend," a single feature for eight days.

Cummings is changing the policy of his Sioux City, Ia., houses for the Rogers picture by playing it simultaneously in the Capitol and Princess at 35 cents top in both.

Mary Pickford East

Hollywood, Sept. 17.—Mary Pickford will leave here by plane on Thursday for New York, on business in connection with the new Pickford-Lasky Co.

RAY NOBLE
"THE BIG BROADCAST OF 1936"
WILLIAM MORRIS OFFICE

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Shipmates Forever"

(*Warners*)

Hollywood, Sept. 17.—For the great mass of American youth, Cosmopolitan has here a colorful, tear-jerking, heart-appealing story. It is fine, upstanding Annapolis entertainment with names, plot, singing and dancing, all splashed with star-spangled hurrah.

Dick Powell, descended from a line of admirals, prefers crooning to seafaring as a career. Ruby Keeler, also of a naval family, is somewhat bitter because the service has taken the lives of her father and brother. Goaded by Lewis Stone, his admiral father and later superintendent of the Academy, Powell passes an entrance examination and leaves crooning for Annapolis. A top student, he refuses to join in the spirit of the place, choosing isolation and contempt for his classmates rather than friendship.

Miss Keeler, at first sympathetic, eventually succumbs to the traditional spirit of the Academy, and influences Powell. On the senior cruise he saves the ship from burning and is himself burned.

The depth of feeling injected by Frank Borzage, director, makes the story believable and clean cut in motivation, balancing pathos, laughter and romance with telling effect. Supporting performances reflect ace endeavors by John Arledge, Ross Alexander, Eddie Arcuff, Robert Light and Dick Foran. The story and screen play by Delmer Daves is creditable and three songs by Warren and Dubin are tuneful. The entire film has a spectacular flair and real action. It is charted for highs at the box-office.

Production Code Seal No. 1,177. Running time, 110 minutes. "G."

"Two Fisted"

(*Paramount*)

Hollywood, Sept. 17.—The adventures of a worn out fighter and worn down manager produce plenty of laughs in this talking version of "Is Zat So," hit play by James Gleason and Richard Taber.

Roscoe Karns is the fighter who misses trains, bouts and decisions with comic regularity. Lee Tracy plays the desperate manager. After forfeiting their last $50 and running up a taxi bill beyond the danger point, Tracy and Karns welcome the inebriated Kent Taylor as a financial angel. They take on jobs as butler and second man with hilarious results when their ring tactics are applied to the guests. Gordon Westcott makes a good heavy as the blackmailing husband of Gail Patrick.

The finale is fast and funny with Karns matched against the disguised middleweight champion, while Westcott is attempting to kidnap Billy Lee.

Tracy and Karns are up to standard. Akim Tamiroff scores as the enbittered taxi driver and Florence Lake is good as the chattering nitwit. Grace Bradley, Samuel Hinds, G. P. Huntly, Jr., are good in smaller parts. Director James Cruze kept the action smooth and fast. The screen play by Ralph Spence and E. Edwin Moran expertly introduces new lines and situations. William T. Lackey supervised and Harold Hurley produced. Fast comedy and laughs offset the lack of feminine appeal in this.

Production Code Seal No. 1,272. Running time, 62 minutes. "G."

Loew Unit to Pay $1.75

Marcus Loew's Theatres, Ltd., Canadian unit, has declared an accumulation dividend of $1.75 a share on the seven per cent preferred stock, payable Sept. 20 to holders of record on that date. After this dividend the balance of past due payments will total $43.75 per share.

Phila. Tourney Friday

Philadelphia, Sept. 17. — Jay Emanuel is completing final details for the annual golf tourney of *Emanuel Publications*. This year the contest will be staged at the White Marsh Country Club. The date for the big event is Friday.

"Karenina" at $34,000

"Anna Karenina" garnered $34,000 at the Capitol for the second week. The film is being replaced tonight by "Broadway Melody of 1936."

Para. Seeking Quins

Hollywood, Sept. 17.—Paramount has all but come to terms for the use of the Dionne quintuplets in the Harold Lloyd picture, "The Milky Way." Final word from the quins' guardians is expected soon. If they are permitted to appear, Lloyd and a camera crew will fly to Canada to film the sequence.

H. L. Rothchild Dies

San Francisco, Sept. 17.—Herbert L. Rothchild, attorney, and one of the early exhibitors here, died yesterday. He built the first de luxe house here, the California. A widow and three children survive.

Hashonah Sept. 28-29

Rosh Hashonah, the high holy days in the Jewish religion, this year falls on Sept. 28-29. Yom Kippur occurs on Oct. 7.

◂ *Purely Personal* ▸

E. C. Grainger, Frank Buehler, Al Boyd, Sam Rinzler, Louis Frisch, Henry Randel, Si Fabian, Charles Moses, Max Cohen, Edward Rugoff, Morris Kutinsky, Ed Davidow, J. T. Cosman, Herbert Ebenstein, Charles Casanave, Sidney Justin, John C. Flinn, at the Astor; Mike Connolly, James A. FitzPatrick, Harry H. Thomas, Ed Fay, Claude Ezell, Eddie Goldstein, Nellie Revell, Roy Heffner, Eugene Reed, M. J. Kandel, Arnold Van Leer and Gregory Dickson, at the Tavern; Pat Casey, at Gertner's; and Roger Ferri, at the Park Central, all during the one to three hours of yesterday afternoon.

•

Joseph H. Tooker of the lithograph company bearing his name, host in the Hunting Room at the Astor with Edward B. Block of Berkshire Lithograph Co., and Charles Gardner of Tooker-Moore Lithograph Co. his guests in the party of which Walter Moore was also a member.

Quip of the Day

They were questionnairing the line of girls for the New Hollywood Cafe show the other day, all for future publicity's sweet sake.

"Have you a hobby?" one chorine was queried.

"Certainly," came the reply.

"Deac" Aylesworth, Herb Yates, Willard McKay, Ralph Rolan, Dick Watts, John Byram, Grad Sears, attractive Mary Kirk Brown and her attractive mother among those at "21" yesterday. Later Aylesworth and Yates deep in conversation in front of the RKO Bldg.

•

W. Ray Johnston plans to spend several weeks on the coast when he makes the trip next week. H. J. Yates will accompany him. Johnston planned to make several stopovers on the way out, but because of the Jewish holidays canceled these plans.

•

Harold B. Franklin left for Hollywood last night. He stated prior to his departure he was here to survey the field. He surveyed.

•

William Kupper, western division manager for Fox, returned yesterday from Des Moines.

•

Paul D. Cravath has returned from a European junket. He came back on the *Bremen*.

•

Leonard Goldstein returned from Europe yesterday on the *Ile de France*.

•

Henri Ellman, Chicago exchangeman, is in town and stopping at the Park Central.

•

Clyde Eckhardt, Chicago manager for Fox, is in town for a day or so

•

Robert Ritchie arrived on the *Ile* yesterday.

•

Louis Groody is in town at the Ritz Tower.

Kansas City All Agitated By "Top Hat"

Kansas City, Sept. 17.—"Top Hat" stirred plenty of excitement by hitting $15,000, practically double normal take of $8,000 for straight pictures at the Mainstreet. Lawrence Lehman, manager, inserted this line in the Saturday morning *Times,* eight days after the opening: "66,519 Kansas Citians can't be wrong." On the second day of the run the house instituted special early morning shoppers' matinee at 9:30 o'clock.

This was tough competition for all first runs, but at the Fox Uptown "Steamboat 'Round the Bend" took $4,700 in its second week, which is $1,200 over par. The picture was held for a third week.

The Newman grossed an average of $7,000 on "The Man on the Flying Trapeze." The Tower, with "$10 Raise," did $6,500, $500 below par.

Total first run business was $39,200. Average is $37,000.

Estimated takings:

Week Ending Sept. 12:

"TOP HAT" (Radio)

MAINSTREET—(3,100), 25c-40c, 7 days. **Gross:** $15,000. (Average, films only, $8,000)

"MAN ON THE FLYING TRAPEZE" (Para.)

NEWMAN—(1,800), 25c-40c, 7 days. **Gross:** $7,000. (Average, $7,000)

"$10 RAISE" (Fox)

TOWER—(2,200), 25c, 7 days. Stage: Frank Libuse with Margaret Brauder and Don Rice, Mayfield Trio, Gloria Lee, The Banfields, Jack Carson, "Tower Adorables." Tower Orchestra. **Gross:** $6,500. (Average, $7,000)

"BONNIE SCOTLAND" (M-G-M)

MIDLAND—(4,000), 15c-25c-40c, 7 days. **Gross:** $6,000. (Average, $11,500)

Week Ending Sept. 13:

"STEAMBOAT 'ROUND THE BEND" (Fox)

UPTOWN—(2,000), 25c-40c, 7 days. **Gross:** $4,700. (Average, $3,500)

"Hat" is 2nd Week Leader in Detroit

Detroit, Sept. 17.—Business had downtown cashiers run ragged all week. "Top Hat" went through its second week at a terrific pace, finishing $5,600 ahead of a first week's average on a take of $15,600 at the RKO Downtown.

And with all this heavy business "Diamond Jim" hit $16,300, up by $1,300, at the Fox.

Total first run business was $77,400. Average is $67,500.

Estimated takings for the week ending Sept. 12:

"STEAMBOAT 'ROUND THE BEND" (Fox)

ADAMS—(1,770), 10c-40c, 7 days, 2nd week. **Gross:** $4,600. (Average, $5,000)

"DIAMOND JIM" (Univ.)

FOX—(5,100), 15c-55c, 7 days. Stage: "Opera Under the Stars." **Gross:** $16,300. (Average, $15,000)

"ANNA KARENINA" (M-G-M)

MICHIGAN—(4,100), 15c-55c, 7 days. Stage: Dave Appollon revue. **Gross:** $25,400 (Average, $20,000)

"HERE COMES COOKIE" (Para.)
"LADIES CRAVE EXCITEMENT" (Mascot)

STATE—(3.000), 10c-40c, 7 days. **Gross:** $4 800. (Average, $5,000)

"HERE COMES THE BAND" (M-G-M)

UNITED ARTISTS—(2,070), 15c-55c, 7 days. **Gross:** $8,600. (Average, $10,000)

"MAN WHO KNEW TOO MUCH" (G.B.)

LAFAYETTE—(1,200), 10c-40c, 7 days. **Gross:** $2,100. (Average, $2,500)

"TOP HAT" (Radio)

RKO DOWNTOWN—(2,950), 15c-55c, 7 days, 2nd week. **Gross:** $15,600. (Average, $10,000)

"Top Hat" Is Philadelphia $25,000 Riot

Philadelphia, Sept. 17. — "Top Hat" was the week's standout at the Stanley, knocking off $25,000 to more than double the average take. Business was sensational all week, particularly at night, and the house grossed its best figure in two years. The picture will probably go three weeks.

The rest of the houses were pretty much on the skim-milk basis, though the $12,000 the Fox got for the second week of "Steamboat 'Round the Bend" represents plenty of profit, inasmuch as there is no stage show overhead. The musicians and managers are still at loggerheads with no immediate prospect of a settlement.

Total first run business was $77,900. Average is $70,100.

Estimated takings for the week ending Sept. 12:

"CALL OF THE WILD" (U. A.)

ALDINE—(1,200), 40c-55c-65c, 6 days, 2nd week. **Gross:** $8,100. (Average, $7,000)

"SMILIN' THROUGH" (M-G-M) (Re-issue)

ARCADIA — (600), 25c-40c-50c, 4 days. **Gross:** $1,200. Average, 6 days, $2,400)

"ANNA KARENINA" (M-G-M)

BOYD—(2,400), 40c-55c, 6 days, 2nd week. **Gross:** $11,000. (Average, $12,000)

"HERE COMES THE BAND" (M-G-M)

EARLE—(2,000), 40c-55c, 6 days. **Gross:** $10,500. (Average, $12,000)

"STEAMBOAT 'ROUND THE BEND" (Fox)

FOX—(3,000), 40c-55c-65c, 6 days, 2nd week. **Gross:** $12,000. (Average, $12,000)

"KEEPER OF THE BEES" (Republic)

KARLTON—(1,000), 25c-35c-40c, 6 days. **Gross,** $2,500. (Average, $3,500)

"PAGE MISS GLORY" (W. B.) (2nd run)

KEITH'S—(2,000), 30c-40c-50c, 6 days. **Gross:** $2,700. (Average, $4,000)

"TOP HAT" (Radio)

STANLEY—(3,700), 40c-55c, 6 days. **Gross:** $25,000. (Average, $12,000)

"LITTLE BIG SHOT" (W. B.)

STANTON—(1,700), 30c-40c-50c, 6 days. **Gross:** $4,900. (Average, $6,000)

New Haven Puts Up SRO for "Top Hat"

New Haven, Sept. 17.—With ticket selling stopped at 8 o'clock and 2,000 persons turned away each of the first four nights of its run, "Top Hat" more than doubled par for the 3,000-seat Poli with $14,000, and was moved to the College for a second week.

"Call of the Wild," on a dual bill with "She Gets Her Man" at the Roger Sherman, was able to withstand this terrific competition to the tune of $5,900—about $1,400 over average. The Paramount dipped below par with "Annapaolis Farewell," a single feature offering which took only $4,000, under normal by $800.

Total first run business was $27,100. Average is $18,500.

Estimated takings for the week ending Sept. 13:

"ANNA KARENINA" (M-G-M)
"THE GIRL FRIEND" (Col.)

COLLEGE—(1,960), 25c-35c, 7 days. **Gross:** $3,200. (Average, $2.700)

"ANNAPOLIS FRAEWELL" (Para.)

PARAMOUNT—(2,400), 35c-50c, 7 days. **Gross:** $4,000. (Average, $4,800)

"TOP HAT" (Radio)

POLI—(3,040), 35c-50c, 7 days. **Gross:** $14,000. (Average, $6,500)

"CALL OF THE WILD" (U. A.)
"SHE GETS HER MAN" (Univ.)

ROGER SHERMAN—(2,200), 35c-50c, 7 days. **Gross:** $5,900. (Average, $4,500)

"Steamboat" Huge Oklahoma Grosser

Oklahoma City, Sept. 17. — "Steamboat 'Round the Bend" was tremendous at the Criterion. Oklahomans turned out to see their native son in such numbers that the gross went to $10,000. Normal is $5,000.

"Call of the Wild" was strong at $5,400 in the Midwest, going over par by $1,400. "Men Without Names" and "Welcome Home" failed to make an impression at the Liberty, the first for four days and the second for three.

Total first run business was $18,900. Average is $13,500.

Estimated takings for the week ending Sept. 14:

"STEAMBOAT 'ROUND THE BEND" (Fox)

CRITERION — (1,700), 10c-26c-36c-55c, 8 days. **Gross:** $10,000. (Average, $5,000)

"CALL OF THE WILD" (U. A.)

MIDWEST — (1,500), 10c-26c-36c-56c, 7 days. **Gross:** $5,400. (Average, $4,000)

"BREAK OF HEARTS" (Radio)

CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $1,800. (Average, $2,000)

"MEN WITHOUT NAMES" (Para.)

LIBERTY—(1,500), 10c-15c-26c-36c, 4 days. **Gross:** $1,300. (Average week, $2,500)

"WELCOME HOME" (Fox)

LIBERTY—(1,500), 10c-15c-26c-36c, 3 days. **Gross:** $400. (Average week, $2,500)

Stage, Film Bills Pull in Charlotte

Charlotte, Sept. 17.—An experiment in combining stage presentations by the local Little Theatre group with films at the Carolina proved a heavy draw. For the first three days of the week "Accent on Youth" was presented with "The Wedding" on the stage. The $4,500 take was $2,000 above the weekly average of $2,500. For the remaining four days "Without Regret" was shown with "Hi Ho, Broadway" on the stage. The $3,500 gross topped normal for seven days by $1,000.

Total first run business was $19,000. Average is $12,000.

Estimated takings for the week ending Sept. 14:

"ALICE ADAMS" (Radio)

BROADWAY—(1,114), 25c-40c, 6 days. **Gross:** $5,000. (Average, $4,000)

"ACCENT ON YOUTH" (Para.)

CAROLINA — (1,400), 25c-40c, 3 days. Stage: "The Wedding." **Gross:** $4,500. (Average, $2,500)

"WITHOUT REGRET" (Para.)

CAROLINA — (1,400), 25c-40c, 3 days. Stage: "Hi Ho, Broadway." **Gross:** $3,500. (Average, $2,500)

"ANNA KARENINA" (M-G-M)

IMPERIAL—(949), 30c-40c, 6 days. **Gross:** $6,000. (Average, $3,000)

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22 theatres

TRI-STATES THEATRES, PORTLAND
10 theatres

KAIMANN CIRCUIT, ST. LOUIS
5 theatres

DENVER THEATRES, COLORADO
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The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 68 NEW YORK, THURSDAY, SEPTEMBER 19, 1935 TEN CENTS

U. S. to Seek Speedy Trial In St. Louis

Special Circuit Bench To Be Requested

WASHINGTON, Sept. 18.—Department of Justice officials today revealed that a new effort to speed the suit of the government in the St. Louis anti-trust action against distributors has been determined upon.

John Dickinson, chief of the Anti-Trust Division of the department, said the Government planned to request the appointment of a special bench of three U. S. Circuit Court judges. The judges would be asked to hear immediately the Government's request for an injunction to restrain the distributors from alleged anti-trust practices pending outcome of the criminal suit for violation of the Sherman Anti-Trust Act. The suit was filed last January.

Government attorneys said appointment of the special court would become mandatory as soon as the Government filed a request for such action. The Government is planning to bring some action in the case before the 1935-36 film contracts have come into full effect. The criminal action is now set for trial Oct. 1, but further delay is feared.

Western Kansas Has Big Gain Due to Oil

KANSAS CITY, Sept. 18.—One reason there has been little complaint from central and western Kansas throughout the seasons of drought has been oil developments in a large part of that territory, with consequent regular checks for leases to owners.

In a strip approximately 100 miles wide and extending north and west from Hutchinson and McPherson, Kans., oil development has, in the past six months, received a tremendous impetus due to the strikes of wildcatters and established oil firms.

Geologists claim the oil-bearing strip extends to the Wyoming oil fields.

MPTOA Directors to Meet Here on Nov. 1

The M. P. T. O. A. board of directors will meet in New York on or about Nov. 1 when it will determine the scene of the organization's next convention, according to Ed Kuykendall who yesterday declared invitations were on hand from 10 to 12 cities.

Kuykendall leaves the end of the

(*Continued on page* 4)

Two Detroit Scales Rise; More Coming

Downtown Spots Aim for 75c. Top Eventually

DETROIT, Sept. 18.—Although first runs have steadily denied any intention of raising prices this fall, the Fox and the Michigan last Sunday hiked their evening scale from 55 cents to 65 cents and MOTION PICTURE DAILY has learned that a plan is under way to make further increases until the Michigan, Fox and United Artists top admission will be 75 cents.

Included in the plan is a boost for the Adams and State from 40 cents top to 55 cents and a boost at the United Artists, which now charges 55 cents top without stage shows, to 65 cents.

In line with these boosts, will be corresponding ones in the second and key run theatres operated by the circuits.

With the putting into effect of these higher prices will also come a corresponding increase in opening to 1 P. M. and afternoon prices.

Subsequent runs are watching the situation closely and there is considerable agitation for a price increase throughout the metropolitan area.

State exhibitors for the most part feel that they cannot make any raises.

IATSE Renews War Against the IBEW

LOS ANGELES, Sept. 18.—Echoes of the jurisdictional dispute between the I. A. T. S. E. and the I. B. E. W. two years ago sounded here yesterday with the filing of a petition by the I. A. T. S. E. with the National Labor Relations Board requesting that the studio pact with the I. B. E. W. be declared illegal.

Formal action has been filed by Local 695 of the I. A. T. S. E. against Local 40 of the I. B. E. W. by Harold

(*Continued on page* 4)

Six Litigations on Wilmington's Lists

WILMINGTON, Sept. 18.—Six film and radio litigations are listed on the September calendar before Judge John P. Nields in the U. S. District Court.

Listed for trial are: Harry Koplar, St. Louis, Mo., represented by Richards, Layton and Finger, vs. Warner Bros. Pictures, Inc., represented by Hugh M. Morris; News Projection Corp., represented by Ward and Gray, vs. Trans-Lux Daylight Pictures

(*Continued on page* 4)

9 Planesful

The Hollywood contingent to the impending Baer-Louis fight will be heavy, reservations made on the western end to date filling nine planes with more in sight.

New York executives will attend en masse.

Hays Asserts Plans Challenge Best Work

"New entertainment plans challenge the best cooperative efforts of producers, distributors and exhibitors," Will H. Hays yesterday told the board of directors at the quarterly meeting of the M. P. P. D. A. Hays also advised that advertising budgets be made commensurate with the greater entertainment features of the 1935-36 season.

The president of the M. P. P. D. A. discussed some of the new pictures promised by the various distributors, adding that "A Midsummer Night's Dream" has started a Shakespearean "cycle," which will find "Romeo and Juliet" and other works of the bard

(*Continued on page* 4)

Another Talk to Be Held on Long Reels

Another meeting of managers of exchange operations is expected to be called in about 10 days at the M. P. P. D. A. headquarters to discuss developments in connection with the 2,000-foot reel as proposed by the Academy of M. P. Arts and Sciences.

Reactions from various persons in the industry on the proposal are now coming in at the M. P. P. D. A., and it is expected that all replies to inquiries sent out will be on hand in about 10 days, following which a meeting will be held.

Gordon Mitchell, manager of research of the Academy, is staying in New York until the next meeting.

Independents Delay Naming of Officers

Election of officers for Independent Theatre Circuit, Inc., slated for yesterday, has been put off indefinitely. About 90 theatres have pledged support to the new circuit, but exhibitors who operate about 50 of the signed up theatres have failed to send in the necessary checks.

One of the prime reasons for delaying the naming of officers and directors is that persons named by those who have paid may not meet with the approval of exhibitors who are slow in sending in their checks. Rather than have any dissatisfaction, it is felt that the elections should not be held until all the checks are in hand.

Circuits Are Chafing Over Wage Delays

Randforce and Skouras May Deal Separately

Apparent reluctance on the part of major circuits to close dealings with Local 306 on a new basic wage scale has independent circuits, notably Randforce and Skouras, nettled to the point where they may break away from the majors and negotiate their own scale.

Independent circuit operators contend that it is more than five weeks since the first conferences got under way with the union and both factions are no further along now than they were on Aug. 12, the first day of the meetings. Unaffiliated theatre men figure they can close a deal with Local 306 in less than a week and are considering a move to start talking scale terms on their own and leaving the majors to themselves.

The membership of Local 306 met yesterday morning at Palm Gardens and is understood to have made known its dissatisfaction with the slow progress the union was making.

One of the independent circuits was reported negotiating with Allied and Empire and breaking away from Local 306. This, however, could not be checked, since Joseph D. Basson, president of Local 306, has refused to talk to the press.

Allied Union Seeks Stay on the Eltinge

Injunction proceedings were filed in the Manhattan Supreme Court today by Benjamin F. DeAgostino as president of the Allied M. P. Operators' Union against the Edjomac Amusement Corp., operators of the Eltinge at 236 W. 42nd St.

The petition charges that the defendants are employing non-members of the plaintiff's union in violation of an agreement entered into between the plaintiff and the I. T. O. A. Aug. 21, 1933.

Again Delay Action On Union Injunction

Supreme Court Justice John H. McCooey in Brooklyn yesterday postponed until Monday morning a hearing on a motion by Benjamin F. De Agostino, president of Allied M. P. Operators, for a temporary injunction before trial against Estates Operating Co., operating the Avon, Garfield and 16th St., in Brooklyn. The motion seeks to restrain Estates from employing other than Allied operators.

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Court Fines Dickinson

Kansas City, Sept. 18.—Carleton Dickinson, son of Glenn W. Dickinson, has been found guilty at Lawrence, Kan., by Police Judge Oscar Learnard of placing theatre posters and advertising on poles and property belonging to others without their consent. The judge assessed a fine of $25 and costs, but Dickinson's attorney announced he would appeal.

Similar charges against Glenn W. Dickinson were dismissed.

Donald Hults, Dickinson attorney, contended that friction between police and the Dickinsons was responsible for the charges, while the city attorney claimed the trial was the result of violation of a city ordinance.

Held in Theatre Death

Robert Abrams, 43 Claremont Ave., Bronx, was indicted yesterday for first degree manslaughter, as the result of the death of Henry Yoda, 17. Abrams, theatre manager, but not connected with the Fenway, Bronx, acted as volunteer "bouncer" when he saw a group of youths trying to "crash" the Fenway. In the ensuing fight, Yoda was fatally injured.

BILL ROBINSON
"THE BIG BROADCAST OF 1936"
WILLIAM MORRIS OFFICE

Insiders' Outlook

By RED KANN

THE Washington wire yesterday had Department of Justice officials considering a petition for the appointment of a special court to hear the anti-trust case in St. Louis. It also had them giving consideration to a plan to drop their plan if some satisfactory means of expediting the hearing can be reached. Exactly what it all means, exactly how much the political differences between ex-Senator James A. Reed of Missouri, special counsel for Warners, and Attorney General Homer S. Cummings enter into the situation can only be a matter for speculation. . . .

▼

The Government now charges the defendant distributors, which are Paramount, RKO and Warners, with "back stage" tactics, whatever precisely that might mean, in defeating the Department's efforts to bring the disputed issues to early trial "through orderly means," another specious phrase which implies something or nothing at all dependent upon the point of view sneaking up on it. The official attitude along the Potomac also sets forth the Justice Department's opinion that it regards this case as one of the most important anti-trust actions in recent years, one that should not be permitted to lag, one that by its outcome, if successful, would mean the furtherance of the Department's intention of filing similar suits in other exchange centers. . . .

▼

That stacks up as something sounding very official as an exposition of policy and with it there need necessarily be no argument. But the Department's officials, who ordinarily do not talk much for newspaper men, except when they consider it policy to do so, seek out this special tribunal, an unusual procedure adopted in few instances, on the one hand, while, on the other, they appear to be hazy, perhaps deliberately, on the amount of time such a step would save as compared with the injunction hearing already set in St. Louis for October 1. . . .

▼

Whether the fuss, the purpose of which is anything but clear to this department which early in these ramblings concedes its obtuseness, is political, the Reed-Cummings circumstances being what they are, or is designed chiefly to center the public's attention on the perennially publicized ravages of the film industry, per se, or was conceived to force a satisfactory arrangement on the actual hearing of the case is speculation and that's admitted. It is also admitted that any one or all three, or any two in combination, might serve to furnish the answer and bring the inside into the light for all and sundry to inspect. . . .

▼

Officials of the Department, the Washington wire has further to say, would discuss their move for a special tribunal only in the most general way. Assistant Attorney General John Dickinson, in charge of anti-trust cases, declares that "if the Government fails it will be the most tragic disaster that ever occurred to the small man in the motion picture business." That's a high-minded and public-spirited comment for Dickinson, who has been in the Justice Department only since late July, to make, but he is covering a lot of territory including dirty pictures, the depression and the late code. . . .

▼

Now, as a matter of fact and without attempting to review step by step the course of the St. Louis matter, the delays which have developed to date have come about under the Federal laws. Step by step, each move was argued before the properly vested Federal judges and Federal district attorneys who, by technicality or by well-established point of law, granted this or that on argument prepared by various attorneys for the defense. The only human note, so far as research developed last night, was the postponement sought and obtained by ex-Senator Reed because in St. Louis on September 10 he asked delay to attend the funeral of his sister in Portland, Oregon. It was Federal Judge George Moore who set October 1 as the hearing date on the Government's move for an injunction ahead of trial. It was Federal Judge Charles A. Dewey of Des Moines, summoned from Des Moines to St. Louis, to hear the injunction pleadings who, on August 7, said he could see no emergency and so refused the August 19 date asked by the Department of Justice unless specifically ordered to so do by the United States Circuit Court of Appeals. That higher court took no such action. The moves successively were determined by the Federal bench. . . .

▼

If, therefore, the Department of Justice objects to the procedure so far, its displeasure might well be directed at the technical aspects of the very laws under which it proposes to seek convictions and not at the distributors under indictment. Certainly counsel for the defense are not to be expected to overlook any bets which will bulwark that defense. Likewise, it is silly to assume that the prosecution would. . . .

▼

As a matter of record—Federal chambers in St. Louis is the place if exact detail is desired—it was Federal District Attorney Blanton who, upon inquiry from Judge Moore, told the bench the criminal calendar for the middle of September was overloaded and that to set a date in the film case earlier than the end of the month would be impossible. Thereupon, Judge Moore fixed the date for October 1. Furthermore, neither RKO nor Paramount had asked for a continuance on that day, its lawyers asserting they were ready to proceed. The application for a continuance centered solely around Reed because of the family death, an unforeseen circumstance, acknowledgment of and concession for which are ordinarily made. . . .

This is no dissertation on the merits of the case; the courtroom is the place for that. It is, however, a rapid review of the facts, pieced together in logical continuity, it is hoped, to the end that an accurate story might be told. . . .

Fox Midwest Widens Use of Bank Nights

Kansas City, Sept. 18.—Fox Midwest Theatres have instituted Bank Night at the Linwood and will start it soon at the Waldo, Apollo, Isis and Rockhill. The circuit has been using the promotion at the Gladstone, Benton and Vista.

With Fox Midwest setting Bank Night in practically all its local theatres, film men regard it as unlikely that there will be any curb on the use of giveaways here this season.

Lichtman Going West

Al Lichtman, president of United Artists, will attend a directors' meeting of United Artists on Sunday in Hollywood. He leaves here Friday for Chicago where a product deal impends and flies west from that point, anticipating a return to New York in time for the Baer-Louis fight.

Zanuck Signs Cobb

Hollywood, Sept. 18.—Irvin S. Cobb has been signed to a long term contract by Darryl Zanuck, head of 20th Century-Fox production. Cobb's first assignment will be in "Everybody's Old Man."

Ampa Members to Meet

Ampa will hold a business meeting today at Jack Dempsey's. It will be the second session on the fall schedule and the first devoted entirely to business.

Brandt Takes City Hall

Harry Brandt yesterday closed a deal for the City Hall, which he operated some time ago and dropped. He takes it over tomorrow.

THE PICTURE OF THE WEEK

Boasting a distinguished cast headed by glamorous **KAY FRANCIS**, a gay story of marital mixups and meandering mates, and frolicsome dialogue expertly delivered by George Brent, Genevieve Tobin, Ralph Forbes, John Eldredge, and Helen Lowell, Warner Bros.' newest comedy success, **'THE GOOSE AND THE GANDER'**, appears as the top screen fare of the week. A First National Picture, sparklingly directed by Alfred E. Green. Released Sept. 21st.

Giveaways Hit By Court Fine In Australia

By CLIFF HOLT

Sydney, N. S. W., Aug. 28 (*By Airmail via London*).—Giveaways have received a setback in court at North Sydney which is expected to check the spread in a variety of forms.

As a test case Robert Girgona, proprietor of the Orpheum, was arrested on a charge of making a free gift to a patron. A magistrate fined him the nominal sum of £5, but issued a warning that further offenses will call for fines of £100.

Varied schemes for circumventing the decision have been discussed, but many exhibitors agree that giveaways have failed as box-office stimulants and the impression is gaining that they will be dropped.

Amateur nights are spreading rapidly among suburban houses here. The idea started in radio stations and there are enough applicants on hand to keep the stunt going at least nine months.

* * *

On his arrival from New York, Ralph E. Binns, Warner executive, painted a bright picture of film conditions in the United States. "General conditions in America are looking up," he said, "and box-office takings all over the country are increasing."

* * *

When the balance sheet of Hoyt's Theatres, Ltd., for the past year is put before shareholders, it is expected to disclose a net profit in excess of £50,000. This is considered most satisfactory by the board, which has decided to pay dividends of six per cent. on the "A" preferences, and five per cent on the "B" preferences.

* * *

The trade here received a surprise when the Brisbane City Council gave a lease on the old Town Hall to Developments Pty., Ltd. M-G-M's tender carried a bigger rental than that submitted by the successful bidder. The lease will run for 30 years at £3,000 for the first 10 years, £3,500 for the second five years, and £6,500 per year thereafter.

M-G-M, which operates the Cremorne in the outskirts of Brisbane, had been anxious to break into the city proper. It sought a lease for 10 years with options for two 10-year periods, and offered to pay for reconstruction at a cost of £35,000. In addition, £16,000 was to have been spent on equipment and furnishings, with a stipulation that these should become the council's property at the end of the lease.

Richmond in New Post

Boston, Sept. 18.—Lou Richmond has been appointed field manager for E. M. Loew. Richmond, formerly the manager of the National, fills the vacancy left by the death of Al Cohen.

To Decide Championship

M-G-M and NBC baseball teams meet on the Catholic Protectory diamond Saturday to play for the championship of the amusement industry.

◂ Purely Personal ▸

Sol Davis, Republic franchise holder in Oklahoma, and partner, Maurice Lowenstein, who operates the Majestic in Oklahoma City as well, were guests of W. Ray Johnston and Eddie Golden at "21" yesterday. Also finding bar-flying pleasant were "Deac" Aylesworth, Ned E. Depinet, Herb Yates, Herman Robbins, Joe Brandt, A. C. Blumenthal and Howard Dietz, who entertained his wife at lunch.

●

Dan Frankel, Harry H. Thomas, Al Friedlander, Harold Hopper, Arthur Lee, A. H. Schwartz, Charles Moses, Edward Rugoff, Al Hovel, Lou Smith, Colvin Brown, Emil Jensen, Jack Lait, Truman Talley, Ira Simmons and Jack Partington congregated at the Tavern for lunch yesterday.

●

Alexander Korda and his fellow travelers from England, Sir Connop Guthrie, Etienne Pallos and Maurice Silverstone, will sail tonight on the *Berengaria*. Also on this ship will be Frances Marion, Conrad Nagel, and Sir Robert Peel, son of Beatrice Lillie, accompanied by his grandmother, Mrs. Lucie Lillie.

●

John Kenneth Hyatt, who has been identified with Rockefeller Center, Inc., for the past three years, has been named managing director of the Center under its new film policy which gets under way early next month.

●

Rick Ricketson, operating head of Fox Intermountain, is due from Denver over the week-end. One reason is to attend the Baer-Louis fracas and the other a five-year contract with National Theatres.

●

Oscar Hammerstein, II, who has been working with Erich Wolfgang on Paramount's "Give Us This Night," is due in town today by train from the coast.

●

Hal Roach, accompanied by Mrs. Roach and daughter and Mrs. Roach's sister, arrived by plane yesterday from the coast. They plan to stay about a week.

●

Gene Lockhart has arrived from the coast to start rehearsals for "Sweet Mystery of Life," soon to open on Broadway.

●

Joe Hornstein returned yesterday from a three-day vacation during which he celebrated his 25th wedding anniversary.

●

Louis Frisch Tuesday bought Sam Rinzler a new brown fedora which Frisch claims cost half of the Randforce profits of Monday.

●

Al Lichtman was the guest of honor of The Off-the-Record Club which met, as usual, at "21" yesterday.

●

Wallace Beery, ambling up Broadway yesterday, had many a lass turning around to take a peek at the player.

●

M. Lengyel, Hungarian playwright, will arrive today on the *Washington*, en route to Hollywood.

Wall Street

Small Gains Mark Big Board

	High	Low	Close	Net Change
Columbia	68½	68	68¼	+1⅝
Consolidated	4¾	4⅝	4¾	+ ¼
Consolidated, pfd	17¼	17¼	17	+ ¼
Eastman	161	159¼	160	+ ¾
Loew's, Inc.	44⅞	44⅛	44½	+ ⅝
Paramount	11⅞	10⅞	11⅞	+1
Paramount, 1 pfd.	100½	97½	100½	+3¼
Paramount, 2 pfd	14¼	13¼	14¼	+1
Pathe Film	6⅝	6¼	6⅝	+ ⅜
RKO	4⅝	4⅛	4½	+ ⅜
20th Century-Fox	17½	17¼	17¼	.....
20th Century, pfd	26⅜	26	26¼	+ ¼
Universal, pfd ..	34	34	34	.....
Warner Bros. ..	8½	7⅝	8¼	+ ¾
Warner, pfd	46⅜	45½	46	+ ¾

Trans Lux Up ⅛ on Curb

	High	Low	Close	Net Change
Sonotone	1¾	1¾	1¾	.....
Technicolor	20⅛	20	20	— ⅛
Trans Lux	3½	3¼	3⅜	+ ⅛

Bonds Maintain Levels

	High	Low	Close	Net Change
General Theatre Equip. 6s '40...	15¼	14⅞	14⅞	— ⅛
General Theatre 6s '40 ctf	14¾	14¾	14¾	.....
Keith B. F. 6s '46	89	88¼	89	+ ¼
Loew's 6s '41 ww deb rights.	104⅝	104¼	104¼	— ¼
Paramount B'way 3s '55	62½	61¼	62½	+1¼
Paramount Pict. 6s '55	97	96	97	+1
Warner Bros. 6s '39 wd	83	82¼	82¾	+ ¾

(Quotations at close of Sept. 18)

MPTOA Directors to Meet Here on Nov. 1

(*Continued from page 1*)

month on a swing around the nation to discuss problems generally either with exhibitors in convention or in private caucus and, in particular, will seek out views on a voluntary code. These cities are on his itinerary: St. Louis, Chicago, Milwaukee, Kansas City, Omaha, Denver, Portland, Seattle, San Francisco, Los Angeles, Salt Lake, Dallas and Oklahoma City.

"Melody" at Capitol

M-G-M last night opened "Broadway Melody of 1936" with a Hollywood-style premiere at the Capitol. Among those attending were: Block and Sully, Mae Murray, Jimmie Durante, Lou Holtz, Walter Winchell, Louis Sobol, Louis K. Sidney, Eleanor Powell, Abe Lyman, Cross and Dunn, Three Ritz Brothers, Frank Parker, Gus Edwards, Mitzi Green and Paul Yarwitz. J. C. Flippen broadcast from a lobby microphone, introducing some of the personalities.

Epstein in Fabian Deal

Morris Epstein, manager of the local First Division exchange, yesterday closed a deal with Si Fabian whereby all of the distributor's product will play the Fox, Brooklyn.

First Division exchanges in Albany and Buffalo have closed for the rights of the Baer-Louis fight with Jack Dietz and Nat Saland.

One Killed Razing House

Boston, Sept. 18.—One workman was killed and eight others injured today when the roof and two balconies of the Hollis St., local house, collapsed. The house was being demolished to make way for a parking space for the de luxe Publix Metropolitan.

IATSE Renews War Against the IBEW

(*Continued from page 1*)

Smith, who says it is the first move of the I. A. T. S. E. to force recognition under the Wagner Bill. The I. A. T. S. E. bases its claim for priority rights in negotiations with producers on size of membership. It says 90 per cent of sound men in the industry are members of its union.

Dr. Towne Nylander, chairman of the local labor relations board, will set a hearing within the next 10 days.

No immediate action on behalf of the I.B.E.W. will be taken following up the I.A.T.S.E. petition to the National Labor Relations Board, it was learned from Local 40 headquarters today. Consensus of opinion among the heads at the soundmen's union was that the problem is a national issue and not confined to Local 40. Although union heads would not be quoted pending further study, the I.A.T.S.E. assertion that the organization had a 90 per cent soundman representation was branded ridiculous by the I.B.E.W.

Six Litigations on Wilmington's Lists

(*Continued from page 1*)

Screen Corp., represented by John Biggs, Jr.; International Research Corp., represented by E. E. Berl, vs. U. S. Radio and Television Corp., represented by Hugh M. Morris; Hazeltine Corp., represented by Marvel, Morford, Ward and Logan, vs. RCA, represented by William G. Mahaffey.

Listed for argument are: Emerson Television Radio, Inc., and Emerson Radio and Phonograph Corp., represented by E. E. Berl and W. S. Potter, vs. Hazeltine Corp., represented by Marvel, Morford, Ward and Logan; RCA Victor Co., Inc., represented by Mahaffey, vs. Hazeltine Corp., represented by Marvel, Morford, Ward and Logan.

Hays Asserts Plans Challenge Best Work

(*Continued from page 1*)

of Avon on the screen. He also pointed out that a number of prominent operatic stars will be seen shortly in films, closing with "but possibly the most significant fact at this time is that the industry is engaged in a great experiment wherein producers on the whole are more concerned with inviting the widest public support for higher types of entertainment than they are with attempts to discover the theoretical common denominator of public appreciation."

Para. Has Ethiopia Film

Hollywood, Sept. 18.—Paramount closed today with T. Mechsler for six reels on the Ethiopian war situation. The reels, photographed by Mechsler, will be rushed into a feature and immediately distributed. Gayne Whitman will do the narration, from a script being written by Garrett Weston.

Set 4 "Crusades" Dates

Four roadshow bookings have been set for "The Crusades." The picture opens at the Hanna, Cleveland, on Friday; the Nixon, Pittsburgh, Sept. 23; the National, Washington, Sept. 29, and the Majestic, Boston, Oct. 4.

Everybody's congratulating everybody else!

BROADWAY MELODY of 1936

LAST NIGHT'S SENSATIONAL PREMIERE AT CAPITOL, N. Y., ECHOED 'ROUND THE WORLD!

Three Reopen In St. Louis; Others Coming

St. Louis, Sept. 18.—Among several reopenings in this territory are the Grand Opera House, Avalon and Plymouth here. The Grand Opera House is on a film and burlesque policy. The Avalon is new and is being run on a straight film policy by Alex Pappand and Bass Schulter.

Bids have been opened for a new house at Casey, Ill., to be called the Lyric. It will be run by P. F. and M. O. Musser.

The Ritz at St. Charles is also running again, as is the Kirkwood at Kirkwood, Mo., and the Opera House at Eminence, Mo.

The Elvin at Staunton, Ill., is in lights again after having been dark for six weeks for redecorating.

Poli Managers Shifted

Hartford, Sept. 18.—Poli New England managers have been shifted in several spots. Lou Cohen, formerly assistant at the Poli here, has been made manager of the Palace.

Eddie Dolan has been put in charge of the reopened Lyric at Bridgeport; Jack Simons continues as manager of the Poli here with Jack Sidney as his new assistant; Sam Badamo, assistant at the Poli, Bridgeport, has gone to the Majestic, Bridgeport, as assistant; Wallace Cooper, chief of service at the Palace here, has been made assistant.

Ohio Reopenings Gain

Columbus, Sept. 18. — Reopening in this territory within the past week, following remodeling, include: the Logan, formerly the Pythian, at Logan, O., by Phil Chakeres, Springfied; the Bijou, Germantown, by R. A. Emerich, owner; the Oxford, at Oxford, by Joseph Neiser; the Rialto, by Joseph Turkulis, and the Ohio, by Herbert Byrd, both at Dayton, and Roh's Opera House, by Karl Rohs, at Cynthiana, Ky.

Build Open Air Theatre

Cincinnati, Sept. 18.—An 1,800-seat open air theatre, surrounded by woodland, is being constructed on the campus of the University of Cincinnati, at a cost of approximately $25,000, financed with the aid of WPA funds recently approved by the Federal government for Hamilton County.

Officials claim it will be the largest of its kind in this section of the country.

Reopen Two in Boston

Boston, Sept. 18.—The Tremont Temple reopened last week for a five-week run of Italian films. Performances are continuous from 1 to 10:30 P.M.

Another reopening last week kas that of the Howard Athenaeum, which opened under the banner of the Lothrop Theatre Co. with films and stage attractions. Al Somerbee is manager.

Reopen Soon at Paris, Ill.

Paris, Ill., Sept. 18.—The Lincoln, which was destroyed by fire last winter, will be reopened by Oct. 1, according to announcement made by Mrs. Laura Jarodsky, manager of the house. Construction work on the new building to replace the one burned is being hastened and is expected to be completed by the last of September.

Reopen at Trenton, Mo.

Kansas City, Sept. 18.—The Royal, C. A. Schultz's remodeled house at Trenton, Mo., has been opened.

Remodel Moberly House

Kansas City, Sept. 18.—R. R. Robb is remodeling the Princess at Moberly and will reopen within the next 30 days. The house, which seats 500, has been under lease to Fox Midwest, but has been dark several years. The lease runs out this month. Robb formerly operated the Capitol at Huntsville, Mo.

Minter Busy in Flint

Detroit, Sept. 18.—James M. Minter is spending several thousand dollars improving the Ritz, Flint. The house is being re-decorated and new equipment installed.

The Farnum here opened last week, after undergoing remodeling and installation of new equipment.

New Theatre for Pana, Ill.

Pana, Ill., Sept. 18.—The Tanner Amusement Co., owners of a chain in central Illinois, has closed a deal for three connecting buildings in the heart of the downtown business district here. The company contemplates the erection of a new theatre.

Change Worcester Policy

Worcester, Sept. 18.—The Regent has gone back from second run to fourth and fifth run, with a reduction in admissions to 10 cents in the afternoon and 15 cents at night. The Olympia and Plymouth split the second run in the city.

Rockville House to Open

Rockville, Conn., Sept. 18.—A. & W. Amusement Co., headed by Louis Anger, Bridgeport, will open the Metropolitan Sept. 20. Joseph W. Walsh of Hartford will go in as manager.

Building in Ripon, Wis.

Ripon, Wis., Sept. 18.—Construction is now under way on a new 500-seat house to be completed by Oct. 1. Operators will be Ben D. Marcus of Minneapolis and I. E. Svirnoff, Neillsville, Wis.

Colonial, Akron, Operating

Akron, O., Sept. 18.—Feiber and Shea's Colonial, downtown first, has reopened after having been dark for several weeks for reconditioning, which cost approximately $100,000, according to Frank King, manager.

Emmett, Chicago, Reopens

Chicago, Sept. 18.—Mrs. Mary Rudolph, local theatre operator, has opened the Emmett. The house has been remodeled from top to bottom at a cost of more than $15,000.

Open at Macomb, Ill.

Chicago, Sept. 18.—The new Illinois Theatre at Macomb opened with a celebration. Manager A. L. Hainline promoted a six-page special section in the *Macomb Daily Journal*.

House for Sweetwater

Sweetwater, Tex., Sept. 18.—A new Class A house will be erected here for R. & R. Theatres after plans by W. Scott Dunne.

Free Groceries

Boston, Sept. 18.—J. C. Strock, new Metropolitan manager from Minnesota, is intrigued by New England hospitality. Scarcely had he and Mrs. Strock moved into a house on Kilsyth Road, Brookline, than a gracious charmer fingered the doorbell, then smiled her way inside with a "Welcome Basket" that contained full portions of milk, eggs, coffee, bread, candy, etc., and discreet advertising literature from local tradesfolk; the idea being, of course, that Strock and the missus would patronize these establishments.

Strock wonders if it would not be better to move once a week and keep the larder stocked . . . except that it's an unworthy thought.

Two Managers Fleeced

Wilmington, Sept. 18.—Two downtown theatres were fleeced by a man who collected $3 from each for a one gallon can of what was represented to be insecticide but proved to be kerosene. The man in each case approached the cashier first then went to the manager whom he asked to sign a slip for the can, assuring him it cost nothing. In leaving he presented the slip signed by the manager to the cashier who paid him the $3 when she saw the signature.

Teamed Once Again

Hollywood, Sept. 18. — Hugh Herbert is again teamed with Joan Blondell and Glenda Farrell in "Miss Pacific Fleet." The same trio appeared in "Traveling Saleslady" and in "We're in the Money." Allen Jenkins has an important role and Warren Hull plays the leading romantic part. Earl Baldwin is directing.

Wanger Signs 4 Writers

Hollywood, Sept. 18. — Walter Wanger has added four writers, giving him 12. Dorothy Parker and Alan Campbell are doing added dialogue on "Mary Burns, Fugitive." Adele Comandini is working on the treatment of "Brazen." Dore Schary is doing the treatment for "Her Master's Voice."

Sidney Goes to Hartford

Bridgeort, Sept. 18.—Jack Sidney, nephew of Louis Sidney, who has been assistant manager of the Majestic, has been transferred to Hartford.

Donald Ross has been transferred from Hartford to this city as new manager of the Globe.

Use Theatre for Fights

Denver, Sept. 18.—Tony Archer and Joe Dekker, in their Englewood theatre, are putting on fights every Tuesday night, under the sponsorship of the Veterans of Foreign Wars, of Englewood, which is a suburb of Denver. The Englewood is otherwise not used.

Drew, Stoner Colonels

Cleveland, Sept. 18.—It's Col. Frank D. Drew and Col. Bryant Stoner at the local M-G-M exchange these days, instead of branch and office manager. Commissions have just arrived from Gov. Ruby Laffoon of Kentucky.

Warning From Wehrenberg On a 10% Tax

St. Louis, Sept. 18.—Sounding a warning to all exhibitors to be on the alert because of renewed activity of local merchants to reinstate the 10 per cent amusement tax clause in the old age pension bill just passed, Fred Wehrenberg of the M.P.T.O. is advising theatre owners absorbing the one per cent sales tax to pass it on to the public.

Wehrenberg states that exhibitors adopting the practice of paying the "nuisance" tax are showing the merchants that the industry can be tapped for 10 per cent of the box-office tallies without much effort and inconvenience.

"The M.P.T.O. recently had the 10 per cent amusement tax in the old age pension bill killed," Wehrenberg said, "and merchants, noting the ease with which exhibitors manage the one per cent levy, are rallying forces in an attempt to relieve themselves of the 'nuisance' tax and have theatre grosses taxed 10 per cent," he concluded.

Shift Seattle Ad Men

Seattle, Sept. 18.—A new advertising department lineup has been started by Cascade Theatres Corp. (Hamrick-Evergreen merger) by John Hamrick, city manager.

Vic Gauntlett of Evergreen will handle advertising and publicity for the Fifth Avenue, Music Box and Paramount. Eddie Rivers, Hamrick advertising head, will handle the Orpheum and Blue Mouse, and also the second run Coliseum. Willard Coughlan and Sammy Siegel will continue as assistants, with Wilma McNutt as secretary.

CAPA Will Hold Dance

Chicago, Sept. 18. — The first CAPA Anniversary Mardi Gras will be held Oct. 19, according to President Larry Stein. The dinner-dance will be held in the Gold Room of the Congress Hotel and will be staged on a La Nudite Paree motif. Feminine entertainers and gay music will headline the evening's entertainment. CAPA members are working hard to make this one of the outstanding theatrical social events of the year.

Nine Get New Sound

Cincinnati, Sept. 18.—A checkup of recent sound installations shows nine Wide Range by Erpi during August and so far in September.

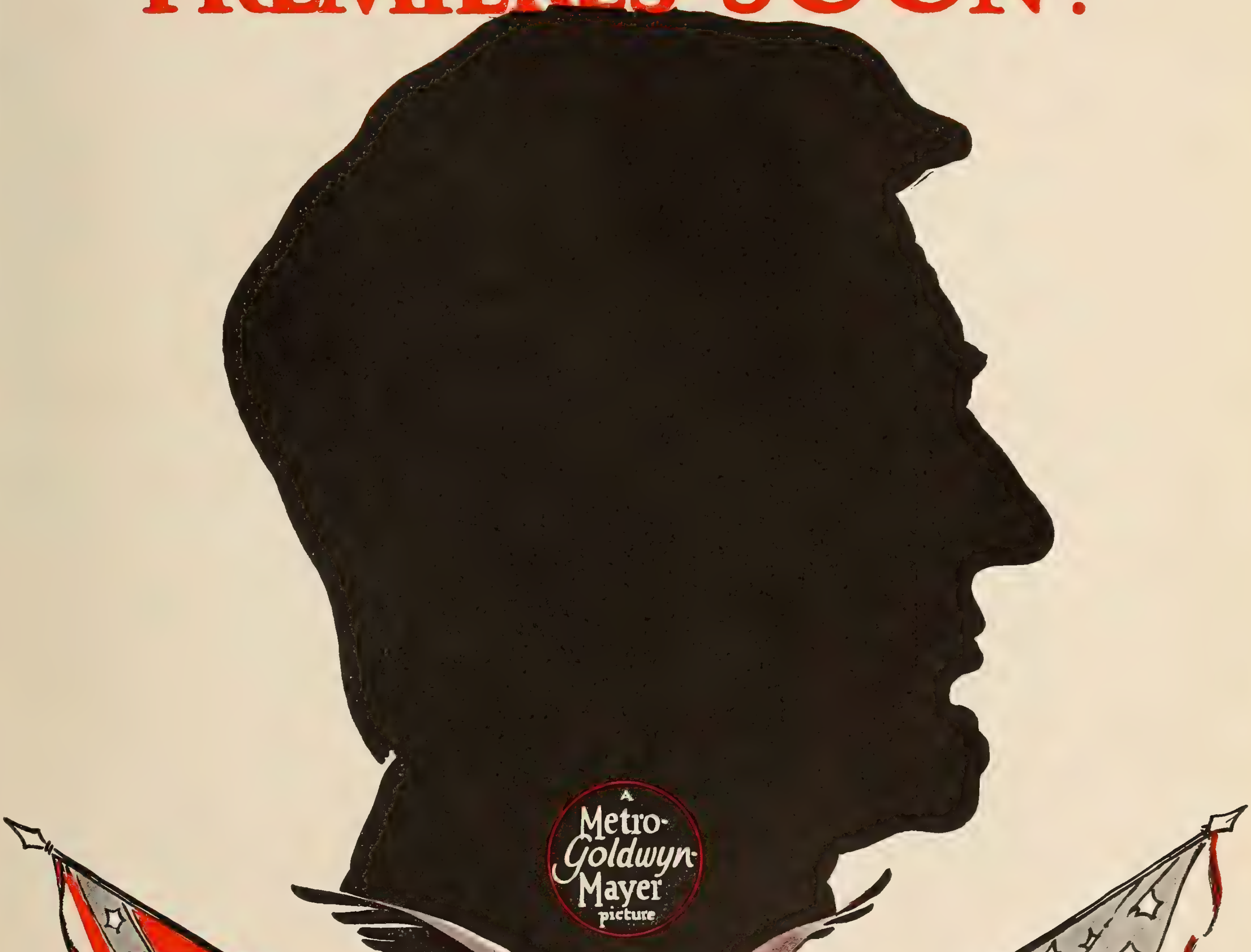
In Ohio they are: RKO Shubert, Cincinnati; Schine's Van Wert, Van Wert; Majestic, Nelsonville. In Indiana: Strand, Shelbyville; Lyric, Sullivan; Mars, Lafayette; Palace, Ft. Wayne. In Kentucky: Roh's, Cynthiana and the Kraver, Henderson.

Goldwyn Signs Avery

Hollywood, Sept. 18. — Stephen Morehouse Avery has been signed by Samuel Goldwyn to do the script of "Navy Born," which goes into production soon.

Atlanta In The South! Springfield In The North!

TWIN WORLD PREMIERES SOON!



A Metro-Goldwyn-Mayer picture

"MORE DRAMA AND ENTERTAINMENT IN TWO REELS THAN A VAST MAJORITY OF LAST YEAR'S FEATURES!"

-MOTION PICTURE DAILY.

Variety Club

Albany

Albany, Sept. 18.—Plans for the fall and winter activities have been started.

Si Fabian, Samuel Rosen, Lou Golding and Henry Siden have been accepted as new members.

Buffalo

Buffalo, Sept. 18.—More than 40 members of Tent No. 7 gathered for the first fall meeting. Chief Barker E. K. O'Shea presided and appointed a committee of five to consider proposals for a permanent home for the club.

The committee members, Ralph Maw, John Sitterly, Nicholas Basil, Jake Lavene and Carl W. Kempke, have several locations at hand for consideration, with a Main St. spot favored.

The club is anticipating a visit from National Chief Barker John Harris of Pittsburgh within the next two weeks, tentative plans calling for his arrival next Tuesday or a week from Tuesday.

Cincinnati

Cincinnati, Sept. 18.—Highlight of the week was the first annual golf tournament at the Hillcrest Country Club, with several local semi-pros to contend for top honors. A dinner followed.

Olsen and Johnson, associate members, paid a visit to the suite of Col. Arthur Frudenfeld in the Hotel Gibson, while playing the RKO Shubert recently, and entertained him with a few intimate stories as only this duo can dispense them. Frudenfeld, who suffered a collapse in his office some weeks ago, now is able to be out of bed, and on the road to recovery.

Sam Kramer, United Artists salesman, has moved to the coast. Local barkers tendered him a farewell dinner and presented him a traveling kit.

E. V. Dinerman, RKO ad. chief, has added a secretary to his staff. He also is sporting a modernistic desk.

Nelson G. Trowbridge, Bill Sachs and Joe Kolling were judges in a national open at WLW, local radio station, to select the person with the top voice for Eddie Duchin. Stan Jacques, however, was one of the judges in a bathing beauty contest at the Strand, which he contends was the better job.

Clarence Williams is back on the job after several days at home because of a strained back.

Max Stahl is the latest occupant of the Film Building to wear the title of Kentucky colonel.

Stan Jacques is in Michigan preparing to bring back his family from a summer vacation.

Harry Hartman, sports speiler at WFBE, local broadcasting station, promoted an automobile to be presented to Chuck Dressen, manager of the Cincinnati Reds. Hartman secured the contributions through plugging on the air.

Rename Russian Film

Charles E. Stuart's "My Five Years in Russia" has been renamed "Soviet Russia Thru the Eyes of an American." It was filmed by an American engineer and is being distributed by Imperial Distributing Corp.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"I Live My Life"

(M-G-M)

Hollywood, Sept. 18.—Joan Crawford in a new characterization is splendid in an attraction which is one of the new season's entertainment bets. Opposite her is Brian Aherne, a romantic Irishman. The direction by W. S. Van Dyke is distinctively smart and intensely human.

The plot is barbed with warm, rich humor, poking fun at society foibles in the modern mood and manner. The story is of the male and female, "I Love You, I Hate You" variety between Miss Crawford, a high-strung society girl, and Aherne, a working archaeologist. Meeting in Greece, they love. Parting, he follows her to Manhattan. Her useless society merry-go-round finds him out of place with her addle-pated hangers on.

For spite and because it helps her dad, Frank Morgan, out of a financial hole, she decides to marry Fred Keating, a wealthy nitwit. Discovering from Morgan that his finances are all right Miss Crawford phones Aherne, who hotfoots it to her, upsets Christmas Day and her frightened family but gets his approval from dictatorial grandma, Jessie Ralph.

Esconced as vice-president of an industrial empire, Aherne revolts and calls off the marriage. To offset being society's laughing stock, smart Joan, however, insists that she will not be jilted by him but will jilt him by not appearing at the church. At the altar Miss Crawford double-crosses and Aherne appears. A ticket to Greece changes Aherne's mind.

Miss Crawford, unfurling a new rainbow of emotions, stages a grand scene after the marriage breakup, a tempest with big laughs. Aherne makes a fine counterfoil for her. Morgan as the fumbling father is good, always. The entire cast is fine, including Aline MacMahon, Eric Blore, Arthur Treacher, Frank Conroy, Etienne Girardot and Fred Keating.

The story by Gottfried Reinhardt and Ethel Borden from a short story by Carter Godloe is well fashioned by Joseph Mankiewicz's screen play. Bernie Hyman produced with fine taste and sparkling showmanship. The eye elements and photography are good.

Miss Crawford's box-office name, with this title, in a yarn bound to create plenty of "word of mouth" should send this soaring among the highs.

No production code seal. Running time, 90 minutes. "G."

"Waterfront Lady"

(Mascot)

Hollywood, Sept. 18.—Good trouping by Frank Albertson, Charles Wilson, Grant Withers, J. Farrell MacDonald and Ann Rutherford, a newcomer, makes this acceptable and average screen fare.

Albertson, taking the blame for the accidental shooting of Jack LaRue on a gambling ship owned by his boss, Wilson, hides out in a fishing shack. He avoids pursuit among waterfront folk until he is discovered by Withers, his rival for Miss Rutherford's affection, and is exposed by Barbara Pepper, Wilson's girl, whose advances he has spurned. When the police finally close in on Albertson an exciting battle takes place on barges with the Albertson and Rutherford romance winning when he is cleared.

Director Joseph Santley has routined the story by Wellyn Totman to get the maximum suspense from the situations. The production by Colbert Clark is all right. Miss Rutherford shows promise, looking well and reading her lines with conviction.

The picture should prove satisfactory on duals.

Production Code Seal No. 1,421. Running time, 70 minutes. "G."

"Special Agent," yesterday's opener at the Strand, was previewed by wire from Hollywood on Aug. 16.

"Steamboat 'Round the Bend," reviewed by wire from Hollywood on July 23, opens this morning at the Radio City Music Hall.

"Broadway Melody of 1936," last night's preview at the Capitol, was reviewed from Hollywood by wire on Aug. 27.

Kridel Deal Continued

Warners have continued the one-year deal with Harry A. Kridel for the Mayfair, Newark. The first year's arrangement expires Nov. 9 when the new deal becomes effective. It was erroneously reported that the Warner arrangement was with Jerome Kridel of the Mayfair, South Orange, N. J.

S. & C. Take Over Folly

Acquisition of the Folly, Brooklyn, marks the entrance of Springer & Cocalis into Frisch & Rinzler territory. S. & C. bought the property. Although the circuit has a number of other houses in Brooklyn, the purchase of the Folly is the first S. & C. unit competitive to Ranforce's Alba.

Short Subjects

"Surprise"

(Vitaphone)

One of the Broadway Brevity musical subjects, this has a good quota of entertainment, chiefly supplied by the Duncan Sisters, who are capable singers and amusing players. As girls home from school they are entertained at their southern plantation home with a song from a Negro group, an eccentric dancer, and then offer a few numbers of their own. In all, a lively and entertaining subject. Production Code Seal No. 0442. Running time, 20 mins. "G."

"Serves You Right"

(Vitaphone)

Shemp Howard, a really clever and amusing comedian, provides numerous really funny moments in this two-reeler. Office boy in a law office, he aspires to be a process server so that he may marry the stenographer. He gets his chance, but he must serve a big, two-fisted saloon keeper. What happens to him in the attempt, and until his final success, is good for laughs. Production Code Seal No. 0424. Running time, 20 mins. "G."

"Rural Mexico"

(FitzPatrick-M-G-M)

An instructive and entertaining panorama of some of the highlights in the rural sections of Mexico. Particularly interesting are the pyramids in this Latin country. Pictured in three-tone Technicolor, the scenes are intriguing.

A subject worth showing. James A. FitzPatrick himself narrates the features of this beautiful country. Reviewed without production code seal. Running time, 10 mins. "G."

"Into Your Dance"

(Vitaphone)

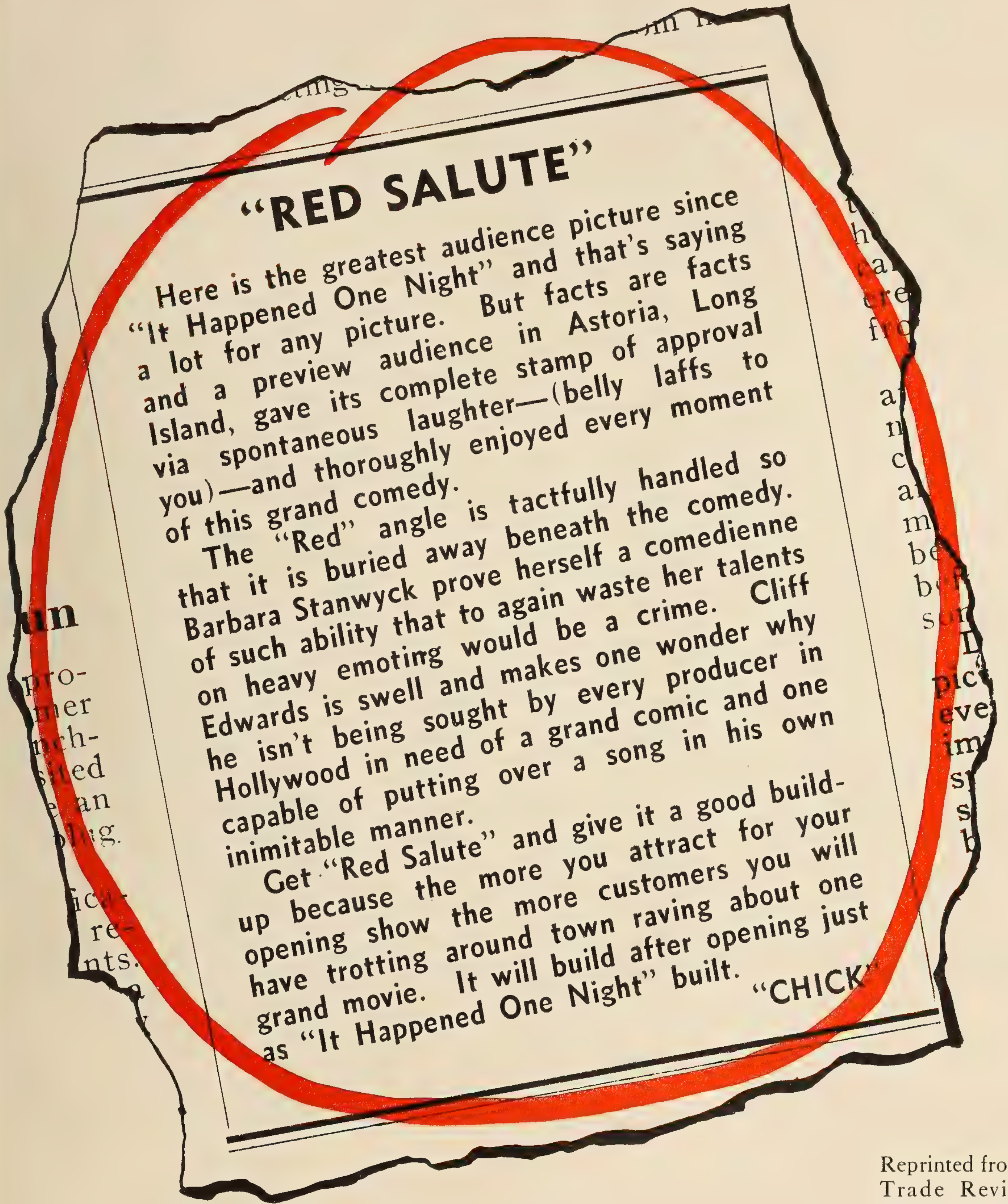
An entertaining Merrie Melody song cartoon in color, which is a takeoff on the popular Showboat of the radio and on radio amateur programs. The "Captain" starts his show, which goes along without difficulty until a stutterer steals the gong and succeeds in emptying all the seats. Rates as slightly better than average cartoon material. Production Code Seal No. 784. Running time, 7 mins. "G."

"Voice of Experience"

(Columbia)

Bookers will probably give this one a second thought before dating. It deals with the romance of a blind man and a deaf girl who are prevented from tying the knot by the groom's mother. After submitting the problem to Voice of Experience, who sanctions the wedding, the mother gives in.

While it is claimed to be a true story, it has a shade of O'Henry in the plot. This is the first subject in the series and apparently is a propaganda medium for the radio voice who, at the end of the short, says he will give advice on similar problems if patrons will write in. Somehow or other, it left a bad taste in the mouth of this reviewer and also left him open to question whether the story is true. Nothing is said of how the unemployed man will support his wife after the marriage. Reviewed without a code seal. Running time, 10 mins. 'G."



"RED SALUTE"

Here is the greatest audience picture since "It Happened One Night" and that's saying a lot for any picture. But facts are facts and a preview audience in Astoria, Long Island, gave its complete stamp of approval via spontaneous laughter—(belly laffs to you)—and thoroughly enjoyed every moment of this grand comedy.

The "Red" angle is tactfully handled so that it is buried away beneath the comedy. Barbara Stanwyck prove herself a comedienne of such ability that to again waste her talents on heavy emoting would be a crime. Cliff Edwards is swell and makes one wonder why he isn't being sought by every producer in Hollywood in need of a grand comic and one capable of putting over a song in his own inimitable manner.

Get "Red Salute" and give it a good build-up because the more you attract for your opening show the more customers you will have trotting around town raving about one grand movie. It will build after opening just as "It Happened One Night" built.

"CHICK"

Reprinted from Showmen's Trade Review, Charles "Chick" Lewis, Editor and Publisher

Released thru **UNITED ARTISTS**

"Top Hat" Is 3d Week Hit On the Coast

Los Angeles, Sept. 18.—"Top Hat" was still in the box-office knockout classification in its third week here at the Hillstreet and Pantages. At the former it grabbed $9,100, over a first week normal by $1,100, and at the latter it was $5,800 over par on a take of $9,000.

In the meantime another hit has developed at the Paramount, "The Big Broadcast of 1936." The $23,500 gross on this was $5,500 above the line.

"The Gay Deception" got off to a good start at the 4-Star with $5,290.

Total first run business was $91,940. Average is $91,200.

Estimated takings for the week ending Sept. 18:

"THE DARK ANGEL" (U. A.)
CHINESE—(2,500), 30c-55c, 5 days. **Gross:** $11,700. (Average, $12,500)

"THE GAY DECEPTION" (Fox)
4 STAR—(900), 30c-55c, 6 days. **Gross:** $5,290. (Average, $3,250)

"TOP HAT" (Radio)
HILLSTREET—(2,700), 25c-40c, 7 days, 3rd week. **Gross:** $9,100. (Average, $8,000)

"THE DARK ANGEL" (U. A.)
LOEW'S STATE—(2,500); 30c-55c, 5 days. **Gross:** $12,800. (Average, $14,000)

"BIG BROADCAST OF 1936" (Para.)
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: F. & M. revue, Harry Savoy and Co., Rube Wolf. **Gross:** $23,500. (Average, $18,000)

"THE CLAIRVOYANT" (G. B.)
"RED HEADS ON PARADE" (Fox)
UNITED ARTISTS—(2,100), 25c-40c, 5 days. **Gross:** $3,750. (Average, $3,500)

"WE'RE IN THE MONEY" (W. B.)
WARNER BROS. (HOLLYWOOD) — (3,000), 25c-40c, 6 days. **Gross:** $8,700. (Average, $14,000)

"WE'RE IN THE MONEY" (W. B.)
WARNER BROS. (DOWNTOWN)—(3,400), 25c-40c, 6 days. **Gross:** $8,100. (Average, $12,000)

"TOP HAT" (Radio)
PANTAGES—(3,000), 25c-40c, 7 days, 3rd week. **Gross:** $9,000. (Average, $3,200)

"Top Hat" $9,000 Smash in Portland

Portland, Sept. 18.—"Top Hat" secured one of the heaviest draws of the year at Hamrick's Orpheum, rolling up a gross of $9,000, or $4,000 over the usual receipts.

It was a splendid holdover for a second week of "Diamond Jim" at the Broadway, which secured $6,000, or $1,000 over normal.

"Anna Karenina" was also a holdover at the United Artists and drew $6,000, or $1,000 over the usual take.

Total first run business was $31,700. Average is $24,700.

Estimated takings for the week ending Sept. 14:

"DIAMOND JIM" (Univ.)
BROADWAY—(1,912), 25c-35c-40c, 7 days, 2nd week. **Gross:** $6,000. (Average, $5,000)

"OUR LITTLE GIRL" (Fox)
"BREAK OF HEARTS" (Radio)
(Second Run)
BLUE MOUSE—(1,700), 15c-25c, 7 days. **Gross:** $1,700. (Average, $1,700)

"HOP ALONG CASSIDY" (Para.)
"THE HEALER" (Monogram)
MAYFAIR—(1,700), 25c-35c-40c, 7 days. **Gross:** $3,000. (Average, $3,000)

"TOP HAT" (Radio)
ORPHEUM—(1,700), 25c-35c-40c, 7 days. **Gross:** $9,000. (Average, $5,000)

"HERE COMES COOKIE" (Para.)
"ANNAPOLIS FAREWELL" (Para.)
PARAMOUNT—(3,008), 25c-35c-40c, 7 days. **Gross:** $6,000. (Average, $5,000)

"ANNA KARENINA" (U. A.)
UNITED ARTISTS—(945), 25c-35c-40c, 7 days, 2nd week. **Gross:** $6,000. (Average, $5,000)

Out Hollywood Way

Hollywood, Sept. 18.—Both the Laemmles, Senior and Junior, back at work. Senior took a vacation in the north and Junior was laid up by a sinus attack. . . . Ann Sothern and mother tried those Mexican roads. . . . Too much vibration for a vacation. . . . Joe Penner becoming domesticated. . . . Spends a lot of time in the kitchen, Mrs. Penner says.

Jerry Dale of Samuel Goldwyn's publicity department on crutches—a broken ankle. . . . Arthur Edeson, cameraman, taking time out for tonsil removal. . . . Eddie Woehler named assistant director to Sam Wood. . . . Warners exercise option on Eddie Acuff, stage comedian. . . . Now working in "I Found Stella Parrish."

Barbara Stanwyck out of "The Baby Market," Paramount. . . . Sylvia Sidney may get role. . . . Kay Linaker back to New York to do a stage play. . . . Paramount waiting for Julie Haydon to do "End of the World." . . . Sam Coslow resigned by Paramount. . . . Buddy de Sylva to supervise Shirley Temple's "Dimples," Twentieth Century-Fox. . . . It's a musical. . . . Dolores Del Rio and Warren William to be co-starred in "Meet the Duchess," Warners.

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Casting—Jane Darwell in Twentieth Century-Fox's "Paddy O'Day." . . . Marie Wilson in "Miss Pacific Fleet"; Anita Kerry in "Meet the Duchess"; Warren Hull and Frank McHugh in "Freshman Love"; Alan Jenkins and Verree Teasdale in "Petrified Forest"; and Joseph Sawyer, Joseph King and Joseph Crehan in "Country Boy," Warners.

Frances Drake lead in "The Invisible Ray," Universal. . . . Edmund Grainger casts Edmund Lowe, Valerie Hobson, Vera Engels, Lumsden Hare, Majorie Gateson, Henry Mollison, Henry Kolker, Brandon Hurst, Leonard Mudie, Claude King and Frank Reicher in "The Great Impersonation," Universal.

Roger Pryor in "A Thousand Dollars a Minute," Republic. . . . Mischa Auer added to "Love Song," Radio.

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Directors—Louis King assigned to "Prairie Schooner," Warners. . . . Arthur Ripley directing Robert Benchley in "How to Train a Dog," M-G-M. . . . Howard Hawks to handle "Ceiling Zero," Warners. . . . Alexander Hall on "Song of the Night," Paramount. . . . Frank Tuttle assigned to "Millions in the Air," William Seiter to "Easy Living," Lewis Milestone to "Roaring Girl" and Wesley Ruggles to "The Indestructible Mr. Talbot," Paramount.

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Writers—Stan Laurel helping a staff of gag men on "The Bohemian Girl," Hal Roach. . . . Oliver Hardy still on vacation. . . . Tay Garnett signs Budd W. Schulberg to work with George Drongold on "Singapore Bound." . . . Wellyn Totman on script of "The Leathernecks Have Landed," Republic. . . . Maude Fulton busy on "The Song and Dance Man," Twentieth Century-Fox. . . . Stuart Anthony adapting untitled Zane Grey story, Paramount. . . . Brian Hooker finishes up at Paramount. . . . Cyril Hume to do "Green Grow the Lilacs," Radio.

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Title Change—"Getting Smart" is now "Two Fisted," Paramount.

Big Denver Outing Draws Crowd of 275

Denver, Sept. 18.—Exhibitors and distributors of the Denver territory held their second annual outing at the Lakewood Country Club with golf and contests in the afternoon and a banquet and dancing in the evening. More than 275 attended the dinner, and it was necessary to put additional tables in the lobby.

Walter Ibold walked off with the low gross cup again this year with a score of 77. Ibold owns the Comet. Running him a close second was Jack Langan, Universal manager, with a score of 78. Chuck Flowers of Loveland, Col., took third place, and Rick Ricketson was fourth.

A baseball game was won by distributors, who defeated exhibitors, 14 to 4. Winner of the horseshoe tournament was E. C. Dettman from Imperial, Neb.

In the women's bridge tournament Mrs. Charles Gilmour took the honors in contract, and Mrs. Frank Barnes was the auction winner.

Korda to Do "Fregoli"

Alexander Korda will start production of "Fregoli," with Charles Laughton starred, immediately following the completion of "Cyrano de Bergerac," in which Laughton also is starred, he said yesterday. The story is by Geza Berezeg, co-author of "Wonder Bar."

Rhode Island Gives Dowling Big Party

Providence, Sept. 18.—Eddie Dowling and his "Thumbs Up" company blew into town amid general fanfare which included attendance of state dignitaries at his opening night and a get-together party at the Biltmore which was attended by 500. Dowling took some good natured kidding anent the days when he was a warbling juvenile with the Scenic Stock Co. here.

Thomas J. Meehan was master of ceremonies and speeches were made by Edward M. Fay, Eddie Healey, formerly of Healey and Cross; Martin Toohey, once with Eddie at the old Scenic, and Judge James E. Dooley. Dowling introduced various members of his cast. Edward L. Reed, manager of the Strand, headed a committee of Rhode Island exhibitors in arranging the party.

No Friction: Sullivan

Denying there was any friction in negotiations between Paramount and Fox West Coast, Jack J. Sullivan, film buyer for the coast circuit, yesterday stated that he expected to sign a contract with the distributor this week, probably tomorrow. He said relations with the company were entirely harmonious, and that at no time had there been any indication that such was not the case.

"Top Hat" Sets Up New Cincy Record

Cincinnati, Sept. 18.—With terrific business from the first hour, and 30,000 persons passing through the turnstiles over the week-end, "Top Hat" shattered the house record for the current scale at the RKO Albee with an estimated take of $24,000, double average. It moved to the RKO Lyric.

"Anna Karenina" boosted the RKO Palace take to $4,000 better than average on a $14,000 gross, and is playing the second stanza at the RKO Capitol. The RKO Shubert registered $14,000 with "Welcome Home," plus Olsen and Johnson. This is $2,000 in the plus column. "Dizzy Dames," with a $2,000 total strip, put the Strand, independent, $500 over the normal mark. "Steamboat 'Round the Bend" came within shouting distance of average at the RKO Capitol in the second downtown week, and continued at the RKO Grand.

Total first run business was $73,400. Average is $60,200.

Estimated takings for the week ending Sept. 13:

"TOP HAT" (Radio)
RKO ALBEE—(3,300), 32c-42c, 7 days. **Gross:** $24.000. (Average, $12,000). Moved to RKO Lyric.

"ANNA KARENINA" (M-G-M)
RKO PALACE—(2,700), 35c-42c, 7 days. **Gross:** $14,000. (Average, $10,000.) Moved to RKO Capitol.

"WELCOME HOME" (Fox)
RKO SHUBERT—(2,150), 35c-55c, 7 days. Stage: Olsen and Johnson. **Gross:** $14,000. (Average, $12,000)

"STEAMBOAT 'ROUND THE BEND" (Fox)
RKO CAPITOL—(2,000), 35c-42c, 7 days. **Gross:** $6,000. (Average, $6,500.) Moved to RKO Grand.

"BONNIE SCOTLAND" (M-G-M)
RKO LYRIC—(1,400, 25c-30c-40c, 7 days. **Gross:** $4,700. (Average, $6,500)

"ALICE ADAMS" (Radio)
RKO GRAND—(1,200), 25c-30c-40c, 7 days, 2nd week. **Gross:** $2,400. (Average, $2,750)

"RIDING WILD" (Col.)
RKO FAMILY—(1,000), 15c-25c, 3 days. **Gross:** $900. (Average, $1,250)

"RECKLESS ROADS" (Majestic)
RKO FAMILY—(1,000), 15c-25c, 4 days. **Gross:** $1,100. (Average, $1,200)

"LITTLE BIG SHOT" (W.B.)
RKO KEITH'S—(1,500), 30c-40c, 7 days. **Gross:** $4,300. (Average, $6,500)

"DIZZY DAMES" (Liberty)
STRAND—(1,300), 15c-25c, 7 days. **Gross:** $2,000. (Average, $1,500)

New Columbia Issue Is Voted by Holders

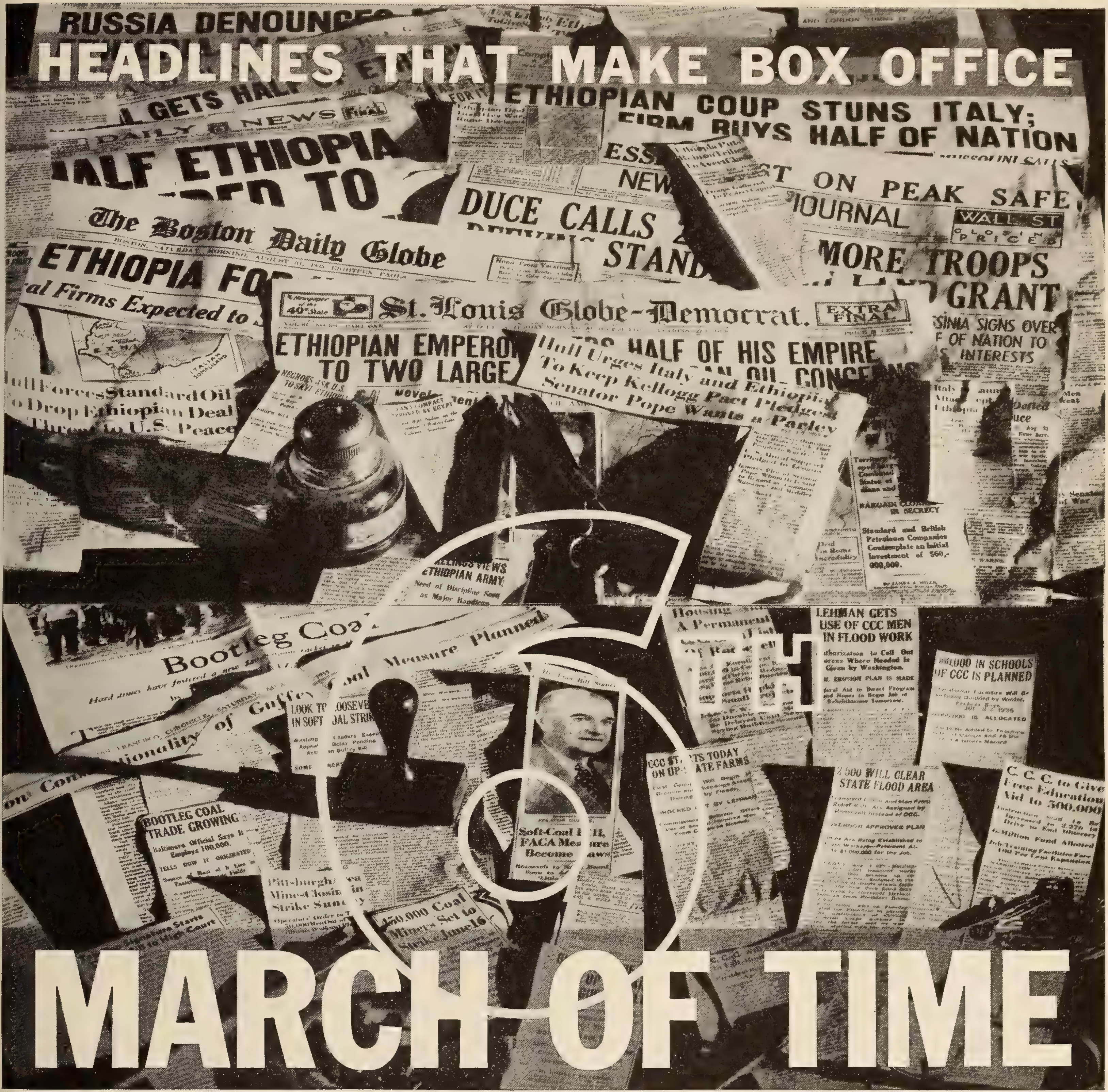
Columbia stockholders at their annual meeting yesterday approved the proposed increase in common stock from 300,000 shares to 1,000,000 shares, no par value.

A special meeting of holders of common stock and voting trust certificates is to be held Oct. 14 to ratify a proposed new issue of 75,000 shares of $2.75 cumulative convertible preferred stock, the proceeds of which will be used for retirement of outstanding $3 preference stock and for other purposes.

A meeting of the board of directors is to be held soon to act on a 50 per cent stock dividend.

David Fogelson of the law firm of Nathan Burkan was named a director to succeed Leo M. Blancke of Hemphill, Noyes & Co., the firm which will underwrite the cumulative preferred stock. It was stated that Blancke probably would go back on the board when this financing has been completed. Other directors were reelected.

HEADLINES THAT MAKE BOX OFFICE


RUSSIA DENOUNCES
GETS HALF
DAILY NEWS Final
HALF ETHIOPIA
ETHIOPIAN COUP STUNS ITALY; FIRM BUYS HALF OF NATION
DUCE CALLS
STAND
ON PEAK SAFE
JOURNAL
WALL ST CLOSING PRICES
MORE TROOPS
GRANT
The Boston Daily Globe
ETHIOPIA FO
al Firms Expected to
St. Louis Globe-Democrat. EXTRA FINAL
ETHIOPIAN EMPEROR TO TWO LARGE
HALF OF HIS EMPIRE
Hull Urges Italy and Ethiopia To Keep Kellogg Pact Pledges
Senator Pope Wants a Parley
Hull Forces Standard Oil To Drop Ethiopian Deal
SINIA SIGNS OVER OF NATION TO INTERESTS
Standard and British Petroleum Companies Contemplate an Initial Investment of $60,000,000.
ETHIOPIAN ARMY
Bootleg Coal
Coal Measure Planned
LEHMAN GETS USE OF CCC MEN IN FLOOD WORK
FLOOD IN SCHOOLS OF CCC IS PLANNED
CCC STARTS TODAY ON UP-STATE FARMS
2,500 WILL CLEAR STATE FLOOD AREA
C. C. C. to Give Free Education Aid to 300,000
BOOTLEG COAL TRADE GROWING
Soft-Coal Bill, FACA Measure Become Laws
Pittsburgh Area Mine-Closing in Strike Sunday
450,000 Coal Miners Set to Strike June 16

MARCH OF TIME

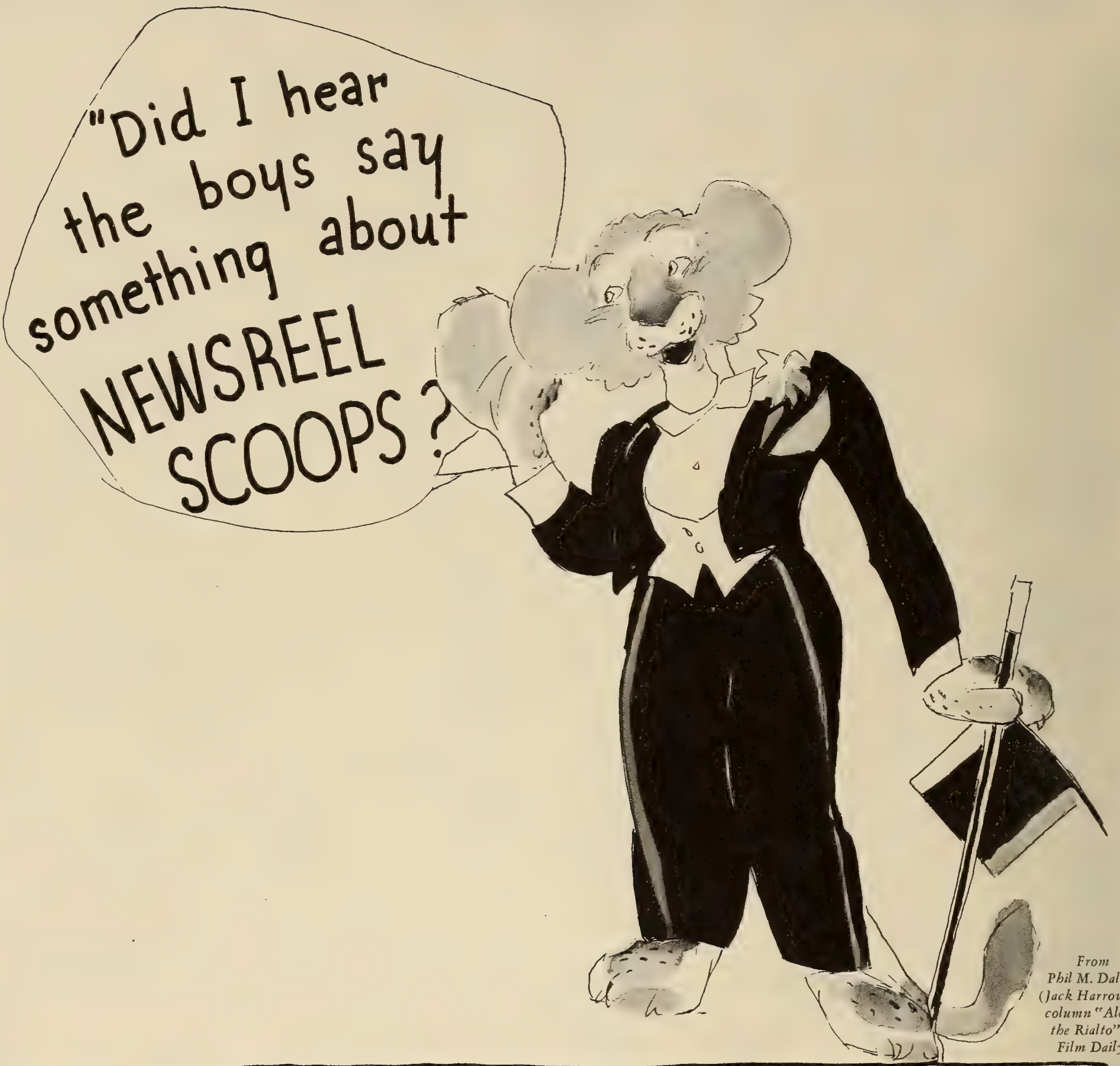
EVERY PERSON who comes into your theatre has read these headlines. Every daily paper that goes into his hands shouts that 1935 is an exciting, memorable year.

The world is living dangerously. Public feeling on vital issues has seldom run so high, been so sensitive. Constantly growing is the demand to know how this maelstrom of dramatic developments will affect the nation, business, every-day life.

MARCH OF TIME No. 6 photo-reports three such headline stories:—the tangle of Italy, Ethiopia and England; the Bootleg Coal crisis; and what 600,000 boys are doing in CCC camps. Ferreting out hidden beginnings and obscure developments on a hundred fronts, it brings to the screen twenty crisp minutes of factual, exciting entertainment that will make audiences think, feel and talk.

Based on subjects of which the public is most conscious, and stimulated by aggressive advertising and exploitation, the MARCH OF TIME is no longer a box-office *prediction.* It's a box office *production.*

RELEASED BY RKO-RADIO PICTURES


"Did I hear the boys say something about NEWSREEL SCOOPS?

From Phil M. Daly's (Jack Harrower) column "Along the Rialto" in Film Daily

● ● ● ONE OF the most sensational scoops in the annals of the newsreel .. is that one scored by Hearst Metrotone News in recording the confessions of the young Brooklyn hoodlums who brutally killed a B. M. T. collector on the Culver line ......after hours of grilling by the D. A.'s detectives, they refused to talk .... but when they were offered a chance to talk for the newsreel, they fell over each other to take the spotlight and confess .... it makes one of the most graphic and powerful human documents ever caught by the camera.....

OUR POLICY: A SCOOP IN EVERY ISSUE. THIS ONE APPEARS IN ISSUE 301!

(Another scoop in Current Issue, Vol. 6, No. 303 —— Exclusive pictures taken by Laura Ingalls, new queen of the air, on record transcontinental flight.)

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 69 NEW YORK, FRIDAY, SEPTEMBER 20, 1935 TEN CENTS

Special Court Move Dropped In Trust Case

St. Louis Actions Stay In District Tribunal

WASHINGTON, Sept. 19.—Plans for the creation of a special court to hear the St. Louis anti-trust cases were abandoned today by the Dept. of Justice, which will take its chances in the Federal Court in which the suit now pends.

Officials of the department refuse to discuss the matter, but it was learned from an authoritative source that the scheme is dead.

In the absence of Attorney General Cummings, Stanley Reed, solicitor general of the department, conferred with his colleagues as to the desirability of following out a proposal that the Government seek to transfer the case from the Federal Court where it had met with repeated delays to a special court of one district and two circuit judges.

It was learned that in view of the

(*Continued on page* 4)

London Films Plans Wider Use of Color

Following opening of the Technicolor laboratory at the new Denham Studio, London, which will be ready either in March or April, London Films will make most of its productions in color, Etienne Pallos, general studio manager, stated yesterday prior to his sailing on the *Berengaria* for London.

"While we were on the coast we saw one of the most wonderful travel films in Technicolor. It was a film made in Japan. We are sold on color," he said.

The new Denham studios will have five large stages, Pallos asserted.

(*Continued on page* 4)

New Fox Setup Aim Of St. Louis Move

ST. LOUIS, Sept. 19.—Reorganization of the Theatre Realty Co. is expected to be expedited as a result of a bondholders' petition to take the company out of receivership and place it in the hands of a trustee in bankruptcy for revamping under Section 77-B of the bankruptcy law.

The company owns the Fox, which has been operated for some time by Fanchon & Marco under an agreement with the receivers, James T. Blair and Edmond Koeln, who were named by a state court.

Quigley Ampa Guest

Martin Quigley will be guest of honor at a special meeting of Ampa at Jack Dempsey's next Wednesday in honor of his 20th anniversary as a publisher.

Will H. Hays will introduce him and Al Lichtman will be master of ceremonies.

In keeping with the occasion, leading industry figures who have spent 20 years or more in the business will be presented with special 20-year buttons, it was announced by Gordon White, president, at yesterday's meeting.

U. S. Seeking $3,566,583 From Wm. Fox

By BERTRAM F. LINZ

WASHINGTON, Sept. 19.—Imposition against William Fox of tax deficiencies, fraud penalties and interest totaling $3,566,583 with respect to his income returns for 1929 and 1930 was asked of the U. S. Board of Tax Appeals today in an amended answer to Fox's petition filed by Robert H. Jackson, assistant attorney general,

(*Continued on page* 4)

"Hat" Gets $97,000 In Third M. H. Week

"Top Hat" finished its third week at the Music Hall Wednesday night with a $97,000 gross and made way for "Steamboat 'Round the Bend."

The Astaire-Rogers picture did $341,700 in its 21-day engagement. The first week's take was $131,200, the second week, $113,500.

CIRCUITS - UNION SET $1.86 SCALE

Cut of 26c Per Hour Is Taken by Local 306; Parleys Continue

Major circuit and union representatives early yesterday morning reached an accord on the first basic point in their negotiations on a wage scale for the local area when it was agreed to set $1.86 as the rate per hour for affiliated theatres. Overtime will be at double pay.

The rate does not include the nine Broadway houses. The hour rate for these theatres will be set later and will be higher than $1.86, it is understood. The term of the contract, as well as the starting date when the scale goes into effect, have not yet been determined, but it is said that the pact will be for 10 years with an arbitration committee to negotiate a wage change every two years.

Circuit houses have been paying $2.12 an hour. The new figure nets the affiliated theatres a saving of 26 cents an hour, or an 11 per cent cut from the former scale. Local 306, it is understood, offered the circuits a reduction of 10 per cent, which was turned down at the early sessions. The

(*Continued on page* 4)

Houses Save $200,000 on Operator Cuts

Computed roughly on the basis of a 12-hour day, RKO and Loew's will save approximately $200,000 annually as a result of a cut of 26 cents an hour in operators' pay. Loew's has 53 theatres in Manhattan, Bronx and Brooklyn, exclusive of its Broadway representation. RKO has 31 neighborhod theatres in the three boroughs. Local 306 does not operate in New Jersey, Staten Island, Long Island and Westchester and hence these units of both circuits are not included.

Loew's net savings will figure around $128,394.08. With the 53 houses operating on an average of 12 hours a day, the total of working hours a day is 636. Multiply this by seven days and the week's working hours tally 4,752, which, multiplied by 52 weeks a year, results in an annual total of 247,104 hours. With an average of two men in a booth, the saving per hour is doubled and amounts

(*Continued on page* 4)

Stage Shows May Be Used in the Center

Stage shows may surround films when the Center opens the first week in October. This, the feature and date of opening will be decided early next week, W. G. Van Schmus stated last night in admitting that stage attractions are being considered for the theatre.

Sharp Rise in Ticket Tax Indicates Grosses Are Up

By CLARENCE LINZ

WASHINGTON, Sept. 19.—Reflecting a sharp improvement in theatre business are latest admission tax figures divulged today by the Bureau of Internal Revenue which reported revenue from this source, principally picture theatres, for July and August, first two months of the fiscal year, ran to $2,590,466. This is an increase of $550,587 over the $2,039,879 reported for the corresponding period in 1934. Receipts for August showed an increase of nearly 50 per cent over August, 1934, collections for the 1935 month being $1,313,552, as against $993,717 for the same month a year ago.

August receipts showed an increase of nearly $37,000 over the July collections of $1,276,914 which, in turn, were some $65,000 ahead of June.

FWC Bankruptcy Is Ended by the Court

LOS ANGELES, Sept. 19. — Charles Skouras, John Trainor and W. H. Moore, Jr., received their discharges as trustees at a final hearing yesterday on the F.W.C. bankruptcy. Action by the U. S. District Court was upon recommendation of Referee Samuel McNabb.

Final confirmation and approval of the accounting of the trustees and sale of the properties to National Theatres Corp. was entered in the court discharge order. T. L. Tally and Lou Bard were the only protestants, with Tally the only one present to voice his sentiments. The court ignored the protests.

Kuykendall Hits At Non-Theatricals

Ed Kuykendall, M. P. T. O. A. president, last night urged exhibitors to "protest and discourage" unfair non-theatrical competition, over which, he said, complaints are pouring in from exhibitors in all sections of the country. In particular Kuykendall hit at the Atlantic & Pacific Tea Co.,

(*Continued on page* 4)

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Wall Street

Eastman pfd Lone Gain on Big Board

	High	Low	Close	Net Change
Columbia	69	66¾	66¾	—1½
Consolidated	4¾	4½	4½	— ¼
Consolidated, pfd.	17¼	17	17	— ¼
Eastman	159⅝	156	156	—4
Eastman, pfd	158	158	158	+3
Loew's, Inc.	44⅞	43¼	43¼	—1¼
Loew's, pfd	105⅞	105⅜	105⅜	—1⅛
Paramount	12	11	11⅛	— ¾
Paramount, 1 pfd	101¾	100	100	— ½
Paramount, 2 pfd.	14¼	13½	13⅝	— ⅝
Pathe Film	6⅝	6	6	— ⅝
RKO	4⅞	4½	4½	.....
20th Century-Fox	17½	17¼	17¼	.....
20th Century, pfd	26¼	25⅝	25⅝	— ⅝
Universal, pfd.	35	34	34	.....
Warner Bros.	8½	7⅞	8	— ¼
Warner Bros., pfd	46	44	44½	—1½

Sonotone Up ⅛ on Curb

	High	Low	Close	Net Change
Sentry Safety	⅜	⅜	⅜	.....
Sonotone	1⅞	1⅜	1⅞	+ ⅛
Technicolor	20⅛	19¾	20	.....
Trans-Lux	3⅜	3⅛	3¼	— ⅛

Bond Issues Steady

	High	Low	Close	Net Change
General Theatre 6s '40	15	14¼	14¼	— ⅝
General Theatre 6s '40 ctf.	14⅞	14¾	14¾	.....
Keith B. F. 6s '46	89	89	89	.....
Loew's 6s '41 ww deb rights	104½	104¼	104½	+ ¼
Paramount B'way 3s '55	62½	62⅜	62½	.....
Paramount Pict. 6s '55	97⅛	96½	97	.....
RKO 6s '41 pp.	70¼	70¼	70¼	+ ¼
Warner Bros. 6s '39 wd	83	81	81	—1¾

(Quotations at close of Sept. 19)

Insiders' Outlook

By RED KANN

THE reasons why are obvious, of course. Yet there is cause sufficient in the story of "Top Hat" and the Music Hall for wonderment. Here is a picture which did $131,200 in its first week, $113,500 in its second and $97,000 in its third to a grand total of $341,700 in twenty-one days. And yet, despite the amazing final week gate, it is pulled to make way for another which happens to be "Steamboat 'Round the Bend." This commentator does not look askance at the Rogers picture, because its attitude would be essentially, not completely, the same, regardless of what "Top Hat's" successor might have been. Rather does it ask, at the same time soliciting a reasonable answer, to the question: When will theatre operators in this lopsided business play real attractions for what they are worth regardless of length of run? . . .

▼

The rebuttal will come from other distributors. Fox, no doubt, will argue it cannot be held up indefinitely with the Rogers film, which already has played practically all first runs aside from New York. In the instance of this particular attraction, it is true there is a case since the star in it is no more and no one can foretell whether his drawing power will diminish or not as his death grows older. Also, there is the matter of circuit and subsequent runs to ponder. However, let us assume Fox, or any other distributor aside from RKO, had owned "Top Hat." Then what? . . .

▼

The incident reminds that, hardly susceptible to adding machine technique as it may be, there must be a frightening wastage of revenue up and down the land because pictures that click are not always permitted to run their pace. Universal had such an experience with its "Diamond Jim" at the RKO Palace, Chicago, where the picture did very fancy business and rated a holdover, but remained only one week because the national play-date campaign set for "Top Hat" was on its heels. It is poor reward for Hollywood jobs that register. . . .

▼ ▼

Leo's tail is wagging furiously. The gala opening of "Broadway Melody of 1936" at the Capitol Wednesday evening was followed yesterday by the inevitable comparison of records, an old habit. It was discovered, on the basis of early performance, that the musical had (1) a bigger opening than that of "China Seas" and that (2) by 4 P. M. was neck to neck with its Harlow-Beery-Gable rival. The Broadway critics liked the picture, as who will not? Cutting through to pretty much the essence, this editorial scalpel finished with what follows. . . .

▼

Regina Crewe in the *American*: "Creates a new star in Eleanor Powell."

Bland Johaneson in the *Mirror*: "Knockout, sure-fire, ticket-selling entertainment."

Kate Cameron in the *Daily News*: "A new star lights up Capitol screen."

Rose Pelswick in the *Evening Journal*: ". . . Add it all up and it spells gorgeous entertainment."

Dick Watts in the *Herald-Tribune*: "A lively and entertaining screen musical."

Thornton Delehanty in the *Post*: ". . . Has enough sure-fire ingredients to make its country-wide success a foregone conclusion."

Eileen Creelman in the *Sun*: ". . . A rousing good musical."

Andre Sennwald in the *Times*: ". . . Handsome, expert and dexterously routine photoplay."

William Boehnel in the *World-Telegram*: ". . . A grand, new entertainment." . . .

Now that M-G-M's advertising campaign is simplified, Si Seadler can resume his rhumba. . . .

▼

Addenda: Walter Winchell liked the film so much he sent a box of orchids to Miss Powell who followed the premiere with a return to the Winter Garden for the dress rehearsal of "At Home Abroad" which bowed in last evening. Eleanor, before it is forgotten, does a wow of a Hepburn imitation in the picture, using a scene from "Morning Glory" as her script. And that's enough about "Broadway Melody" for quite a few days. . . .

▼ ▼

Friendly straws in a pleasant wind: Federal admission taxes reflect an almost fifty per cent increase for August over the same thirty-day period in 1934. August, in turn, was almost $37,000 over July. And July was $65,000 in front of June. This is the Bureau of Internal Revenue, very official, reporting. More dollar detail is available by turning back one page.

United States Steel, depression or not a significant barometer of business in America, has budgeted $140,000,000 for plant alterations and improvements and proposes doing something about spending this sum, almost as large as the annual production budget of this industry, immediately.

Now figure, if it won't make you dizzy, what this means in employment, in more money circulation, in the impetus imparted steel's by-product enterprises and carry it along to ticket machines in theatres where some of it, inevitably, must end. . . .

▼ ▼

The Washington wire was active again yesterday, clicking out among other matters the flash of the Department of Justice's decision to forget its petition for a special tribunal to hear the St. Louis anti-trust case. Someone there apparently discovered the injunction hearing is down for October 1 anyway and no time would be gained by the extraordinary procedure proposed. It developed also, but it had already been hinted at broadly — it is hoped—in this space that the idea stacked up as an effort to spotlight the suit, thereby demonstrating how jealously and how zealously the Government is safeguarding the interests of the as usual hopeless minority. . . .

▼ ▼

This is house copy on MOTION PICTURE DAILY. Warned as you now are, the idea is to skip it if the calculations, carefully worked up, are of no interest. Yesterday's issue, a typical edition of your favorite trade paper, carried one hundred and thirty-eight news items from twenty-nine cities and towns ranging from Akron in Ohio to Ripon in Wisconsin to Worcester in Massachusetts. This tally does not include wired Hollywood previews, short subject reviews and a lengthy *Insiders' Outlook* column. By our own devices, we place that last. . . .

Cochrane Files List Of His "U" Holdings

WASHINGTON, Sept. 19.—Reports of holdings of Universal Pictures Corp. stock by officers of the corporation, filed last month, were made public today by the Securities Commission.

These show ownership by P. D. Cochrane of 688 shares of common through one voting trust and 1,408 shares through another, and 184 shares of second preferred, and ownership of 20 shares of eight per cent cumulative first preferred stock by Helen E. Hughes.

Neuman to Washington

WASHINGTON, Sept. 19. — Steve Neuman, I. A. T. S. E. international studio representative, is understood intending to leave Hollywood by plane Saturday for this city in connection with the filing this week of a petition with the National Labor Relations Board requesting that I.B.E.W. contracts be declared illegal.

Pathe Hearing Delayed

The hearing on the motion entered by Pat Casey to examine Frank Kolbe, president of Pathe Film Co. and other directors, scheduled to have been held yesterday was postponed until today.

New Orleans In The South! Springfield In The North!

TWIN WORLD PREMIERES TOMORROW!

CHARLES "CHIC" SALE

as

A. Lincoln,

in

A MINIATURE

"The PERFECT TRIBUTE"

Directed by
Edward Sloman

A
Metro-Goldwyn-Mayer
picture

"MORE DRAMA AND ENTERTAINMENT IN TWO REELS THAN A VAST MAJORITY OF LAST YEAR'S FEATURES!"
-MOTION PICTURE DAILY.

Circuits and Operators Set $1.86 Scale

(Continued from page 1)

circuits wanted to pay $1.60 an hour as against the union's $2.

Randforce, Skouras and other independents are not included in the wage rate just set. Individual deals will be negotiated by Local 306. It is said the smaller circuits will probably pay about $1.50 an hour, which is about 25 cents more than Allied M. P. Operators are getting.

Under the temporary agreement adopted Sept. 6, all Broadway houses are paying $1.80 every time the minute hand completes a circle, while circuit neighborhood runs are paying $1.60. Skouras theatres are on a basis of $1.28 while Randforce is continuing under the terms of its two-year pact. When the new scale is put into effect, the differences between the existing scale and the new one will be reimbursed to operators retroactive to Sept. 6.

Theatre Grading Continues

Following the agreement yesterday, Local 306 called off its plan of rotating relief men, a move which irked the circuits no end. Grading of theatres continues in addition to meetings with the two groups in settling other points at issue. The reclassification of houses does not embrace circuits, inasmuch as RKO and Loew's are set on the $1.86 figure, with the exception of Broadway. It will take several weeks to finish this task.

Negotiations for the merging of Allied and Empire unions with Local 306 continue. It will probably be several weeks before a deal is actually set. One of the present stumbling blocks is the $500 initiation fee demanded by the I. A. T. S. E. affiliate. However, optimism runs high at Local 306 that a deal will be effectuated shortly and that the city will be controlled by one union instead of three.

Commenting on the progress of the circuit-union scale and the three union consolidation, Harry Brandt, president of the I. T. O. A., yesterday stated:

"Insofar as I'm concerned, I'm glad that the circuits and union are getting together. I believe that the pending negotiations by Local 306, Allied and Empire are a step in the right direction to unionize the entire city. I am in favor of such a step."

Brandt for some time has been the brunt for a mass picketing attack by Local 306 on West 42d St. and Columbus Circle. All of his 44 theatres employ Allied operators. Despite this, Brandt is said to have been instrumental in bringing the three unions together.

Another Workman Dies

Boston, Sept. 19.—Emory Smith, 50, Negro workman, died here today as a result of injuries sustained in the collapse yesterday of the Hollis St., house being demolished. Another workman was killed instantly. Two others are in a critical condition.

"39 Steps" $43,000

"39 Steps" ended its first week at the Roxy with a tally of $43,000. The G. B. film is now in its second week.

Special Court Move Dropped In Trust Case

(Continued from page 1)

fact that the suit is scheduled to be heard within two weeks and the general reaction was that the proposal was merely an effort to "spotlight" the case and show the Government as highly aggressive in its fight for the "little fellow," a decision was reached not to go through with the plan.

Considerable furore was caused by the disclosure earlier this week that the department was considering this unusual procedure of organizing a special court. More recent developments indicate that the revelation of the plan served adequately to center attention on the suit which the department considers one of the most important anti-trust cases brought in a decade.

Hearing Is Set for RKO

St. Louis, Sept. 19.—Hearing on a recent motion by Jacob M. Lashly, local attorney for RKO, asking for additional data in connection with the bill of particulars filed by the Dept. of Justice was today set for Saturday by Federal Judge George H. Moore.

Lashly seeks to have the Department of Justice supply his clients with an additional bill of particulars as to when, where and through whom RKO and Ned Depinet had participated in an alleged conspiracy to violate the Sherman Act as charged in an indictment returned by the Federal grand jury last January.

Hardy to Attend

The hearing was set today after District Attorney Blanton had appeared before Judge Moore, stating he had been in touch with the Attorney General and had been directed by him to ask for the hearing on Sept. 21. Russell Hardy, special assistant attorney general, who has been handling the criminal and equity cases against Warners, Paramount and RKO in connection with alleged refusal to sell first runs to F. & M.'s Ambassador, Grand Central and Missouri, will attend the hearing Saturday and oppose Lashly's motion.

Bruce Bromley, Robert W. Perkins and Frederick H. Wood, and I. Levinson, Warner counsel: William J. Donovan, representing RKO, and Louis Phillips of Paramount are expected here from New York over the week-end to confer with local attorneys on both the preliminary injunction and indictment proceedings.

Government witnesses are not expected from various parts of the country until the last day of the month and the first of October.

Closes with Comerford

A. W. Smith, Jr., in charge of eastern and Canadian sales for Warners, has closed a deal with the Comerford-Publix circuit for the entire Warner-First National-Cosmopolitan lineup for 1935-36.

Shea Gets Sonotone

Negotiations have been completed for installation of RCA-Sonotone hearing devices in 10 of the houses in the Mortimer A. Shea circuit.

Page Ripley!

Come out of your barrel, Diogenes, for there is an honest person still walking the earth.

In Youngstown, O., theatre manager D. M. Robbins received a letter from a woman patron calling his attention to the fact that when attending his theatre she bought a balcony ticket, but "somehow found myself in a downstairs seat." In the letter she enclosed 15c., which was the difference.

London Films Plans Wider Use of Colors

(Continued from page 1)

There are 300 acres of land available for outdoor scenes. For the 1935-36 season, six features are planned. Next year this schedule may be increased by two, the studio head said.

Negotiations are under way to bring over four or five American director-producers, Pallos declared without revealing names. He said that as soon as contracts have been signed announcements will be made.

Alexandria Korda, who sailed on the same liner last night, was busy most of the day taking photographs and winding up last minute business. Sir Connop Guthrie and Maurice D. Silverstone accompanied Korda.

Pallos, prior to sailing for London last night, was host to the United Artists publicity and advertising staff at a luncheon at Sardi's. Among those present were: Monroe Greenthal, Morris Helprin, Jack Goldstein, Sammy Cohen, Herbert Jeadiker, Gregory Dickson, Albert Margolies, Florence Ross, Meyer Beck, Len Daly, Tess Michaels and Herb Berg.

Kuykendall Hits At Non-Theatricals

(Continued from page 1)

which, he said, was arranging a show of radio stars, headed by Kate Smith and Jack Miller's orchestra, to be staged in large auditoriums such as Madison Square Garden, New York, and Symphony Hall, Boston, without admission charge.

"Unless theatre owners protest and discourage such unfair competition," he said, "it will ultimately mean a continuous series of free shows using professional entertainers, the same as the theatre must sell to the public if it stays in business, every night in the week, subsidized by advertisers and putting the theatre out of business."

Operator Slashes Are Saving $200,000

(Continued from page 1)

to 52 cents, which, multiplied by 247,104 hours gives $128,394.08.

RKO's 31 houses, working at 12 hours a day, seven days a week for every week in the year, brings the total working hours to 135,408. This, multiplied by 52 cents, the saving on two projectionists every hour, amounts to $70,412.16.

Adding both Loew's and RKO totals, the circuits will save $198,706.24. This is conservative, inasmuch as this does not take in overtime and extra men who are brought in from time to time.

U. S. Seeking $3,566,583 From Wm. Fox

(Continued from page 1)

who is counsel for the Bureau of Internal Revenue.

The brief asks that the board approve the original deficiency of $28,498 assessed against the 1929 return and order the imposition of a fraud penalty of $14,249 and interest to date of $13,680, a total of $56,427, and, on the 1930 return, approve the original deficiency of $1,601,644, find an additional deficiency of $250,000 and impose a fraud penalty of $928,822 and interest of $732,690, a total of $3,510,156.

The petition for review of the action of the Commissioner of Internal Revenue was filed in August, 1932, and was one of the matters discussed at length during the Congressional investigation of Wall St. activities the following year.

The tax deficiencies in controversy arise from Fox's transactions in Fox Theatres and Fox Film Corp. stock and in payments made to A. S. Kempner, Lee De Forest and Courtland Smith as salaries, for which Fox later was reimbursed.

Clarke Deal Cited

In his 1929 return, it is alleged, Fox "knowingly and wilfully failed" to report the net profits of $2,369,125 resulting from transactions with Harley L. Clarke involving General Theatres Equipment stock and Grandeur stock, and also claimed deductions amounting to $4,749,850 as representing losses from sales of various stocks, whereas in fact, it is claimed, he sustained a loss of only $3,265,492.

In his 1930 return, the bureau alleges, Fox claimed deductions of $8,047,854 as losses in stock sales for cash, while in fact, it is charged he "exchanged the said shares of capital stock of various corporations with the All Continent Corp., a corporation organized in 1930, the stock of which at all times in 1930 was owned by the petitioner, for capital stock of All Continent Corp., the transactions being such that for tax purposes neither loss nor gain could result." Other large deductions also were made on the same basis, it is alleged.

A further charge alleges that the 1930 return made a claim of $5,010,100 as a basis for determining taxable gain from the sale of 50.101 shares of Fox Film B common sold by the petitioner, while the actual amount was not in excess of $501,010, and "an excessive claim was knowingly and wilfuly made with the intent to evade tax due from William Fox of at least $4,509,090" on the stock.

A further claim of $8,125,000 was made as a basis for determining taxable gain from the sale of 100,000 shares of Fox Theatres B common, whereas the Government holds the actual amount was substantially less than $3,897,123, resulting in an excessive claim of at least $4,227,876.

No Fox Statement

Daniel G. Rosenblatt, of the law firm of Hirsh, Newman, Reass and Becker, attorneys for William Fox, said yesterday he had no statement to make on the tax action instituted against Fox.

Australian Circuit Profits Rise Again

By CLIFF HOLT

SYDNEY, N. S. W., Aug. 30 (*By Airmail via London*).—By establishing a profit of £9,781 in 1935, Carroll-Musgrove Theatres, Ltd., increased its combined profit for 11 years of operation to £149,457. Dividends paid to shareholders now exceed the amounts they invested in the company, which operates the Sydney Prince Edward Theatre. At a shareholders' meeting the directors pointed out that the current year's profit was down in comparison with 1934, because of additional competition.

* * *

Approximately 65 New Zealand theatres have been linked by an agreement which gives J. C. Williamson Picture Corp., Ltd., physical management of Kemball Theatres, Ltd. The Williamson and Kemball circuits are represented in almost every Dominion situation. Under the new setup, Williamson will buy product for the Kemball group and transact general business in conjunction with their own circuit. The company, Kemball Theatres, Ltd., continues operations without interruption. The new arrangement becomes effective next November, with Beaumont Smith in charge of the merged circuits.

* * *

Australian producing companies have been increased by the formation of Southern National Pictures, Ltd., nominally capitalized at £30,000.

* * *

To the surprise of local producers, the Federal Government has suspended scenario and production prizes for this year. Cabinet being of the opinion that the unlimited output of Australian films failed to justify the grant entailed.

Seattle Managers Shift

SEATTLE, Sept. 19.—A new lineup of managers for L. O. Lukan's Farwest Theatres, Inc., has just been announced. Ray Felker will supervise the Granada and Portola in West Seattle. Other appointments are: Jerry Myers, Woodland; Thorne Smith, Mission; William Cunningham, Queen Anne, and Lester Holmes, Beacon.

U. A. Salesmen Move

PITTSBURGH, Sept. 19.—A shift in the sales personnel of United Artists brings William Rosenthal from Indianapolis to the Pittsburgh exchange and sends Leo Cantor from here to Indianapolis, where his brother, Joe Cantor, is the branch manager.

Hecht-MacArthur Start

Ben Hecht and Charles MacArthur have begun preparations at the Eastern Service Studio, Astoria, for their next picture, "Soak the Rich," scheduled to go before the cameras in about three weeks.

Kaiser Buys Display Co.

BALTIMORE, Sept. 19.—Dave Kaiser is now sole owner of the Maryland Display Co., having bought out the interest of Henry Hamp.

Pickford to New York

HOLLYWOOD, Sept. 19.—Mary Pickford left here by plane for New York today.

Purely Personal

HOWARD DIETZ, the play scrivener, returned to Broadway last night when "At Home Abroad," which he wrote in usual collaboration with ARTHUR SCHWARTZ, opened at the Winter Garden. BEATRICE LILLIE, ELEANOR POWELL, whose shadow tapping across the street is raising current excitement at the Capitol with "Broadway Melody of 1936," and ETHEL WATERS—all of them in films at one time or another—are in the cast.

•

W. RAY JOHNSTON, HARRY H. THOMAS, AL FREIDLANDER, DAVE CHATKIN, E. H. GOLDSTEIN, BUDD ROGERS, CHARLES STERN, FRED SCHWARTZ and GEORGE WEEKS at the Tavern; SAM RINZLER, EDWARD RUGOFF and JOE PLUNKETT, at the Astor, and SAM SHIPMAN, at the Gateway, during yesterday's lunch recess.

Quip of the Day

Exhibitors generally report the girls in Columbia exchanges have been improving their personal appearance and attribute the new fastidiousness to the company's forthcoming "She Married Her Boss."

KATHARINE CORNELL, JULES E. BRULATOUR and MRS. BRULATOUR (HOPE HAMPTON) JOSEPH V. CONNOLLY, head of I. N. S., and MRS. CONNOLLY will be among the passengers on the *Rex* which is scheduled to arrive tomorrow.

•

FRED AYER, once a trade paper reporter on *Motion Picture Herald* and now about to be a stage producer in association with ROBINSON SMITH, says "Parnell," the firm's first, will go into rehearsal in early October GUTHRIE MCCLINTIC will direct.

•

LUCILLE BALL, who has just finished work in LILY PONS' "Love Song" for Radio, is en route to New York on the *Talamanca*. VIRGINIA PINE is with her. They expect to attend the World Series.

•

BRYMER, N. Y. costume designer who worked on "Moonlight and Pretzels," has been signed by Universal. He is now working on IRENE HERVEY'S wardrobe for "His Night Out."

•

CHIC SALE, whose short subject, "The Perfect Tribute," is based on Lincoln's Gettysburg address, will attend the Emancipation Proclamation exercises at Springfield, Ill., Sept. 22.

•

MOE STREIMER is coming along nicely. Ditto for SAM SONIN. Both have been forced to stay away from their offices to recuperate from illness.

•

AL LICHTMAN left for Chicago yesterday instead of today and from the Windy City will head for the coast to attend a U.A. directors' meeting.

•

JOHN E. OTTERSON is scheduled to leave for the coast today, but may change departure plans to tomorrow.

•

B. S. MOSS will reopen the Broadway next Thursday with a film policy. The house is now being renovated.

HARDIE ALBRIGHT and FERDINAND GOTTSCHALK are being mentioned for roles in "Glory Child," stage play in the agenda of LEW CANTOR with Warner backing.

•

CARROL CHILTON and MACEO THOMAS, colored dance team from the musical comedy stage, have been signed to appear in SAMUEL GOLDWYN'S production "Shoot the Chutes."

•

JACK HULBERT, G.B. star, is en route to this country on the *Aquitania*. He will go to Hollywood to join his wife, CICELY COURTNEIDGE, now working for M-G-M.

•

ARTHUR WILLI, RKO talent scout, has decided to make another trip to the studios in about two months. He returned from Hollywood about two weeks ago.

•

WILLIAM P. GAINES, former fan magazine editor and newspaper columnist, has joined the Kenyon & Eckhardt agency as director of publicity.

•

SARAH PADDEN and EDMUND BREESE, late of Hollywood, have parts in "The Night of Jan. 16," which opened at the Ambassador last night.

•

HARRY H. THOMAS, president of First Division, leaves within the next week or 10 days for a tour of the south and middle west.

•

PEGGY REDDY looks radiantly happy these days, but insists the reason is a secret. She may discover otherwise any minute now.

•

DAVE RUBINOFF is back in town. He recently completed work in "Thanks a Million" for Twentieth Century-Fox.

•

DENNIS KING has been signed to make a picture of "Tales of Hoffman" for G. B. late in October.

•

HERBERT EBENSTEIN will fly to the coast tomorrow for a week's visit with ARTHUR STEBBINS.

•

LLOYD BACON will head east as soon as he finishes directing JAMES CAGNEY in "Frisco Kid."

•

ABE LYMAN, it is understood, will do two musicals for BILL ROWLAND.

•

MANNY REINER has returned to his desk at M-G-M after an operation.

•

DAVE EPSTEIN is in from Hollywood. At the Warwick.

•

MEYER SCHINE is around again.

•

. . . Canada

The Toronto film colony discovered that OSCAR HANSON, president of Empire Films, etc., had a birthday. He admitted 44 years.

Fans flurried by presence of stars. . . . TOBY WING making a picture; ESTHER RALSTON filling an engagement at Shea's; RUDY VALLEE playing at the Canadian National Exhibition and MYRNA LOY merely stopping over.

MRS. A. R. MORTON, wife of Oriole Theatre proprietor, Toronto, off to Europe for two months.

MAURICE DAVIS, Montreal manager of Empire Films, recovering from a nasty automobile accident, Nothing was left of the car except the rear wheels after hitting a post.

FRED. TREBILCOCK, assistant manager of the Imperial, Toronto, back after a world cruise of three months.

Manager JACK ARTHUR of the Toronto Imperial also settles down after an extended honeymoon.

•

. . . Chicago

SIDNEY MEYERS, Miami, Fla., theatre operator is in Chicago with his family on a vacation trip. MEYERS operates 12 theatres in Florida.

FRITZ BLOCKI and MRS. BLOCKI are both spending their spare time doing radio work. And with great results. FRITZ writes the MARY MCCORMIC programs which go national next month.

RAY COFFIN and Attorney S. P. HALPERIN were in the city last week attending to Bank Night legal difficulties.

MAX WEINTRAUB, Des Moines exchange manager, is here making a few film deals.

FLORENCE PALEY, manager of the Haymarket, has left for Northern Michigan on a vacation trip. She will also look for several theatres to add to her group of three.

MRS. FRED ANDERSON of Morris is reported improving. She has been very ill for several days.

FRANK MILLER returned the first of the week from a three weeks' vacation to his duties as manager of the Alamo.

WALTER ESTRUPP is in charge of the Capitol while Manager RICHARD BARRY is away on vacation.

CLYDE ECKHARDT has just celebrated his 20th anniversary with Fox.

MME. SCHUMANN HEINK leaves the last of the week for St. Louis where she will sing at the American Legion convention. Following this she will leave for Hollywood prior to starting her film contract with M-G-M.

HENRY HERBEL and the Universal staff threw a party for MARTA EGGERTH at the Stevens Hotel.

ALLAN USHER is making use of the good weather by catching up on his golf.

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. . . Denver

JOE ASHBY, manager of the RKO exchange, is recuperating from a goitre operation at St. Joseph's Hospital.

D. E. CONRIFF has opened the Roxy at Palisade, Col.

M. L. HART has taken over the Iris at Edgemont, S. D., from PAUL V. CULL.

DALE MENAFEE has bought the Walsh at Walsh, Col., from T. W. COUCH.

W. J. HEINEMAN, western division manager for Universal, was at the local exchange several days conferring with JACK LANGAN, manager.

BUD KELLY has given up the Park at Greeley, Col., to Publix.

ARCH HURLEY will begin construction of a new house at Tucumcari, N. M., some time this month. The new house will seat about 650. HURLEY will also lease from the government a theatre which is to be built at the site of a reclamation dam near Tucumcari.

Nicholas Brothers
"THE BIG BROADCAST OF 1936"
WILLIAM MORRIS OFFICE

1st Division Board Meet Again Delayed

First Division's board of directors didn't meet yesterday, as expected, due to lack of a quorum. Several of the board men are out of town and others are planning to leave on trips next week, indicating that no meeting will be called for another two or three weeks.

No emergency matters are on tap and election of the board and officers under the reorganization is not regarded as urgent enough to require a special session.

Everything is running harmoniously, an officer of First Division stated, and there is no immediate need for a board meeting.

Pathe Corp. is expected to move from 45th St. to the 23rd floor of the RKO Building, adjacent to First Division, within the next few weeks.

Sees Theatre Gains In Argentine Field

Theatre business in the Argentine is expected to be decidedly improved next season, as compared with the season just passed, according to Monroe Isen, Universal manager in the South American country, in New York for conferences with N. L. Manheim, Universal foreign sales manager.

The 20 to 25 per cent loss in theatre business this season will largely be regained, in his opinion, with crops moving, farmers getting cash and more money in circulation. Isen will be in New York until Oct. 12. Manheim expects no more visits from foreign managers for some time.

Levey Loses in Court

Harry Levey has lost his move to secure an injunction to prevent Columbia from paying royalties to Rex Film Corp. on the "Voice of Experience." Application for the stay was made by Samuel J. Josephs, attorney for Levey, on Sept. 7, and the denial was made in a decision handed down yesterday by Supreme Court Justice Hofstadter.

Levey was president of Voe Pictures. He claims to have had a deal prior to that of Rex on the "Voice of Experience."

No U. S. Arliss Films

London, Sept. 19.—George Arliss has decided not to make any more American films, according to the *Daily Herald* today. The paper said the decision was probably due to the fact that Arliss has to pay double income tax if he alternates between London and Hollywood. He starts a new British film next month.

Para. Man Robbed

San Sebastian, Spain, Sept. 19.—Eric Locke, business manager of a Paramount unit shooting scenes here for a Marlene Dietrich film, was attacked and robbed today by six men. They took $442, several papers and a gold watch.

Schwartz Gets Fox Films

A. H. Schwartz's Century circuit has closed with Fox for the distributor's lineup in 32 Brooklyn and Long Island houses.

The circuit is practically set with U. A. on a similar deal.

Out Hollywood Way

Hollywood, Sept. 19.—George Stevens says he rehearsed a group of Indians 75 times for a scene in "Annie Oakley" . . . Pat O'Brien will attend the Baer-Louis fight . . . Phil Regan, once a New York cop, made an honorary member of the Los Angeles Police Department . . . Invincible's eighth on current list, "Murder at Glen Athol."

Jack Rice, Jack Norton, Edith Craig and Ray Ellis start two-reeler for Radio . . . Keye Luke signs five-year contract with Twentieth Century- Fox as actor . . . Paul Snell, Pioneer publicity chief, signs new one-year contract . . . John Hay Whitney soon to start Pioneer's next in color . . . David De Haven, San Francisco manager for Western Newspaper Union, here.

Charles Blake, *Chicago American* reporter, doing story on Dr. Dafoe for Twentieth Century-Fox . . . Roscoe Karns and Gail Patrick re-signed by Paramount . . . Perry Lieber made assistant publicity director at Radio . . . John Carroll's option taken up by Radio . . . Louis B. Mayer recovering from cold.

Stanley Morner, tenor, signed by M-G-M . . . Gloria Stuart gets new three-year pact at Universal . . . Erio Ergenbright quitting *Fawcett Publications* Oct. 15 to free lance . . . Boris Karloff sells 900 pounds of plums from his ranch . . . Hal Wallis, head of Warner production, using a cane—broken toe . . . S. G. Lindenstein in charge of Beaumont publicity and exploitation.

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Casting—Henry Kolker and Frank Dawson signed for "Buccaneer," Twentieth Century-Fox . . . Melvin Douglas borrowed by Walter Wanger for "Mary Burns, Fugitive" . . . Walter Kingsford in "I Found Stella Parrish"; Addison Richards in "The Frisco Kid" and Minna Gombel added to "Miss Pacific Fleet," Warners . . . Henry Travers in "Seven Keys to Baldpate," Radio.

Basil Rathbone French pirate in Warners' "Captain Blood" . . . Miles Welch in "Enemy of Man," Warners . . . Ferdinand Gottschalk, Richard Carle and DeWitt Jennings in Radio's "Love Song" . . . Adolphe Menjou and Patsy Kelly signed for "Easy Living," Paramount.

Wera Engels signed for "The Great Impersonation," Warners . . . Katherine Alexander opposite Edward Everett Horton in "Your Uncle Dudley," Twentieth Century-Fox . . . Ray Bolger, dancer in "The Great Ziegfeld," M-G-M . . . Radio adds Delmar Watson, Mischa Auer and James Donland to "Husk" and signs Tony Martin, band leader, for "Only in Hollywood" . . . Myrtle Stedman and Eddie Shubert in "Prairie Schooner," Warners . . . Charlie Ruggles gets Victor Moore role in "Anything Goes."

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Writers—John Twist and Joel Sayre adapting "The Farmer in the Dell," Radio . . . Milton Krims working on "The Leathernecks Have Landed," Radio . . . Stephen Morehouse Avery completes contract at Twentieth Century-Fox . . . Manny Seff and E. E. Paramore assigned to script of "Three Godfathers," M-G-M . . . Albert Treynor assigned to script of Jimmy Savo feature by Hal Roach . . . Richard Connell, Ray Harris and Billy Wilder working on originals for Pioneer.

Humphrey Cobb signed by Walter Wanger to long term writing contract . . . will do an original . . . Eve Green adapting "Easy Living" for Paramount . . . Curtis Kenyon and David Hempstead added to Twentieth Century-Fox writing staff . . . Harlan Ware and Jane Storm on "Preview," Paramount, and Doris Schroeder and Jerry Geraghty doing "Bar 20 Rides Again" . . . Garrett Graham to work with Jack Wagner on "It Happened in Hollywood."

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Directors—Christy Cabanne to do "The Harvester," Republic . . . Glenn Tryon signed by Radio to two-way pact as director, writer . . . Frank Guiol's option lifted by Radio . . . Assigned to "The Wild West."

Arthur Greville Colllins to direct "Meet the Duchess" for Warners . . . Gus Meins assigned to Jimmy Savo feature by Hal Roach . . . Arthur Lubin on "Frisco Waterfront," Republic . . . Wallace Fox re-signed by Radio . . . Will direct "Mother Lode."

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Cameraman—Archie Stout, Harry Sherman's ace cameraman, loaned to Paramount for "Nevada," Zane Grey story.

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Story Buy—Frederic Isham's "Three Live Ghosts" bought by M-G-M.

Staub to Do Two More

Hollywood, Sept. 19.—Ralph Staub will make two more shorts for Warners before leaving that company. The first, "In Your Gondola," which will be in Techncolor and which will feature Henry Armetta, is scheduled to start this week. When he completes his Warner contract, Staub plans to make full length features, but has not made a definite studio connection as yet.

U. A. May Move Offices

United Artists is looking for new quarters for its home office staff with negotiations now under way for space in the RCA Building.

Bets Reach $13,728,368

Pawtucket, R. I., Sept. 19.—A modern American record for wagering on pari mutuel horse racing, as well as one for long-faced exhibitors, has been established by Narragansett Park, which, in 30 days' racing, saw $13,728,368 pass through the boards. Boston and surrounding territory was heavily represented in the daily average of $457,613.

Stanborough Resigns

Pittsburgh, Sept. 19.—Reginald Stanborough, house treasurer at the Penn, has resigned and has been succeeded by Robert Newkirk, who is also acting as private secretary to Mike Cullen.

Committees Named In New Ampa Setup

Various Ampa committees under the new administration were announced yesterday by Gordon White, president, at a regular meeting at Jack Dempsey's. In addition to committee setups, White stated that the board had moved up Ed McNamee from secretary to vice-president to fill the president's former post. Milton Weiss has been offered the secretaryship, but has not yet accepted.

Walter Eberhardt is chairman of the program and entertainment committee, which includes Arnold Van Leer, vice-chairman; Hazel Flynn, Herbert Crooker, John C. Flinn, William Ferguson, Tom Waller and Barrett McCormick. Marvin Kirsch again heads the service committee which comprises Monroe Greenthal, Ray Gallagher, Lou Rydell and J. J. McCarthy. The publicity committee has Mel Heymann, Jack Harrower, James P. Cunningham, Edward Finney and Herbert Berg. Paul Benjamin heads the membership group, which includes C. L. Yearsley, Arthur Eddy, Alec Moss and Rutgers Neilsen.

White outlined the new program and introduced Benjamin, who said there was $2,100 in back dues to be collected. Kirsch then was asked to give a resume of employment activities last year and he stated 34 Ampa members and 61 non-Ampa members had been given jobs by his committee during the past year. Eberhardt talked on the programs planned for the next four months.

New members are Edith Ragossi, Frank McGrann, Waller and J. Maxwell Joyce. The next session will be held Wednesday instead of Thursday.

North-South Opener Set for Sale Short

Something different in short subject premieres is all set by M-G-M where arrangements have been completed for a Sept. 22 day-and-date opening of "The Perfect Tribute," a Lincoln subject with "Chic" Sale in the lead at the Orpheum, Springfield, Ill., and the State, New Orleans.

Sale will be the guest of Governor Horner of Illinois at the Springfield opening.

"Legong" at the World

"Legong," filmed in Bali by the Marquis Henri de la Falaise de la Coudraye, will start the new season at the World, when the present name of the West 49th St. house, Westminster, is dropped Oct. 1. "Legong" is said to be the first Technicolor feature made in the tropics.

Weinberger Joins U. A.

Kansas City, Sept. 19.—K. Weinberger, formerly in Oklahoma for Universal, has joined United Artists to cover the central and western Kansas territory.

Weinberger succeeds James Schorgl, who died suddenly several weeks ago.

Alpine Theatre Opening

The Alpine, new 600-seat theatre at Dyckman St. and Broadway, will throw open its doors tonight. Springer and Cocalis will operate.

RKO-RADIO PRESENTS THE SCREEN

VERSION OF ONE OF THE GREATEST

PLAYS EVER WRITTEN

THE RETURN OF PETER GRIMM

STARRING

LIONEL BARRYMORE

WITH HELEN MACK • EDWARD ELLIS • DONALD MEEK

DIRECTED BY GEORGE NICHOLLS, JR.

DAVID BELASCO'S MATCHLESS STAGE SUCCESS . . . A TRADITION IN THE THEATRE . . . AN ACHIEVEMENT ON THE SCREEN

PRINTED IN U.S.A.

St. Louis Theatres Receive Overhauling

St. Louis, Sept. 19.—The St. Louis Amusement Co. is going in for general redecoration and other improvements.

New fronts are being installed on the Florissant, Gravois, Manchester, Pageant, Granada and Shenandoah. Interior changes are also being made and new sound is being installed.

The Florissant has been the first to have a ceremonial reopening.

More Ohio Spots Open

Akron, Sept. 19.—Fieber & Shea have reopened the Colonial as a first run. It has been re-equipped at an estimated cost of $100,000. Frank King is manager.

The Strand at Van Wert has been leased by the Strand Amusement Co., recently formed by C. B. Moore, Budd Silverman and A. T. Worthington.

The Princess at Youngstown is to open soon as a burlesque house.

Seattle House to Reopen

Seattle, Sept. 19.—Hamrick-Evergreen's Neptune will open next week in the University district, after renovating and redecorating, with Lloyd J. Miller as manager.

Miller for the past two seasons has been assistant manager of the Fifth Avenue. He will be succeeded by Monte F. Norman.

Bridgeport Picking Up

Bridgeport, Sept. 19.—With factory payrolls higher than at any time in several years, the Park is scheduled to reopen soon on a vaudeville, film policy.

Theatre business is feeling the effects of the improvement. "Top Hat" held over for eight days.

Two in Vermont Town

Waterbury, Vt., Sept. 19.—This community is set for two new theatres. One already opened by Joseph Bedard, Jr., whose father operates a house in St. Albans, Vt. A 500-seat house for the benefit of the C. C. C. camp here is being advanced under direction of Walter Hall.

Award K. C. Contracts

Kansas City, Sept. 19.—Contracts totaling $414,894 have been awarded by N. W. Hyland, assistant Missouri PWA director, for completion of the theatre and function room of the new municipal auditorium.

Ross Sells Out to Lundy

Barnwell, S. C., Sept. 19.—J. H. Ross, operator of the Teale, has sold his business to G. F. Lundy of Denmark. Lundy also operates the Lulamae in Denmark and the Carolina in Allendale.

Paterson Gets Vaude

Paterson, Sept. 19.—The Majestic, after being renovated, has reopened on a vaudefilm policy. It is the only house in the northern part of the state showing vaudeville.

Oakwyn Opens at Berwyn

Chicago, Sept. 19.—The Oakwyn in Berwyn has reopened after remodeling. The house has been completely modernized.

Sparta House to Reopen

Sparta, Ga., Sept. 19.—The Dixie will open in a few days following the completion of a renovation which includes the installation of new sound.

Gore Returns to Tampa

Tampa, Sept. 19.—Butler Gore, who, a year or so ago was the biggest independent exhibitor along the Gulf Coast of Florida, with a string of seven houses, three of them in Tampa, is back in Tampa with only one house up his sleeve.

When Butler sold his Tampa houses and one at Bartow to the Sparks circuit, he moved to Lake City to take care of the two houses there, but these two, with a Haines City house, did not give Butler enough to do, so he hopped over to Live Oak and opened a house there.

Recently he sold out the trio at Lake City and Live Oak to Roy Martin, of South Georgia.

Black Back to Albany

New Haven, Sept. 19.—Returning to a former post, Harry Black, manager for the past eight months of the Poli, becomes manager at Fabian's Palace, Albany. M. Maloney, formerly of Loew's State, Providence, and acting as relief manager during the summer months, supersedes Black here.

Toledo Trying Shows

Toledo, Sept. 19.—Stage shows will be definitely in at two local houses this year. The Rivoli has already played its initial bill of Olsen and Johnson, while Henry Sticklemayer says he will open with a vaudefilm policy soon. The town heretofore has been light on this form of attractions.

Void Republic License

The Holly Holding Co., operating the Republic, 42nd St. burlesque house, started action this week in Supreme Court to restrain License Commissioner Paul Moss from enforcing an order suspending the theatre's license.

Weiser Visits Asheville

Asheville, N. C., Sept. 19.—Joseph A. Weiser, talent scout for M-G-M, was in the city a few days ago. Weiser praised North Carolina's amateur theatricals.

Get Mill Changer

Kansas City, Sept. 19.—A mill changer, to enable theatre cashiers to make mill change rapidly in connection with Missouri's new sales tax, has appeared on Film Row.

R. W. McEwan, Bank Night representative, has secured exclusive distribution.

Westerners Coming East

Kansas City, Sept. 19.—Sammy Abend of Film Delivery, George Hartmann of the Armour, North Kansas City; Frank Cassil of the Rialto, St. Joseph, and W. P. Bernfield, U. A. exploiteer, will leave Kansas City Sept. 19 by motor for New York.

Chief object of the visit for Abend is the arrival of his brother, Saul Abend, from Poland Sept. 24. The group plans to attend the fight in the Yankee Stadium, Sept. 24.

Dayton Unit Shows Back

Dayton, Sept. 19. — The RKO Colonial, which has been playing stage shows during the summer, reverts to its original policy of unit productions plus pictures Sept. 20.

Heretofore the house has dropped stage attractions during the summer months.

R. I. Epidemic Hits Takes

Providence, Sept. 19. — Infantile paralysis throughout Rhode Island is cutting into box-office receipts. Most school authorities have advised parents to keep children away from gatherings. Only a few towns have opened their schools.

Hollander in St. Louis

St. Louis, Sept. 19.—Edgar Hollander, formerly with Paramount at the New York exchange and more recently accessory manager of the Fox branch in Albany, is now in charge of local Fox ad sales.

Catches 'em By Surprise

Hollywood, Sept. 19.—Publicity men and magazine writers here are always concocting yarns about the finger of Fate being pointed at somebody or other, with what happens thereafter given in detail. Sometimes they believe them, and sometimes they don't. Usually they don't.

That's why two young men here are a bit breathless at present. The old finger was leveled in their direction.

Thomas Lennon has been a sports writer, attorney, desk man on *Daily Variety,* and for the last year feature writer and news editor in the Radio publicity department. In between times he has written a novel, "The Laughing Journey," which last week won him a five-year writing contract.

Filled with content by the new job, Lennon strolled onto the set of "Sylvia Scarlett" to discuss his last publicity story with Katharine Hepburn.

George Cukor, the director, examined him from first one angle and then another. Lennon does not fall easily for gags. When Cukor said: "You are just the man I want for this picture," Lennon gave a loud Irish roar of laughter and went on his way. But he did not get far. The assistant director hurried after, and now Lennon is acting in the Hepburn film and writing a script for Wheeler and Woolsey between takes.

Murphy McHenry has been managing editor of two newspapers, publisher of another, and lately lending his talents to the editorship of *Screen Play.* Along came Walter Futter and promptly shocked McHenry out of a year's growth by saying:

"You're just the man I need for the heavy in Hoot Gibson's 'Swifty.'"

All Sparks Houses Now Using Screeno

Tampa, Sept. 19.—Sparks theatres throughout Florida have added Screeno to programs. The game opened in Tampa last week and will be played each Thursday evening.

This gives the Tampa, where the Corn Game is played, three special nights in a row. Each Wednesday evening they have Radio Discovery Night, with a broadcasting arrangement through Station WDAE. Thursday is Screeno Night and Friday Bank Night, which seems to be holding up well as it still requires two houses to hold the crowds.

Stamps Gain on Coast

Hollywood, Sept. 19.—The National Theatre Gift Stamp Co. has signed 10 houses in this territory, and expects to close five more deals shortly. Theatres now using the stamp plan for merchandise giveaways are the Cairo, Mayfair and Metro in Los Angeles; La Habra in La Habra; Temple in San Bernardino; Avalon in Wilmington, and Lomita and Moorpark in towns of those names. The Alcazar in Carpinteria has just been signed, and a deal is pending with Fox West Coast for houses in the northern part of California.

Mo. Bank Nights Gain

St. Louis, Sept. 19.—Bank nights are spreading. Fred Wehrenberg is the latest to install the stunt. He says he was forced to it by his competition.

Akron Operators Raised

Akron, Sept. 19.—Operators have reached an agreement on wage scales for this season, with a boost of $5 per week per man, starting Dec. 1 and continuing until Dec. 1, 1936. This is an increase of approximately eight per cent over the old scale which expired Sept. 1, but which continues until Dec. 1. Henceforth, new scales will be negotiated from Dec. 1st to Dec. 1.

Midwest Managers Shift

Kansas City, Sept. 19.—Jimmy Long, manager of the Apollo and Warwick, has been moved to the Plaza as manager. He succeeds William Wagner, resigned.

Herb Goldberg, manager of the Isis, takes over supervision of the Apollo, with Ed Mater as manager, and Roy Cato, manager of the Granada, Kansas City, Kan., takes over the Warwick.

Install Cooling System

Hollywood, Sept. 19. — General Service Studios is installing a $25,000 cooling and ventilating system on a sound stage now in use by Walter Wanger for "Mary Burns, Fugitive." The air is drawn under the floor, cooled, and released through vents in the ceiling.

Ask Raise in Cleveland

Cleveland, Sept. 19.—Local operators are asking a 15 per cent increase over last year's scale at subsequent run houses as well as first run houses. Negotiations are in progress.

Fabian Sevitzky Returns

Boston, Sept. 19.—Fabian Sevitzky, conductor of the Metropolitan orchestra, is back after a long layoff following an operation.

Variety Club

Kansas City

Kansas City, Sept. 19.—Following complaints from downtown members about the delay in getting started, Variety Club decided to start luncheons promptly at 12:30 o'clock hereafter.

Finton Jones, in the chair as King, suggested that instead of kings going to the trouble of getting talent each week that the club hold drawings. This suggestion was not acted upon, but probably will be followed for a time at least.

F. E. Ritter spoke briefly on the carnival, for the committee of which he is a member. Frank Hensler, Ed Shanberg and Homer Blackwell said they did not think the committee ought to leave the matter of erecting booths for the carnival to each exchange because of the danger of the final result being a "honky tonk."

Harry Taylor, Clarence Schultz and Tommy Thompson will be kings for a day Sept. 23.

Washington

Washington, Sept. 19.—More than 100 barkers inaugurated the 1935-36 bi-weekly luncheons. The opening event was sponsored by Frank M. Boucher and W. Vincent Dougherty as kings for a day.

Principal speaker was the No. 1 G Man, J. Edgar Hoover. He was introduced by Charles Pettijohn, counsel for the M. P. P. D. A. Other guests were Bryan McMann, assistant Attorney General; L. W. Robert, assistant Secretary of the Treasury, and Charles Pettijohn, Jr.

Hoover, during the course of his remarks on the functions and activities of the Federal Bureau of Investigation, paid tribute to the change in attitude of producers in turning the spotlight away from gangsters. While he did not commend or refer to any particular picture, the idea back of "G-Men" was manifestly one close to the Hoover heart.

In a plea for greater cooperation on the part of the public with the activities of the F. B. I., Mr. Hoover linked the cinema with the press and the radio as the three most potent molders of public opinion, and charged all three with the joint responsibility of begetting sympathy and cooperation from the public at large for the advancement of the Bureau's important work.

As entertainers for the day, the kings presented Russ Cullen, Jimmie Bright, and Sammy Marx, of Moe Baer's Club Habana orchestra; Little Jackie Heller, with Pianist Dave Rose, of radio fame, and Bert Granoff, Earle Theatre tenor.

Edington in New Firm

Hollywood, Sept. 19.—Harry Edington, Frank Vincent and Rosalie Stewart have formed a new firm to act as representatives of authors and composers. The firm, which will be known as Edington, Vincent & Stewart, will operate apart from Edington & Vincent who act as artists' representatives.

N.O. to Get Radio Vaude

New Orleans, Sept. 19.—Station WWL has rented the Strand for the purpose of giving a vaudeville show that will be broadcast. It will be the first of this kind in the South.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Melody Trail"

(*Republic*)

Hollywood, Sept. 19.—This second Gene Autry musical-western shows a marked advance over the first and has something for everyone, including cowgirls, cattle rustlers, Gypsies, songs, dancing, kidnapping and stunt riding, not to mention a dog star.

Autry and his pal, Smiley Burnette, pull wild riding stunts at a rodeo, where Autry is romantically smitten by Ann Rutherford. Autry and Burnette claim to be crooks and get jobs with Miss Rutherford's father, who has hired a gang of singing cowgirls to catch cattle rustlers. Miss Rutherford has a dog which steals everything from Autry's cookbook to a gypsy baby.

Besides pursuing the girl, Autry does plenty of exciting trick riding interspersed with cowboy ballads. The cast includes Wade Boteler, Willy Castello and the dog, Buck, featured in "Call of the Wild." Joseph Kane directed under the supervision of Armand Schaefer from a story by Sherman Lowe and Elizabeth Burbridge. The screen play was by Lowe. Nat Levine produced for Republic release. The comedy, sound, pace and Autry's singing all offer more than the first of the series.

No production code seal. Running time, 60 minutes "G."

Looking 'Em Over

"Car of Dreams"

(*G. B.*)

London, Sept. 8.—Half a musical and half a straight comedy, this British effort gains rather than loses by its mixture of methods. The story values are distinctly good, a light touch is maintained in the acting, and there is the additional attraction of a series of Sigler, Goodhart and Hoffman song numbers. Without being spectacular in scope or ambitious in method, it is bright entertainment.

Grete Mosheim, once understudy to Bergner, is a factory employe with the dangerous hobby of visiting luxury stores and inspecting goods in the character of a possible buyer. The habit lands her with an unexpected Rolls Royce and a lover, son of her employer, who poses as a chauffeur. Scandal and humor both arise from the unusual situation but it ends neatly.

John Mills is the boy, and there is good comedy work from J. Robertson Hare and others.

Running time, 72 minutes. "G."

Chesbrough Takes House

Columbus, Sept. 19.—William C. Chesbrough has purchased the Northern, neighborhood, from Mrs. Ione Wright, who has operated it several years, and will take immediate possession. Programs will be changed twice weekly, and double features will be played part of each week.

Chesbrough also operates the Garden, Grandview, Alhambra, Empress and Hudson here, and three houses in Dayton, all neighborhoods.

He recently bid on the four local houses of J. Real Neth which were sold by the court, and which reverted to Neth's control.

Delay Columbus Opening

Columbus, Sept. 19.—Formal opening of the RKO Grand, which the circuit recently leased, and which was scheduled for Sept. 20, has been set back one week, to permit completion of the remodeling, according to C. Harry Schreiber, city manager.

Penn. MPTO Sets Date

Pittsburgh, Sept. 19.—The M. P. T. O. of Western Pennsylvania will hold its 15th annual convention at the Schenley Oct. 28 and 29.

Take Davidge Business

Hollywood, Sept. 19.—International Cinema, Inc., has taken over the major portion of the business of the closed Roy Davidge Laboratories. International is headed by George P. Regan, former San Francisco industrialist, and is in charge of H. T. James, A. J. Guerin, A. C. Snyder and Bonar Russell, all of whom are known in the laboratory business.

Radio in Italian Deal

Harry W. Leasim, sales manager for Radio Pictures International, has closed a deal with Mosco & Cuppini, Rome, for distribution of the 1934-35 product in Italy, according to a cable from Phil Reisman. The deal was made in Rome, the dubbing to be done by the Italian firm.

Agree on St. Louis Ads

St. Louis, Sept. 19.—Suburban theatres have settled their argument with the Star-Times over advertising costs, part of which are paid by using the newspaper's ads on the screen. The St. Louis Amusement's 19 houses and 50 other suburbans have resumed the use of space.

Short Subjects

"Going on Two"

(*Radio*)

Much has been read and seen in newspapers and other periodicals on the Dionne quintuplets, but here is an intimate treat for followers of the internationally publicized quins. The subject opens with scenes of the village of Collander, Ont., showing the home of the parents of the five babies and then the hospital. How the children's food is prepared and how the five enjoy their daily bath are pictured in detail. The subject holds a carload of interest for all types of audiences. Production Code Seal No. 0580. Running time, 17 mins. "G."

"Judge for a Day"

(*Paramount*)

An amusing and highly entertaining cartoon featuring Betty Boop. As secretary for a judge, the doll-faced heroine assumes the role of a judge as a lark and gives her ideas on what she would do to autoists who recklessly splash water on pedestrians, read newspapers over her shoulder in a bus and make life uncomfortable for her. It's up to the high standard of Max Fleischer's animations and won a round of laughs and applause at the Paramount. Production Code Seal No. 0624. Running time, 8 mins. "G."

"Mickey's Fire Brigade"

(*Disney-U. A.*)

A swell subject, all in Technicolor. Caught at the Music Hall and the Rivoli, audiences in both theatres gave Mickey Mouse a rousing reception as he went through his antics as fire chief. The accompanying music is tuneful. This is one number of exhibitors cannot afford to pass up. The kids will love it—and so will adults. Production code seal No. 864. Running time, 8 mins. "G."

"Pardon My Scotch"

(*Columbia*)

Moe Howard, Jerry Howard and Larry Fine in another of their lowbrow comedies which becomes boresome after a few minutes. It's the same old stuff they pull on the stage without a new idea injected. The whole affair of trusting three carpenters behind a drug store counter and having them mix the various formulas is stupid even if the net result of their concoctions is supposed to be a scotch drink. Reviewed without a code seal. Running time, 21 mins. "G."

"Stars of Tomorrow"

(*Columbia*)

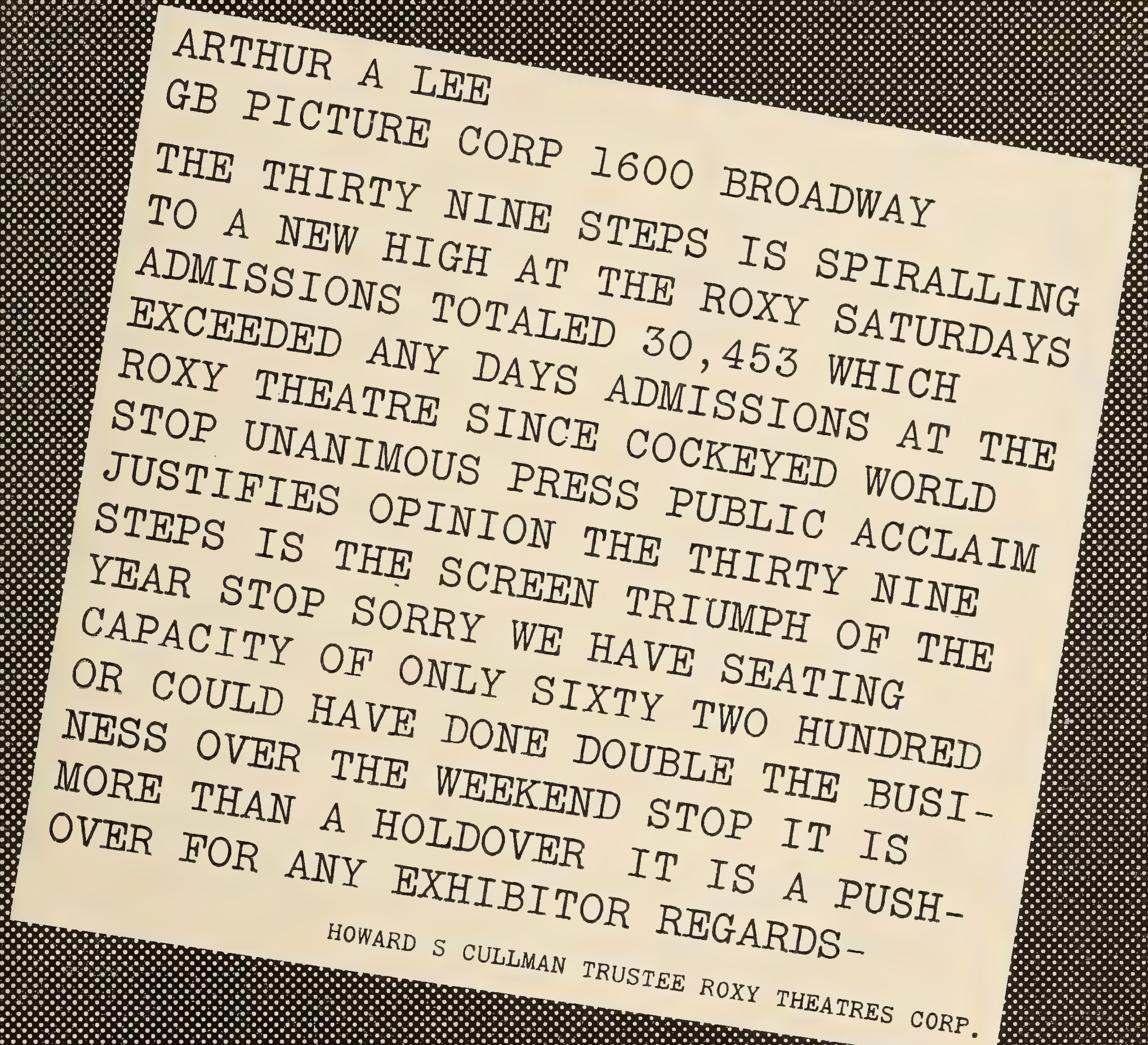
Pretty bad collation of amateur numbers with Ted Claire, master of ceremonies, doing an amateurish show himself. There is an obvious attempt to make these non-professionals act before a camera when, as a matter of fact, they can do very little before a real audience. There's not a redeeming number. Reviewed without a code seal. Running time, 10 mins. "G."

Boxers in Radio Short

Hollywood, Sept. 19.—Radio has started a short entitled "Uppercutlets" which will feature Frank Moran, Phil Bloom, Mike Barco and other fighters. The story is by Al Boasberg, who will also direct, Lew Kelly and Kitty McHugh will have the leads.

"MORE THAN A HOLDOVER . . . IT'S A PUSHOVER . . . FOR ANY EXHIBITOR"

HOWARD S. CULLMAN, *Broadway's Most Successful Showman*



ARTHUR A LEE
GB PICTURE CORP 1600 BROADWAY

THE THIRTY NINE STEPS IS SPIRALLING TO A NEW HIGH AT THE ROXY SATURDAYS ADMISSIONS TOTALED 30,453 WHICH EXCEEDED ANY DAYS ADMISSIONS AT THE ROXY THEATRE SINCE COCKEYED WORLD STOP UNANIMOUS PRESS PUBLIC ACCLAIM JUSTIFIES OPINION THE THIRTY NINE STEPS IS THE SCREEN TRIUMPH OF THE YEAR STOP SORRY WE HAVE SEATING CAPACITY OF ONLY SIXTY TWO HUNDRED OR COULD HAVE DONE DOUBLE THE BUSINESS OVER THE WEEKEND STOP IT IS MORE THAN A HOLDOVER IT IS A PUSHOVER FOR ANY EXHIBITOR REGARDS-

HOWARD S CULLMAN TRUSTEE ROXY THEATRES CORP.

ROBERT DONAT · MADELEINE CARROLL

in "THE 39 STEPS"

Directed by Alfred Hitchcock · *Physical Distribution* · Fox Exchanges · Canada, Regal Films, Ltd.

TOPS
EM ALL

HAPPY BIRTHDAY TO YOU! HAPPY BIRTHDAY TO YOU! HAPPY BIRTHDAY, DEAR MICKEY, HAPPY BIRTHDAY TO YOU!

Walt Disney's
MICKEY MOUSE and SILLY SYMPHONIES
IN TECHNICOLOR

Seventh Anniversary Celebration
September 28th to October 4th
with a happy profit party for
exhibitors all over the world!

Get in touch with your
United Artists Exchange . . . at once!

Throttle Pushing

by H.E.N.

BUTTE, MONT.—Things are looking up around this once thriving community. Exchange Row looks like a forgotten ghost town, as all one sees is silent empty desks and office equipment. These exchanges are merely shipping points and outside of a few shipping clerks and inspectors, they are as silent as tombs There is one exception, however, and that is what is probably the smallest complete national exchange in the country—Republic Pictures, managed by James H. Sheffield, boasting 74 accounts with Jimmie office manager, salesman, booker, biller and what have you. He tried to coax us down into the deepest copper mine in the world, but we were afraid our trailer couldn't negotiate the turns. So we passed up this interesting experience. Ed Kennedy, popular manager of Republic's Salt Lake branch, was a visitor. Harry W. Landstrom makes his headquarters here for RKO, together with C. M. Van Horn of Universal. James R. French is doing the shipping for Universal. Bucky Harris and Bill Woolfall are doing very nicely at the Park Theatre, one of Butte's popular houses. Bucky and Bill are great believers in the selling of entertainment and very much against premium gags. The Park will be completely remodeled this summer and new seating installed. Only about 15 per cent shifts are operating in the copper mines. Jack A. Garvan is now operating the Broadway; he is a former exhibitor from Wisconsin. R. A. Pritchard is opening a new house at Wheeler, Mont., which is adjacent to Fort Peck.

IDAHO FALLS, IDA.—Joe George, the real pioneer of this section in show business, has leased his Rio to Drennen and DeMordaunt, who are rapidly expanding their holdings. Al Hager, owner of the Rex here and formerly of Baker, Ore., is running a fine, high-class theatre. Frank Larson, manager of the Fox Paramount, is chairman of the Government's Better Housing program which gave away a modern five-room house, valued at $4,800, recently. The selection was made in the Paramount, was hooked up by remote control and available to any patron attending any of the theatres in Idaho Falls. Frank is a former Turner and Dahnken manager out of Salt Lake and Boise and does a neat job of promoting show business in this community.

We now journey up the valley toward St. Anthony and stop over at Rigby to call on Helmer George at his fine Royal Theatre. Helmer tells us that the crop outlook is the best in years for this section and that he is planning to redecorate and overhaul the theatre. H. D. Jorgenson, who is operating the Gem here, also plans to remodel and install a stage.

The next town we visited in this thriving and prosperous valley was Rexburg, where Hugh Drennen and DeMordaunt are building a modern theatre of 700 seats to open soon. They will install the No. 22 type Wide Range sound, and a Neon-lighted marquee. This theatre will cost in the neighborhood of $75,000. They will continue to operate their old Elk as a B house.

A little further on, we come to the head of the valley and stop over at St. Anthony, Ida., where we meet A. F. ("Jack") Johnson who is operating the Rex here. Jack hails from Huntington Park in Southern California and knows his show business. He has just purchased a dandy 50 foot frontage in the main business section of this thriving community and will build a new theatre this fall. Mrs. Kate Harrison, who operates the Rialto, may sell this house in the near future. If not, she will completely remodel and enlarge the Rialto.

We made a little side trip up into Custer and Lemhi Counties in the Salmon River country where we called on W. L. Stratton, who operates the Lyric at Challis, Ida. They get an admission price of 15 and 40 cents up here. Stratton has fixed up his house and is enjoying a good play. F. W. Hanmer is operating the State, Salmon City, and is also running one night every two weeks at May, Ida. Steve Murgic plans to dispose of his American Theatre at Mackay, Ida. The possibility is that Stratton at Challis will take this house over.

Tom Morris, popular deputy game warden, has just purchased the building which houses his Iris at American Falls, Ida. Extensive alterations are planned. Business good.

I. H. Harris and C. C. Voeller have taken over the Rialto, at Jerome, Ida., and will rebuild the entire theatre. This popular firm has its head office in the Burley Theatre at Burley, Ida. Also remodeling the lobby of the Wilson at Rupert. Extensive alterations have just ben completed at their Strand, Evanston, Wyo., and a new Neon sign installed on the Romona, Buhl, Ida. C. C. is confined to his home with a serious heart attack. Ted Nelson, formerly manager of the Isis, Green River, Wyo., is now managing the Rialto, at Jerome, Ida.

The Rex, at Shoshone, Ida., was all torn up when we called. The owner, D. W. Wilson, left his hotel long enough to don overhauls and supervise the reseating of the Rex with cushion chairs. This house is being entirely redecorated, both lobby and interior, and getting ready for what looks like a prosperous fall in Southern Idaho.

BOISE, IDA.—B. F. Shearer Co. did a swell job in draping and redecorating the Rialto here. This popular first-run house is operated and owned by A. C. Gordon and his son, Stanley, who is press representative, and Harry Gordon who is in charge of the projection booth. This theatre has installed 16 sets of Western Electric ear phones for deaf customers. This has proven a very popular and profitable investment, according to Gordon. A Supreme heating and air-cooling plant has just been installed.

W. A. Mendenhall, city manager of the Dent theatre operation here, has built a cottage up at Payette Lakes. Roger Mendenhall is managing the Fox.

NEXT WEEK

The Martin Quigley Twentieth Anniversary Edition of Motion Picture Herald.

The meeting place of the vital personalities and institutions of the world of films.

The show window of the new season—a great display of matchless box office product.

A review of the historical climaxes that gave force and direction to the great industry of today.

Watch for your copy of Motion Picture Herald, issue of September 28. A record for years to come. Extra copies 25 cents each.

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ABOVE AVERAGE

REPUBLIC PICTURES' WORLD PREMIERE
OF

"TWO SINNERS"

TOPS AVERAGE SUMMER BUSINESS
FOR A RECORD WEEK'S RUN
AT FOX'S BROOKLYN THEATRE

★

REPUBLIC PICTURES
presents

OTTO KRUGER

in

"TWO SINNERS"

Based on WARWICK DEEPING'S
Cosmopolitan Magazine Novel
"TWO BLACK SHEEP"

MARTHA SLEEPER
MINNA GOMBELL
CORA SUE COLLINS

★

Directed by ARTHUR LUBIN
Screen play by JEFFERSON PARKER

A TREM CARR Production

Excellent . . . expertly adapted, ably played by a cast of stellar prominence.
—*Variety*

Otto Kruger the perfect figure of Warwick Deeping's character.
—*Brooklyn Times Union*

Excellent . . . Decidedly satisfactory . . . Well acted.
—*Hollywood Reporter*

Brought to the screen in faithful and credible, as well as creditable, fashion . . . Miss Sleeper tops anything she has done.
—*N. Y. American*

Cora Sue Collins is delightful.
—*New York Post*

A smart piece of film fare . . . Good marquee names.
—*Box Office*

Martha Sleeper does a fine job of restrained acting.
—*News*

REPUBLIC PICTURES

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 70 NEW YORK, SATURDAY, SEPTEMBER 21, 1935 TEN CENTS

Film Outlook Is Excellent, States Writer

Foundation Firmest in 10 Years—Alexander

Fundamental conditions are better in the film industry than at any time in the past 10 years, declares Conrad Alexander in the first of two articles appearing yesterday in the *New York Daily Investment News.* This is due, he writes, to financial reorganizations, increasing earnings, and reduction of funded debt to a normal position in relation to total capitalization.

"More conservative practices with respect to amortization of film costs have been adopted, there is not the reckless expenditure of money that was general a few years ago, producers are saddled with fewer theatres and the 'cleaning up' of pictures in response to public demand has aided rather than hurt attendance," Alexander goes on.

He sees a tendency toward increased

(*Continued on page* 3)

Plunkett Replaces Astor's 306 Staff

Unable to get together with Local 306 on a deal for operators, at the Astor, Joseph Plunkett yesterday switched to other operators, starting with the matinee show. Local 306 was considering late last night whether to picket the theatre. The house had been picketed by Allied men several days before the opening of "The Crusades."

Local 306 claims that the Astor management put up a notice on the board to the effect that no more than $1.80 an hour would be paid the union

(*Continued on page* 3)

Lin Bonner Passes; Pneumonia Is Fatal

HOLLYWOOD, Sept. 20.—Lin Bonner, veteran newspaperman and well known in publicity, died here Wednesday evening of pneumonia.

Fifty-one years old at his death, he was news editor of *Daily Variety,* but his experience over a considerable number of years included posts on the *New York World-Telegram* and the *New York American.* Bonner was with First National in 1920-22 as editor of *Contract,* that company's house organ, and was one time director of advertising and publicity of Preferred Pictures.

His widow, Mrs. Nan Olsen Bonner, and three sisters survive.

Palace, Vaudeville Goal, Going to All-Film Policy

The Palace, goal of all vaudeville actors everywhere for a generation, still a magnet for old time hoofers with dim memories of their last engagements, is about to give up the struggle with red ink and go entirely to films.

For two weeks at least, beginning Sept. 27, it will run a single feature policy with "Top Hat." After that there may be double features. Profits will decide the policy.

This will mark the first time that the entire RKO circuit in the metropolitan area has been without vaudeville.

Some comfort is left for the stage performers, however. Boris Morros will reinstate stage shows at the Paramount after a summer all-film policy on Oct. 4. And the Center, tentatively scheduled to open either Oct. 1 or Oct. 8, with "The Last Days of Pompeii," probably will have a stage show.

Bay State Tax Ideas Disturb Exhibitors

BOSTON, Sept. 20.—Not even the adjournment of the Legislature can relieve exhibitors from apprehension on the tax situation. Sales taxes that if framed would probably include levies on theatre admissions were urged at the State House at the first public hearing of the Special Recess Commission on Taxation.

Similar legislation, that would have put a five cent tax on all admissions with an additional 10 per cent on all tickets selling for more than 50 cents, was defeated during the recent legislative session.

Ohio Again Worries Over Admission Tax

COLUMBUS, Sept. 20.—Although a bill to finance old-age pensions for the remainder of this year from funds derived from state liquor store profits, passed immediately when the Legislature convened in special session precludes immediate levying of additional taxes for this purpose, Governor Davey, in his message, indicated that

(*Continued on page* 3)

Quebec Amusements Tax Total $1,224,162

MONTREAL, Sept. 20.—During the last fiscal year, ending June 30, the Province of Quebec derived a revenue of $1,224,162 from the Amusement Tax, according to figures just released. This is the largest amount secured from this source by any province in the Dominion for the last fiscal period,

(*Continued on page* 3)

Colonel Bowes Now

It's now Lieut. Col. Bowes—and not the Kentucky variety.

He will continue to use the major on radio programs and in the theatre, but it's all right to call him colonel, because Governor Talmadge of Georgia has named him a member of his staff.

Skouras Gets Stay Against RKO 81st St.

Supreme Court Justice Hofstadter has granted Skouras Theatres a temporary injunction restraining Fox from dating further any of its pictures into the RKO 81st St. theatre. Date for trial has been set for Sept. 30.

Skouras, which operates the Nemo and Riverside on upper Broadway, filed injunction proceedings when the 81st dated "Dante's Inferno" on Sept. 14. Skouras claims to have seven days' protection over the RKO house. Affidavits and briefs were filed Tuesday and Wednesday.

In his decision, Justice Hofstadter stated:

"The evidence contained in the affi-

(*Continued on page* 3)

Fox Met. Fee Claims Not Presented Yet

No application for allowances in the reorganization of Fox Metropolitan Playhouses has been filed yet in the New York Supreme Court. This includes Weisman, Quinn, Allen & Spett, attorneys which were most active in formulating the rehabilitation plan.

Federal Judge Julian W. Mack recently set Sept. 30 as the deadline for filing claims for fees, stating that

(*Continued on page* 3)

Philadelphia Fight Over Music Goes On

PHILADELPHIA, Sept. 20.—The Earle and Fox, still at loggerheads with the musicians, start their fourth week without stage shows. The musicians' union is battling for two orchestras for each theatre, each to work on a

(*Continued on page* 3)

Justice Dept. Scans Single Feature Pacts

Anti-Trust Angles Get General Scrutiny

By BERTRAM F. LINZ

WASHINGTON, Sept. 20.—That the Department of Justice is studying single bill contract requirements was indirectly admitted today when it was stated that the department is interested in everything going on in the industry that might have a bearing on anti-trust prosecutions.

Single bill agreements being made by the majors are stirring protests of independent exhibitors, it was said.

The department, it was indicated, is thoroughly conversant with every move in the industry through exhibitors and others. There is a steady flow of complaints, all of which are studied.

It was intimated that if the majors are making any agreements which might violate the anti-trust laws they will be thoroughly studied. It is indicated that if the Government is successful in its St. Louis prosecution, other suits will be filed almost immediately.

Selznick Acquires Joyce Agency Share

HOLLYWOOD, Sept. 20.—Myron Selznick has acquired entire control of the Myron Selznick-Frank Joyce, Ltd., agency by purchasing the 50 per cent interest held by the Frank Joyce estate from Mrs. Dora Joyce, Joyce's widow. Selznick also acquired full control of the Frank Joyce, Ltd., agency, which had heretofore been the sole property of Joyce, in the deal. The combined concerns will hereafter be known as Myron Selznick, Inc. It is said that Mrs. Joyce will receive $250,000 for the properties.

Loop Bookings Are Given Big Shakeup

CHICAGO, Sept. 20.—"Anna Karenina" set for the Roosevelt following "Steamboat 'Round the Bend" has been held up until after "Dark Angel" completes its run at the United Artists. B. & K. did not like the idea of having two Fredric March pictures in the Loop at once. "Annapolis Farewell" was hastily shoved into the Roosevelt to fill the gap. It will be followed by "Big Broadcast of 1936."

Getting first runs for the first time in many weeks, the Apollo and the

(*Continued on page* 3)

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Wall Street

Small Losses on Big Board

	High	Low	Close	Net Change
Columbia	65	65	65	—1¾
Consolidated	4⅜	4¼	4¼	— ¼
Consolidated, pfd	16½	16	16¼	— ¾
Eastman	155	153½	155	—1
Loew's, Inc.	43⅜	42¼	43⅛	— ⅛
Paramount Pub.	11⅛	10⅝	10¾	— ⅜
Paramount, 1 pfd	99¾	97½	97½	—2½
Paramount, 2 pfd	13⅝	13⅛	13⅛	— ½
Pathe Film	6⅛	5⅞	6	.....
RKO	4½	4¼	4¼	— ¼
20th Century-Fox	17⅜	17⅛	17⅛	— ⅛
20th Century pfd	25½	24¾	24¾	— ⅞
Universal, pfd	34	33½	33½	— ½
Warner Bros.	7⅞	7⅜	7½	— ½
Warner, pfd	43⅞	41½	42¼	—2¼

Technicolor Off 1 on Curb

	High	Low	Close	Net Change
Sentry Safety	5/16	5/16	5/16	—1/16
Technicolor	19¾	19	19	—1
Trans-Lux	3¼	3¼	3¼	.....

Bonds Dip Slightly

	High	Low	Close	Net Change
General Theatre 6s '40 ctf	14¼	14⅛	14¼	— ½
Keith B. F. 6s '46	89	88	88	—1
Loew's 6s '41 ww deb rights	104½	104½	104½	.....
Paramount B'way 3s '55	62⅜	62⅜	62⅜	— ⅛
Paramount Pict. 6s '55	96½	95	95¼	—1¾
RKO 6s '41 pp.	71	69⅞	70¼	.....
Warner Bros. 6s '39 wd	32¾	32½	32½	— ¾

(Quotations at close of Sept. 20)

Purely Personal

CHARLES PAINE, ARTHUR LEE, A. H. SCHWARTZ, SAM RINZLER, LOUIS FRISCH, AL HOVEL, MITCHELL KLUPT, NAT SALAND, J. H. HOFFBERG, ARTHUR ISRAEL, MONROE GREENTHAL, HARRY H. THOMAS, DAN FRANKEL, HARRY MILLER, ERWIN S. KLEEBLATT, HAL HORNE, GUMBO MARX, JIMMY JOHNSTON, WALTER EBERHARDT and ARNOLD VAN LEER, at the Tavern; DAVE LOEW, MEL MORGENSTERN, BILL SCULLY, GUS EDWARDS and CHARLES CASANAVE, at the Astor, taking time out between 1 and 2 P. M. for a bit of chatter and food to go with it.

•

MORT SINGER, who comes from the west where you can buy a healthy meal for 40 cents, had to pay 75 cents for a bottle of Coca Cola Thursday night at the Central Park Casino, and is he ranting.

Ol' Mox Shabbus

A Dirge by Ali Gaga

(With profound apologies to Messrs. Kern and Hammerstein)

Ol' Mox Shabbus
Dat ol' dam' crabbus
He don't know nothin'
He don't say nothin'
But Ol' Mox Shabbus
He keeps on prattlin' along.
He won't play first runs
He thinks they're worst ones
And them that plays 'em
He calls accursed ones
And Ol' Mox Shabbus
He keeps on babblin' along.
Percentages—he will give
And for a cash box use a sieve
Then he whines and complains
That distributors' share
Leaves him no gains.
Double features
Contracts breaches
And calls the salesmen
Those blank blank leeches
Yet Ol' Mox Shabbus
He has to be livin' long.

HENRI DE LA FALAISE, producer of "Legong," which he made on the Island of Bali, will arrive from Hollywood Monday. The picture will open at the World, nee the Westminster, on Oct. 1.

•

JOE HORNSTEIN is rejuvenating B. S. Moss' Broadway, the Fords, Fords, N. J., and the Park, East Orange, N. J.

•

DAN LONGWELL has returned from a two-month stay in London where he introduced "The March of Time" to the English market.

•

NICHOLAS M. SCHENCK hasn't decided when to leave for his annual visit to the M-G-M studios.

•

JACK DUGGER, Paramount district manager in the south, has closed a deal with the Robb & Rowley circuit.

•

JAMES R. GRAINGER and his short subject sales manager, EDDIE BONNS, are in Boston.

•

EDITH FARRELL of the M-G-M office sails today for California on the *Pennsylvania.*

•

RALPH ROLAN of the "March of Time" has left on a tour of Chicago, Cincinnati and Baltimore.

DONALD ELLERS, who has been handling upstate bookings at the local Paramount exchange under KITTY FLYNN, has switched to the Astoria studios where HECHT-MACARTHUR are working on "Soak the Rich."

•

MAJOR FRANCIS YEATS-BROWN of the real Bengal Lancers and author of the book from which the film was made is around town. He was heard recently on LOWELL THOMAS' program.

•

MAX J. WEISFELDT, head of the recently-formed American International Dist. Corp., returned to New York yesterday from a sales trip through the Middle West.

•

NORMAN H. MORAY, Vitaphone sales manager, has left on a tour of the company's exchanges in Cleveland, Detroit, Cincinnati and Indianapolis. He will return in a week.

•

LOUIS PHILLIPS, Paramount attorney, will leave for St. Louis on Wednesday. It's in connection with the Government's anti-trust suit.

•

LOUIS NIZER and JACK ALICOATE arrive on the *Normandie* on Tuesday. They have been touring Europe together.

•

JULES LEVY was in Philadelphia yesterday where he attended *The Exhibitor* golf tournament.

•

STEVE EVANS, impersonator, is at the Roxy this week.

•

. . . Denver

FRED D. MORTON, salesman for Erpi, is mighty proud of his new son, DAVID ROBERT.

W. C. COOK has taken over the Pendick at Roy, N. M., from L. E. POLK.

E. C. ROHR, senior inspector at the Erpi office, is in Cincinnati on his vacation.

•

. . . London

T. J. VALENTINO, from Danubia Pictures Corp., has left for Paris. He visited British studios and Broadcasting House during a short London stay.

FREDRIC MARCH, on vacation with MRS. MARCH, reading "Anthony Adverse" in preparation for his Warner role in October.

HENRY MURRAY appointed by Paramount to management of the Patio, Manchester theatre, vacant since the death of W. GREENFIELD.

DOUGLASS MONTGOMERY, in on the *Normandie.* It's a vacation.

Lichtman Not to Coast

HOLLYWOOD, Sept. 20.—Al Lichtman, U.A. president, now in Chicago booking "Barbary Coast," is not going on to Hollywood now, according to Samuel Goldwyn, who talked with Lichtman by telephone today. Lichtman will return to New York at the conclusion of his Chicago business.

Hirliman to New York

HOLLYWOOD, Sept. 20. — George Hirliman, producing eight features in new Magna-Color at the Mascot studios, leaves by plane tomorrow for New York to arrange final details. His first film will be titled, "The Rest Cure."

Mexico, U. S. Firms Deadlocked on Taxes

By JAMES LOCKHART

MEXICO CITY, Sept. 20.—A Mexico without films appears nearer here as a result of a deadlock between the Government and eight major American distributors over the insistence of the Minister of Finance that he will not reduce the film impost which involves posting a deposit of 75 pesos per kilogram to assure that each company's annual import quota will not be passed.

The distributors are refusing to retract their recent ultimatum that they will withdraw from Mexico on Sept. 30 unless the Government yields. The Government, it is learned, resents the ultimatum and is standing pat. It is not anticipated that the Americans will quit the country as warned, but drastic developments are expected early next month. The theatres are booking as many Mexican pictures as possible, but it is generally agreed here that if the Americans drop out, the country will be without pictures, because the domestic firms cannot supply the 520 films Mexico needs yearly. European films are practically shut out because of import duties.

IATSE Files New Complaint on Coast

HOLLYWOOD, Sept. 20.—The I. A. T. S. E. yesterday filed a supplementary complaint with the National Labor Relations Board, requesting that I. B. E. W. contracts for soundmen with all studios be declared illegal. The initial complaint, filed earlier this week, pertained only to major studios.

Simultaneously, the N. A. C. C. filed a petition with the National Labor Relations Board asking that a vote be taken among the studios' soundmen to prove which organization is entitled to bargain collectively with the studios, under the Wagner Bill, through majority membership. The action taken by both labor organizations followed an informal meeting yesterday of the I. A. T. S. E., I. B. E. W. and N. A. C. C., at the request of Dr. Towne Nylander, local head of the National Labor Relations Board.

Kennedy Quits SEC

HYDE PARK, N. Y., Sept. 20.—John P. Kennedy, formerly president of FBO and who prominently figured in Pathe Exchange for some time, today resigned as chairman of the Securities and Exchange Commission. He plans to go abroad for a vacation with no immediate plans set.

Warner to Travel

Albert Warner plans to leave for the company's Hollywood studio shortly to remain a month after which he will return to New York and shortly thereafter sail for England.

Patsy Kelly Signed

HOLLYWOOD, Sept. 20.—Patsy Kelly, comedy player, today was signed to a seven-year contract by Henry Ginsberg, vice-president and general manager of the Roach studios.

Lunch for Mrs. Bogart

LOS ANGELES, Sept. 20.—Film row will tender a luncheon to Mrs. Bessie Bogart, veteran Warner booker, at the Roosevelt Hotel Monday.

MOTION PICTURE
DAILY

Film Outlook Is Excellent, States Writer

(Continued from page 1)

admissions and reduction of giveaways. Color, he writes, has not caused a stampede and "Becky Sharp" has removed the fear of heavy expenditures. Its perfection in the less expensive shorts, he states, will result. Night sports have hurt films in small towns, he says, but to what extent cannot be judged accurately, because there is no way of knowing what proportion of film-goers go only to selected films.

"When it is said that the motion picture industry appears to be on the firmest foundation in the past 10 years," the article goes on, "this simply means that the position seems to be the soundest since the public began to participate in providing capital for the industry.

"In the days when private capital and earnings footed the bills, funded debt accounted for perhaps 15 per cent of the total capitalizations of the larger units of the industry. After motion picture securities had been sold to the public, the aggregate funded debt jumped to about 45 per cent of the capitalization. It is little wonder that motion picture stocks have not been in recent years what might be called favorites with the investing public. There are indications, however, that they are coming back into favor.

"The long term outlook for motion picture producers and exhibitors may be said to be promising, capitalizations are less topheavy with funded debt, reckless waste of money apparently has been curbed and there has been constant improvement in pictures from the artistic viewpoint. The motion picture successfully met the challenge of the radio and appears to have a secure place in community life.

"The short term outlook is excellent. Attendance this fall and winter confidently is expected to be the best since 1930-31."

Para. Case Postponed

Paramount's claim against the Jerome, Bronx, a Consolidated house, scheduled for arbitration at the New York Film Board of Trade yesterday, was postponed two weeks by agreement between both parties. It is understood a settlement is being worked out.

The distributor is seeking $20.85 for alleged damages on a print which the theatre used recently.

Col. Campbell Returns

New Orleans, Sept. 20.—Col. Thomas Campbell, manager of the Tulane, has arrived home from his summer vacation in the New England states. Col. Campbell says the Tulane will open about the last week in October with Ethel Barrymore. Fourteen road shows are booked for the season.

Hodges Garnett Manager

Hollywood, Sept. 20.—Tay Garnett has appointed Douglas Hodges general manager of the Tay Garnett Prod. Hodges has been handling publicity for Garnett and will accompany the director on his trip to the Orient to make background scenes for forthcoming films.

Plunkett Replaces Astor's 306 Staff

(Continued from page 1)

men. This move is said to have been precipitated by an agreement reached between major circuits and Local 306 on a scale of $1.86 an hour, exclusive of Broadway houses and the Astor. These deals are to be worked out within the next week.

The Astor has been paying about $9 a show for operators, it was stated at Local 306. The union also said that non-union projectionists had been taken on, but this is denied by Plunkett, who said a contract had been signed with Allied. This, however, is denied by Local 306 and Allied. A meeting between Joseph D. Basson, president of Local 306, and Plunkett was scheduled for last night in an effort to settle the dispute.

Plunkett asserted that he had been trying to work out a deal with the I.A.T.S.E. affiliate and could not reach an agreement. He added that the Local 306 men congregated in front of the theatre until 2:50 p. m., and when they told him they had received orders not to return to the booth, he immediately installed Allied men.

Fox Met. Fee Claims Not Presented Yet

(Continued from page 1)

$500,000 has been set aside as a reserve for disbursements of this nature. Mack is expected to return from his vacation Oct. 2, when a hearing will probably be held.

Hearing on a motion filed by Milton C. Weisman in the Supreme Court seeking to restrain the Dorset from playing "China Seas" ahead of the Gotham has been delayed until Monday. By agreement between M-G-M and Weisman, the picture will not be released until next Saturday.

The Gotham claims to have bought the picture on last season's contract and alleges that M-G-M sold it to the Dorset on a 1935-36 pact and plans to give the latter preferential booking.

New "Copyright" Here

The second (July-August) issue of "Copyright," an international review of the theory and practice of copyright, particularly as it concerns the film and legitimate theatre, radio, music, censorship, advertising and the like, has reached this country. It is published by Verlag Fuer Recht und Gesellschaft A. G., Zurich, Switzerland. American members of the permanent board include Thorvald Solberg, former chief of the Copyright Office at Washington and Louis E. Swartz, copyright attorney to film interests.

Phila. ITMA Elects

Philadelphia, Sept. 20.—Barney Cohen has been named president of the Independent Theatre Managers Ass'n. Other new officers are: Vice-president, Allen Lewis; secretary-treasurer, John C. Ehrlich; chairman of the board, Jack Blumberg; publicity director, George Normeker.

Otterson May Go Today

John E. Otterson, president of Paramount, plans to leave for Hollywood either today or tomorrow. He was scheduled to leave yesterday, but was forced to cancel reservations.

Skouras Gets Stay Against RKO 81st St.

(Continued from page 1)

davits submitted by respective parties appears to preponderate heavily in favor of the contention that the defendants have and are continuing to violate and nullify the rights obtained by the plaintiff Skouras Theatres Corp. under its contract with Fox.

"As serious and irreparable injury to the said plaintiff is inevitable if the acts complained of are permitted to continue, a temporary injunction should be granted. On the other hand, in view of the issues presented, no definitive determination of rights of the parties should be made prior to the trial of the action. Justice to the defendants requires that the granting of a restraining order be conditioned upon plaintiffs' consenting to an early trial. The motion is granted upon condition that the plaintiffs, upon the settlement of the order, file their written consents to an early trial, in which event the cause will be set down for trial on Sept. 30."

Loop Bookings Are Given Big Shakeup

(Continued from page 1)

Garrick will offer "The Goose and the Gander" and "Redheads on Parade," respectively. These two houses usually get the second or third week on pictures which click at the Chicago, United Artists or Roosevelt.

The Oriental, Loop deluxer, continues to offer a heavy stage show and class B pictures or second runs following the other houses. Last week "Man on the Flying Trapeze" played the house after having been two weeks in the Garrick a month ago. Business, despite a good name draw on the stage, was off considerably.

Chicagoans to See Bout

Chicago, Sept. 20.—A number of film men plan to leave this week-end for New York to attend the Max Baer-Joe Louis fight. Among them will be Mr. and Mrs. Julius Goodman, Arthur Schoenstadt, Irving Mack, Jules Rubens, Henri Ellman, Lester Retchen, Harry Tague, Mr. and Mrs. Lou Harrison, Jack Hirsh, Charles Cooper, Jack Miller, Van Nomikos and Freddie Gilford.

E. M. Loew Men Shifted

Boston; Sept. 20.—The E. M. Loew circuit has made several changes in personnel, William DeCroteau, former manager of the Ware, Beverly, and lately at the Regal, Arlington, takes charge of the National here. He replaces Lou Richmond, who has been made field manager for New England. Harry Blackstone, formerly assistant at the National, becomes head of the Regal, Arlington.

Casey Move Up to Carew

The motion made by Pat Casey to examine Frank Kolbe of Pathe and other officers, before trial, has been placed before Justice John F. Carew in the Supreme Court and a decision will be rendered the early part of next week.

Ohio Again Worries Over Admission Tax

(Continued from page 1)

additional imposts were in the offing. This is generally construed as meaning that an attempt will be made to include reinstatement of the 10 per cent admission tax, suspended Jan. 1 in favor of the current three per cent sales tax.

"Unfortunately, there are some uninformed persons who think that huge sums for old-age pensions and many other things can be taken from the general revenue fund," the Governor said. "This cannot be done. We might as well prepare ourselves frankly to levy the necessary taxes to take care of new, extraordinary requirements."

Meanwhile, four special committees have been reestablished in the Senate to deal with taxation programs, including the three per cent sales tax which expires Dec. 31.

Quebec Amusements Tax Total $1,224,162

(Continued from page 1)

but there are plenty of indications that Ontario will easily outstrip Quebec in the next annual reports because of the greatly increased levy.

Quebec, noted for its severe taxation, has collected no less than $6,426,246 on the amusement impost during the past five years and the returns for the last 12-month period are well up to the average. The record year was 1931-32 when the province gained $1,467,205. The previous year saw a collection of $1,311,504. This goes to hospitals and orphanages.

Philadelphia Fight Over Music Goes On

(Continued from page 1)

part time basis to overcome unemployment. The theatres have steadfastly refused to agree to this demand.

For the present, the theatres are in a strategic position. The first week of the battle, the Fox had "Steamboat 'Round the Bend" and the Earle had Joe Brown's "Bright Lights." Strong bookings, plus the rainy Labor Day, gave both houses topnotch grosses. The last two weeks, the figures have been under the average for a stage and film show production, but the straight picture policy has reduced overhead enough to bring in a profit.

Price War Looms in L. A.

Los Angeles, Sept. 20.—Owners of downtown theatres have served notice on Harry Popkin, operator of the Million Dollar, that they will retaliate unless Popkin discontinues his practice of reducing admissions by means of services passes today. Houses that will be affected by any price slashing include The Tower, Rialto, Roxie and President.

Schulberg Flies East

Hollywood, Sept. 20.—Budd W. Schulberg, son of B. P. Schulberg, has completed his work on the continuity of "Singapore Bound" for Tay Garnett and has left by plane for Dartmouth for his senior year.

Tuscaloosa Open Sunday

Tuscaloosa, Ala., Sept. 20.—Sunday shows have been started here without the usual charity angle as a result of the recent enactment of a law by the Alabama Legislature.

"Hat" Cracks House Record For Seattle

SEATTLE, Sept. 20.—"Top Hat" skimmed the cream off the first run business here and cracked all records at the Orpheum with a take of $10,400, over par by $4,400. It was held over.

All other houses were below normal as a result. "Diamond Jim," in the second week of an extended run from the Orpheum, reached $3,200, and "Steamboat 'Round the Bend," in the third week of an extended run from the Fifth Avenue at the Music Box, took $3,850. "Page Miss Glory" failed to make much of a showing.

Total first run business was $31,500. Average is $30,000.

Estimated takings for the week ending Sept. 21:

"DIAMOND JIM" (Univ.)

BLUE MOUSE—(950), 25c-40c-55c, 7 days, 2nd week, extended run from Orpheum. **Gross:** $3,200. (Average, $4,000)

"PAGE MISS GLORY" (W.B.)

FIFTH AVENUE—(2,500), 25c-40c-55c, 7 days. **Gross:** $6,700. (Average, $7,000)

"ATLANTIC ADVENTURE" (Col.)
"OUTLAWED GUNS" (Univ.)

LIBERTY — (1,800), 10c-15c-25c-35c, 7 days. **Gross:** $3,700. (Average, $4,000)

"STEAMBOAT 'ROUND THE BEND" (Fox)

MUSIC BOX—(950), 25c-40c-55c, 7 days, 3rd week, extended run from Fifth Avenue. **Gross:** $3,850. (Average, $4,000)

"TOP HAT" (Radio)

ORPHEUM — (2,450), 25c-30c-40c-55c, 7 days. **Gross:** $10,400. (Average, $6,000)

"RED HEADS ON PARADE" (Fox)
"HOT TIP" (Radio)

PARAMOUNT — (3,050), 25c-30c-40c, 7 days. **Gross:** $3,650. (Average, $5,000)

"Hat" Still High in Third Boston Week

BOSTON, Sept. 20.—"Top Hat" was tremendous in its third week at Keith's Memorial and looks good for two more. Cooler weather helped, and the take went to $19,000, still $7,000 over normal for a first week.

"Two for Tonight," with Major Bowes' amateurs at the Metropolitan, ran into heavy money, getting $26,000. This left par $4,000 astern.

Total first run business was $91,500. Average is $80,500.

Estimated takings for the week ending Sept. 20:

"SUPERSPEED" (Col.)

BOSTON—(3,246), 25c-50c, 7 days. Stage: Vincent Lopez and Band; Sophie Tucker. **Gross:** $16,500. (Average, $11,000)

"GAY DECEPTION" (Fox)
"HERE COMES COOKIE" (Para.)

FENWAY — (1,382), 30c-50c, 7 days. **Gross:** $3,500. (Average, $4,500)

"TOP HAT" (Radio)

KEITH'S MEMORIAL—(2,907), 25c-65c, 3rd week, 7 days. **Gross:** $19,000. (Average, $12,000)

"CALL OF THE WILD" (U.A.)

LOEW'S ORPHEUM—(2,970), 25c-55c, 7 days. **Gross:** $11,000. (Average, $12,000)

"CALL OF THE WILD" (U.A.)

LOEW'S STATE — (3,537), 25c-55c, 7 days. **Gross:** $10,000. (Average, $12,000)

"TWO FOR TONIGHT" (Para.)

METROPOLITAN — (4,332), 35c-65c, 7 days. Stage: Major Bowes Amateurs. **Gross:** $26,000. (Average, $22,000)

"GAY DECEPTION" (Fox)
"HERE COMES COOKIE" (Para.)

PARAMOUNT—(1,793), 25c-50c, 7 days. **Gross:** $5,500. (Average, $7,000)

Brandt-Springer Agree

Harry Brandt has closed a deal with Jack Springer to take over the latter's Shubert, Brooklyn. Papers are now being drawn and upon signing the house will change management.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"The Last Days of Pompeii"

(RKO)

HOLLYWOOD, Sept. 20.—Without sacrificing theme or story action for spectacle and pageantry, this film embodies a stirring combination of all production values blended for definite box-office reaction. The performances, direction and photography are of the highest order. The story deftly handles the moral influence of Christ, which forms the basis of the theme, in a manner to please and inspire all religious groups.

Briefly, the picture sketches the career of a poor blacksmith, Preston Foster, who is satisfied with life's meager bequests until death takes his wife, Dorothy Wilson, and their baby. Blaming the tragedy on their poverty, Foster is fired with ambition for riches and becomes a gladiator. He adopts David Holt, son of a man he kills in the arena, who is later divinely healed by Christ following an accident. Foster blindly forces the moral influence of the cure into the background, continuing his struggle for riches, aided by Basil Rathbone, governor of Jerusalem, who is ultimately responsible for Christ's crucifixion.

Foster becomes rich and famous but his grown son, John Wood, fails to appreciate Foster's underhanded activities in obtaining riches and defies his father by aiding slaves to escape a cruel fate in his father's arena. The climax is the dramatic destruction of Pompeii by volcano with Foster ironically saving his son's life through belief in Christ.

Ernest B. Shoedsack's direction is intelligent, smooth and vital. The performances of Foster, Rathbone, Holt, Wood and the balance of the cast are excellent.

Ruth Rose wrote the screen play in collaboration with Boris Ingster, from an original story by James Ashmore Creelman and Melville Baker. Merian Cooper deserves plaudits for the production. J. Roy Hunt's photography is topnotch and constructive. The picture has real box-office potentialities.

Production Code Seal No. 1,263. Running time, 92 minutes. "G."

"Barbary Coast"

(Goldwyn-U. A.)

HOLLYWOOD, Sept. 20.—Picturing the lusty and vigorous days of '49 in booming San Francisco, Samuel Goldwyn, a producer of the finer things, has given his latest film flavor as well as taste in all departments, keeping his eagle eye ever on the box-office.

The subject matter is timely, the drama is muscular and the romance different. Penned by Ben Hecht and Charles MacArthur, "Barbary Coast" reveals a Manhattan socialist, Miriam Hopkins, arriving at Gold Port and, finding her fiance dead, apparently killed by Edward G. Robinson, gangster-gambler. Miss Hopkins becomes croupier at Robinson's roulette table and later meets Joel McCrea. To prove to Robinson that she does not love McCrea, she wins all his gold at roulette. After Robinson's henchman, Brian Donlevy, commits murder and Frank Craven, editor, is threatened, the Vigilantes, headed by Harry Carey, start to clean up the town.

Anxious to get away from Robinson, Miss Hopkins permits McCrea to retrieve his winnings and in their flight McCrea is shot. Going back with Robinson, the Vigilantes overtake them, capture Robinson and Miss Hopkins gets away in McCrea's boat.

The performances of the leads are talented and sincere. Stealing the honors are Dunlevy, Walter Brennan and Craven. All may be expected to be in demand. Howard Hawks' direction is virile, but humor is underemphasized, with the exception of Brennan's byplay.

Ray June's photography is especially good, with costumes, musical background and technical details all harmonious with the Goldwyn standard. The exploitation possibilities of the title, name players, subject matter and class of production should account for good results at the box-office.

Production Code Seal No. 1,416. Running time, 97 minutes. "G."

Lawton in Broadway

Stanley W. Lawton, who operates the George M. Cohan and Wallack, has been appointed manager of the Broadway by B. S. Moss. The house will be opened either next Thursday or Saturday with a twin bill policy at popular prices. Lawton opened the Wallack Thursday night. The theatre was last operated by Max Cohen and has been closed for some time.

RKO In Foreign Deals

H. W. Leasim, sales manager for Radio Pictures International, Ltd., has closed a deal with Atlantis Film of Belgrade for distribution in Jugoslavia of a number of RKO pictures of last season and for the new lineup.

RKO Export, after long negotiations, has also closed a deal with the Bermuda General Theatres of Hamilton for distribution of 1934-35 product.

"Steamboat" Big in Heavy Denver Boom

DENVER, Sept. 20.—All first runs had a remarkable week. "Steamboat 'Round the Bend" was still more than 100 per cent over normal in its second week at the Broadway. The take was $2,500. Par is $1,000.

"Dark Angel" was also 100 per cent over the line with a gross of $4,000. In the face of these big grosses "Two for Tonight" took $5,000, up by $1,000; "Anna Karenina" piled up $7,000; "Top Hat" grabbed $2,500 in three days at the end of a two-week run.

Total first run business was $33,500. Average is $19,500.

Estimated takings for the week ending Sept. 19:

"DARK ANGEL" (U.A.)

ALADDIN — (1,500), 25c-35c-50c-60c, 7 days. **Gross:** $4,000. (Average, $2,000)

"STEAMBOAT 'ROUND THE BEND" (Fox)

BROADWAY—(1,500), 25c-40c, 7 days. Followed a week at the Denver. **Gross:** $2,500. (Average, $1,000)

"TWO FOR TONIGHT" (Para.)

DENHAM—(1,500), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $4,000)

"SHE MARRIED HER BOSS" (Col.)

DENVER—(2,500), 25c-35c-50c, 7 days. Stage band. **Gross:** $9,000. (Average, $5,000)

"TOP HAT" (Radio)

ORPHEUM—(2,600), 25c-35c-40c, 3 days, end of two-week run. **Gross:** $2,500.

"ANNA KARENINA" (M.G.M)

ORPHEUM—(2,600), 25c-35c-40c, 4 days. **Gross:** $7,000. (Average, $5,000)

"BONNIE SCOTLAND" (M-G-M)

PARAMOUNT—(2,000), 25c-35c-40c, 7 days. **Gross:** $2,500. (Average, $2,500)

"Top Hat" Mops Up Cash in Providence

PROVIDENCE, Sept. 20.—"Top Hat" swept everything before it on a double bill with "Fighting Caballero" at the RKO Victory. In 10 days it went 400 per cent over average for a week. The take was $4,000.

At the same time "Sweepstake Annie," with an elaborate stage show, "Folies Bergere," garnered $11,800, above the line by $4,800, at the RKO Albee, and "Thunder in the Night" was well on the profit side of the ledger at $7,700 in Fay's.

Total first run business was $43,800. Average is $6,500.

Estimated takings for the week ending Sept. 19:

"ANNAPOLIS FAREWELL" Para.)
"CHEERS OF THE CROWD" (Monogram)

STRAND—(2,300), 15c-40c, 7 days. **Gross:** $6,100. (Average, $6,500)

"THE IRISH IN US" (W. B.)
"SHE GETS HER MAN" (Univ.)

MAJESTIC—(2,400), 15c-40c, 7 days. **Gross:** $7,000. (Average, $7,000)

"THUNDER IN THE NIGHT" (Fox)

FAY'S—(1,600), 15c-40c, 7 days. Stage: "Night Life Scandals." **Gross:** $7,700. (Average, $7,000)

"SWEEPSTAKE ANNIE" (Liberty)

RKO ALBEE—(2,300), 15c-40c, 7 days. Stage: "Folies Bergere." **Gross:** $11,800. (Average, $7,000)

"HERE COMES THE BAND" (M-G-M)
"PUBLIC MENACE" (Col.)

LOEW'S STATE—(3,800), 15c-40c, 7 days. **Gross:** $7,200. (Average, $12,000)

"TOP HAT" (Radio)
"FIGHTING CABALLERO" (Col.)

RKO VICTORY—(1,600), 10c-25c, 10 days. **Gross:** $4,000. (Average, $1,000)

S. S. Lindstrom Resigns

Siegfried S. Lindstrom has resigned as manager of the Radio office in Tokio. No successor has been named.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 71 NEW YORK, MONDAY, SEPTEMBER 23, 1935 TEN CENTS

Clearance in Dark for K.C. Independents

Details Are Lacking on Fox Midwest Buys

Kansas City, Sept. 22.—Clearance and zoning for this town remains in the dark so far as independents are concerned. Deals have been made with Fox Midwest by practically every distributor, but exchange managers outside of Fox will not, or cannot because they don't know, divulge the details of clearance. Fox has sold the circuit in zones—first, second and third runs.

Only Paramount, apparently, is not booking the circuit, and so far as local executives of the company are concerned, they did not know up to Sept. 20 of any deal having been completed with Fox Midwest.

E. T. Gomersall, Western divisional salesmanager for Universal, was here last week and closed Universal's deal with Fox, but the exchange did not comment on details. United Artists has sold the circuit, but the deal was completed in New York, and local officials didn't know what clearance was. Max Roth, divisional manager for Columbia, is now in New York working on a deal with the circuit. M-G-M

(Continued on page 3)

Quick Windup Seen On Operator Pacts

Grading of theatres and working out of final details in a basic wage scale for the local territory is expected to be completed by circuit and Local 306 representatives on Wednesday.

Early Thursday morning, both factions agreed on a rate of $1.86 an hour for all circuit houses with the exception of nine Broadway houses. No session has been held since last Friday and it is expected that theatre heads and union leaders will meet to-

(Continued on page 3)

Declare Allied Men Are Signed at Astor

Local 306 operators are definitely out of the Astor and Allied M. P. Operators are now manning the booth under a five-year contract, Sherman Krellberg, who is associated with Joseph Plunkett, and Myron Robinson in the operation of the theatre, stated on Saturday.

Efforts to iron out the operator dispute between Local 306 and the man-

(Continued on page 3)

All Brooklyn Spots Ending Stage Shows

Paramount Is Following Downtown Shifts

All five of Brooklyn's downtown theatres will be operating on all-film policies starting Friday when the Fox, last of the quintet, will drop vaudeville for dual features.

Si Fabian, who operates the Paramount and Strand in Brooklyn, as well, has decided to discontinue stage entertainment because Loew's Metropolitan and RKO's Albee are exhibiting twin bills at lower admissions. The Paramount will continue single feature programs, while the Strand's dual schedule will not be disturbed.

RKO will eliminate vaudeville from the Palace on Broadway Friday, which will give the circuit of 42 theatres an all-picture policy. The Paramount may reinstate stage shows Friday, contingent on a change of show. If "The Big Broadcast of 1936" is held a third week, the stage lineup will be deferred a week. Meanwhile, W. G. Van Schmus is considering a stage

(Continued on page 3)

KAO Board Meeting Is Set on Thursday

KAO directors will hold their quarterly meeting Thursday to discuss and pass on among other things the four-year Warner contract, which was signed at midnight Sept. 18. The contract was signed subsequent to approval of the KAO board. Herbert Bayard Swope, chairman of the board, will preside.

The Warner contract will give RKO houses nationally first run on all product after next season. Because of deals signed with Century and Springer & Cocalis circuits, about five situations in the local area this season will play Warner product ahead of RKO houses in Long Island, Brooklyn and Manhattan.

Special Register to Feature Ampa Lunch

One of the features of the special meeting of Ampa on Wednesday at which Martin Quigley will be the principal guest in honor of his 20th anniversary as a publisher in the industry will be a special register.

All persons attending the luncheon who have been in the business for 20 years or more will be invited to sign the register, and each person signing will be given a button. The register is the work of Hap Hadley.

Ohio Cuts Only 7

Columbus, Sept 22.—The Ohio censor board reviewed a total of 244 reels during a recent two-week period. Eliminations were made in but seven reels.

Chance Games' Status Before Court Oct. 17

Validity of chance games in local theatres will be argued in Special Sessions on Oct. 17.

Milton C. Weisman, attorney for the I. T. O. A., will defend the Winthrop, Brooklyn, respondent in the case, while the Kings County district attorney will plead for discontinuance on the ground the games infringe on the state lottery laws.

Several other cases are set for hearing in various magistrate courts from now until the Special Sessions hearing. I. T. O. A. members are defendants in these complaints. It is understood postponements will be sought until after Oct. 17.

The Special Sessions hearing will definitely determine whether exhibitors can continue the practice. The police have relented somewhat in their activities against theatres playing games in the past few weeks and exhibitors continue to feature the contests.

Loew's, which is planning to reinstate Screeno, will not take definite action until a decision is handed down

(Continued on page 3)

Kansas Bank Night Pact Is Held Legal

Kansas City, Sept. 22.—A jury in the district court of Riley County (Manhattan), Kansas has returned a verdict in favor of Affiliated Enterprises, Inc., Bank Night patentees, in the case of Sam Sosna, owner and operator of the Varsity and New City.

Affiliated Enterprises, which is represented in the area by R. W. McEwan, sued Sosna for breach of contract licensing him to use Bank Night at Manhattan and Junction City, Kan.

Judge Bennett ruled that Bank Night was legal in the state, and further held that the provisions of the contract providing for liquidated damages, or penalty for use of Bank Night after cancellation of contract by Affiliated Enterprises was legal and binding on the exhibitor.

Sosna contended that the plan he operated after cancellation, though

(Continued on page 3)

Film Board's Work Heavier Without Code

Handle 25 Cases Here In Three Months

Twenty-five claims, totaling approximately $4,500, have been filed with the New York Film Board for arbitration since July 2, indicating a willingness on part of the exchanges since the code expired June 15 to settle disputes within the industry rather than take such matters to the courts. In one instance, an independent circuit filed a claim against an exchange, which was settled after a board failed to agree unanimously.

Nine different dockets have been scheduled since July 2, but only three hearings have been held. Another is slated for Sept. 26 when three cases are down for disposal.

Of the cases recorded, Fox filed 15; Paramount, four; U. A., two; RKO, four. Fox won five by default, agreed to postponements on seven, settled one and was awarded decisions on two after trial. Paramount had three put over from time to time and settled one. RKO's four cases, which were set on the Aug. 30 calendar, have not

(Continued on page 3)

"Karenina" $109,000 Grosser at Capitol

"Anna Karenina" garnered a total of $109,000 at the Capitol during its 19½-day tenancy. The last five and a half days wound up with a gross of $18,000. The first week's take was $57,000 and the second week, $34,000.

The initial week of "The Big Broadcast of 1936" was good for $44,000 at the Paramount and the holdover week indicates a tally of about $35,000. "Dark Angel," in its second week at the Rivoli, took $22,500, while "Goose and the Gander" at the Strand figured at about $15,000. "Jalna" ended with about $9,000 at the Palace.

"Steamboat 'Round the Bend" will probably gross in the neighborhood of $75,000 at the Music Hall.

Jay Means Resigns As Head of the ITO

Kansas City, Sept. 22.—Jay Means, operator of the Oak Park and Bagdad, and president of the I.T.O., called that organization together a few days ago to act on his resignation.

Dissatisfaction within the organization, Means said, was the cause of his action. Not enough members turned

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Wall Street

Stocks Irregular on Big Board

	High	Low	Close	Net Change
Columbia	65	64¾	64¾	— ¼
Consolidated Film	4½	4¼	4¼	.....
Consolidated pfd	16⅛	16	16	— ¼
Eastman Kodak	155	155	155	.....
Eastman pfd	158	157	157	—1
Loew's Inc	42⅞	42⅜	42¾	— ⅜
Paramount	11⅛	10¾	10¾	.....
Paramount 1 pfd	98	98	98	+ ½
Paramount 2 pfd	13¼	13⅛	13⅛	.....
Pathe Film	6	6	6	.....
RKO	4½	4¼	4⅜	+ ½
20th Century	17⅛	16⅞	16⅞	— ¼
20th Century pfd	25	24¾	25	+ ¼
Warner Bros	7½	7¼	7½	.....
Warner pfd	42	41¾	41¾	— ½

Curb Issues Off

	High	Low	Close	Net Change
Sonotone	1⅝	1⅝	1⅝	— ¼
Technicolor	19	19	19	.....

Little Change in Bonds

	High	Low	Close	Net Change
Loew's 6s '41 ww deb rights	104½	104½	104½	.....
Paramount Pict. 6s '55	95⅛	94¾	95	.....
RK0 6s '41 pp	69¾	69¾	69¾	— ½
Warner Bros. 6s '39 wd	80¼	79⅞	80	.....

(Quotations at close of Sept. 21.)

State Theatre Pays $2

BOSTON, Sept. 22.—The State Theatre Co. of Boston, Loew affiliate, has declared a quarterly dividend of $2 on the preferred, payable Oct. 1 to holders of record Sept. 26.

Insiders' Outlook

By RED KANN

EXACTLY where should radio plugging of song hits begin and end? The ether lanes, you have this assurance at the beginning, are vital in getting through to and in enthusing the public in that which is in store for them. The process has helped and it will continue to help, provided the lily is not gilded too often. But the ambition of the distributor carries with it the danger which is inherent in overdoing anything and makes advisable the sounding of a note of warning to exercise care. . . .

▼

By way of demonstrating how a good thing can go sour is the more or less classic instance of "The Singin' Fool." In the first flush of those exciting days over sound, the Jolson picture played the Winter Garden here in New York for twenty-nine and a half weeks, enjoyed a $52,000 opening seven days, not including a $10 premiere, and grossed $959,000 by the time its tenancy in that theatre had run out. The Warners, during this period, spent only $59,000 in advertising the seventeen shows at $3 top which prevailed weekly and "Sonny Boy" was sung and chanted and warbled on every street corner.

▼

The persistence placed behind the theme song, however, proved a hindrance rather than a help because, if you remember it at all, "Sonny Boy" became one of the town's gags. When the attraction finally reached the rank and file of theatres in the greater city, its performance turned out to be a sharp disappointment, the extent of the first run, naturally, having had a good deal to do with and about it and the repetition of the theme number as well. . . .

▼ ▼

The Lesbianic motivation of "The Children's Hour," of course, is being routed out of "The Children's Hour" by Lillian Hellman, its author who is also doing the script for Sam Goldwyn. The scandal will be of another variety and the relationship of several of the principal characters is being shunted about to place the revamped vehicle and the Production Code Administration on speaking terms. This is another instance of a producer spending considerable money to acquire a theatrical property which he cannot produce as its playwright originally turned it out. Why, then, the purchase? A kindly and well-meaning soul to lead us into the light is herewith being paged. . . .

▼ ▼

On one of his transcontinental hops, Moss Hart, whose scrivening for the stage has developed into an extremely profitable venture for him, decided to knock out a yarn pointedly written for the talents of Joan Crawford and Bob Montgomery; it dealt with the horsy set on Long Island, yachts, high-powered motors, furs and the rest of the tinsel. Metro bought it. Later and while "The Broadway Melody of 1936" was in production, Hart happened to be on the coast. Invited to see the job in the making, he walked on the set to discover "Miss Pamela Thorndyke" had become "Broadway Melody," Joan Crawford's role had gone to Eleanor Powell and Montgomery's to Jack Benny. This proves, if it proves anything, that there is no limit to the cleverness which is Hollywood's. . . .

▼ ▼

George Skouras, currently court arguing with Fox over protection as it applies or not to his Riverside and RKO's 81st Street, wrote into the affidavit necessarily filed with the papers a perfectly swell advertisement when he said:

> "Twentieth Century-Fox is one of the foremost producers of pictures in the world. Its pictures enjoy a great vogue and celebrity. The theatres vie with each other for the right to exhibit the pictures. People who want to see Fox pictures with Fox stars are not satisfied if shown Metro, Warner or Paramount films."

Skouras' next product discussion with Eddie Grainger should be very interesting. . . .

▼ ▼

Politely bouncing around in a circle limited by its exclusiveness is the report Irving Thalberg, recently here and credited by rumor with a desire to amicably adjust the approximate unexpired three years of his M-G-M contract, failed to get very far for an arresting cause. The legend, for various reasons perhaps not so far removed from the facts, insists it was Thalberg himself who virtually wrote the clauses in the pact with which he was presumably dissatisfied as of the time he came to New York. . . .

▼ ▼

There continue to be a number of ways of skinning a cat. That reminds of RKO's experience, less than a week old, when Local 306, for the alleged purpose of needling the circuits, began to rotate relief operators more violently on the general claim it was moving to lighten unemployment among its men. In one theatre, the projectionists started to project the images on the ceiling and into the audience to the complete discomfiture of the screen. In another house, a tally of seventeen breaks was counted during the life of one complete show. . . .

▼ ▼

In this space on August 5:

> Three famous names in this business are huddling over an idea. If that idea crystallizes, a personal upset as major as any this industry has witnessed in latter years, will result. Would this one be a surprise?

They huddled, but they did not crystallize.

New Beecroft Plan Will Be Presented

MADISON, Wis., Sept. 22.—A new reorganization and refinancing plan for the Beecroft Building Co., "radically different from others submitted," will be proposed when the hearing in Federal court on the bondholders' petition for reorganization is resumed Oct. 8, counsel for the first bondholders' committee says.

The plan will be the second one offered before Paul Grubb, special master. The previous proposal met strong objections from the second bondholders' committee.

In an attempt to show inefficiency in management and waste in a $24,000 annual film booking fee by the Ashley Theatre Co., lessee of the Orpheum, Parkway and Strand, owned by the Beecroft Building Co., Arthur P. Desormeaux, operator of the Majestic here and former operator of the Strand, was called to testify for the second bondholders' committee.

During previous testimony it was pointed out that bondholders had received no returns on their equity in the show houses for the past five years.

Group Aims to Aid Exceptional Films

Development of interest in outstanding pictures is the aim of a group which has organized under the name of the Committee for the Advancement of the Screen. "A Midsummer Night's Dream" was its first selection.

The group includes Deems Taylor, Mme. Lucrezia Bori, Giovanni Martinelli, Mrs. James Leeds Laidlaw, Lotte Lehmann, Richard Watts, Jr., and others.

The committee intends to work with the assistance of the Hays office.

Reliance Joins MPPDA

Reliance Pictures has been admitted to membership in the M. P. P. D. A. The application was submitted by Harry M. Goetz, president, and was acted upon at the quarterly meeting of the Hays organization here.

George M. Cohan Sues

George M. Cohan has filed suit for $100,000 in Supreme Court against Maurice A. Richmond and Max Mayer, in business as Paull Pioneer Music Co. Infringements are alleged on songs written prior to 1905.

Quincy House Reopens

QUINCY, Ill., Sept. 22.—The Star, newly decorated, has been reopened by J. C. Miller. The remodeling has been complete, with new seats, screen and sound.

Film Board's Work Heavier Without Code

(Continued from page 1)

yet been heard. U. A. has two cases pending.

Broken contracts seemed to be the chief complaint. In a survey of the reasons listed, there were 20 different cases alleging breach of agreements. One had to do with an unpaid balance, two for bad checks and two for alleged damaged film. On the calendar for Friday, the specifications show two more broken contract grievances and one balance due complaint.

While no definite summary of figures can be made because an RKO complaint against the Broadway, Haverstraw, for alleged unfulfilled contract does not specify the amount sought, Fox's 15 claims aggregate $2,685.22, of which there remain to be decided cases involving $1,594. Paramount claims total $157.26. Settlement has been reached on a $23.91 case, leaving $134.35 to be accounted for. U. A. had a sum of $225 at stake in its two complaints. Both have yet to be heard and decided. RKO is second to Fox on the money angle with more than $1,105.50 to be adjudicated in four cases, each of which has been carried over indefinitely. The total claims of the combined companies which will be disposed of in the near future are $3,058.85.

Sign Special Clauses

The one instance where an exhibitor sought voluntary arbitration to settle his differences was that of Belle Theatres against Paramount. The plaintiff charged infraction of a contract when the distributor dated a picture at the St. Marx, competitive to Belle's Orpheum. When the arbiters failed to reach an accord on a decision, Paramount decided to continue under the original contract terms with the Orpheum.

According to local procedure, exchanges request exhibitors to sign special clauses, distinct from the others in the contract, although contained therein, providing for voluntary arbitration. This clause was inserted following the 5-5-5 conferences which began after Federal Judge Thacher invalidated compulsory arbitration. Exchanges desiring to settle grievances in this matter notify the local film board which sends a notice to respondents requesting that two arbitrators be named. At the same time, the exchange names its two representatives on the board. Respondents are given eight days within which to designate their representatives. They do not necessarily have to be exhibitors. In some instances exhibitors have named branch managers and a board of four distributor representatives has thrashed out disputes. In the event the four men sitting are deadlocked, an outsider is called in.

File Decisions with Court

Of late all decisions by the local arbitration body have been unanimous. Each is filed with the Supreme Court where it is entered on the record.

Voluntary arbitration in Greater New York has proved a great saving to both distributor and exhibitor. Court expenses and in many cases legal fees are saved by this medium. A recent instance where special arbitration proved costly was the M. & S. case against RKO involving a lease on the Apollo and Hollywood. A special tribunal was set up comprising three men, each of whom was paid $30 an hour. Add to this the counsel fees for Bruce Bromley, representing RKO, and Max Steuer, for M. & S.

Defendant theatres since July 2 have been: Alben, Boro Hall, Parascourt, New United, Manhattan, New Echo, Garfield and Avon in Brooklyn; Strand, Clifton; Plaza, Linden; Palace, Passaic; Plaza, Paterson, N. J.; Bridge, Eagle, Monroe, Plaza, Manhattan; Jerome, Bronx; Broadway, Haverstraw; Maple, Jeffersonville; Howard, Howard Beach; Garden and Casino, Richmond Hill; Arion, Middle Village. In many cases managements have changed and present operators are not directly concerned with the cases.

The Sept. 26 docket has the following three complaints scheduled: M-G-M against the Casino, Richmond Hill, for balance due, amounting to $27.09; U.A. against New United, Brooklyn, for $280, for alleged breach of contract; U.A. against the Park, Stapleton, S.I., for $50, alleging broken contract. Last Friday Paramount postponed a hearing against Consolidated's Jerome, Bronx, for two weeks so that negotiations for settlement of its claim for $20.85 can be worked out. The distributor claims that the theatre damaged a print.

Jay Means Resigns As Head of the ITO

(Continued from page 1)

out to make a quorum. However, Means told exhibitors that they could consider his resignation effective anyway.

When some of the members protested, he said he recognized that he had some friends in the organization, but that he felt for the good of the I.T.O. he should resign, and therefore would not reconsider his decision.

Means assured independents that he wasn't resigning from the association. He said he would call another meeting when they requested it, but would not attend that or any other meeting for some time because of the feeling of some exhibitors towards him.

Emanuel Rolsky, vice-president; Ed Hartman, secretary, and Charles Potter, treasurer, resigned several weeks ago as a protest against the lack of activity on the part of the association. However, there wasn't a quorum then, so their resignations are hanging in mid air.

To Organize Legal Group

HOLLYWOOD, Sept. 22.—Attorney Philips G. Phillips, legal head for the National Labor Relations Board, arrives here Monday from Washington to organize a legal battery for work on complaints from labor organizations. It was learned today at Board headquarters that no action on complaints will be taken until organization of the legal staff. The newest complaint is against Columbia studios by the N. A. C. C. for alleged dismissal of four members of the electrical department, for affiliation with the N. A. C. C.

Cullman Issues Denial

Howard S. Cullman on Saturday denied reports published elsewhere he had made an application in Federal Court for an interval allowance of $20,000.

Clearance in Dark for K.C. Independents

(Continued from page 1)

is serving Fox, but it is understood the deal hasn't been signed. Warners have sold Fox, but the protection for Kansas City isn't set. G.B. has sold Fox Midwest, but there is no information as to how.

Exhibitors are beginning to chafe over the delay. The season is getting well advanced, and subsequent runs will shortly have new season product to play. Even for independents, whose admissions range downward from 20 cents, new season pictures will soon be available without having been offered for purchase or without any plan of clearance except last season's, which, it is generally accepted, will not obtain this year.

One answer to the question of why distributors have not approached independents on new major product is that they are waiting until Fox Midwest, the key to the situation, has bought from all of them, when they all will have the same story to tell independents—at the same time.

While distributors avoid "getting together," if only a few of them sell in zones, independents feel that they can get enough film elsewhere. On the other hand, if they all sell in zones, some say they will go into court on charges of restraint of trade, etc.

The independents' schedule, submitted recently, seems less and less a solution. Not all independents have signed it. Jay Means, J. W. Cotter, Clarence A. Schultz and Fox Midwest are not parties to it. Besides, the situation is pretty well past the point at which the schedule might have been taken into consideration with respect to clearance here this season. Reluctance of independents to get together with Elmer C. Rhoden, probably because they feel it puts them in the position of asking favors, is a factor that contributes to this view.

Kansas Bank Night Pact Is Held Legal

(Continued from page 1)

similar in nature, was not a violation of the contract forbidding use of Bank Night or any modification thereof. The court instructed the jury that his plan was similar in nature and that it was a question of fact as to whether or not his plan violated the terms of his agreement.

Affiliated Enterprises was awarded $312.50 damages, which included what the royalties under Bank Night would have been during the time he used the modified plan. The company had asked for $2,000 damages.

Form Own Distribution

LOS ANGELES, Sept. 22.—Chesterfield and Invincible announced today formation of their own distributing organization with Louis Hyman as West Coast representative. Far West Exchanges, headed by Sam Berkowitz, who has been handling the output in this section, will be in charge of physical aspects of the deal. First Division will represent Chesterfield and Invincible generally in the East and Ben Judell in the Midwest out of Chicago.

Chance Games' Status Before Court Oct. 17

(Continued from page 1)

in Special Sessions. Consolidated Amusements, which also contemplates resumption of Lucky, is holding off until the Winthrop case is decided.

Judge Croak in the Stapleton Magistrate's Court tomorrow will hear complaints filed by the Staten Island district attorney against Harry Shiffman's four theatres, including the Paramount, St. George and Ritz, and Leon Rosenblatt's Star, New Brighton. Shiffman has been playing Sweepstakes while Rosenblatt has been featuring Country Store. Weisman will represent the Star.

The various games have become so popular in theatres that many exhibitors are now featuring them several times a week. This contrasts with once a week when games first bowed into the local territory.

Quick Windup Seen On Operator Pacts

(Continued from page 1)

day or tomorrow to start work on ironing out the remaining factors.

According to well informed circles, it is stated there will not be a 10-year contract. An agreement will most likely be reached on a two-year covenant, it was said.

Reason for Local 306 insisting on the short term pact is that if a 10-year deal is granted, such an agreement may be construed as placing the I.A.T.S.E. unit in the light of a company union. It is understood that when a contract is finally signed, it will be retroactive to Sept. 6 when the circuits and Skouras were given reductions from the $2.12½ an hour rate.

All Brooklyn Spots Ending Stage Shows

(Continued from page 1)

prologue for the Center when it is reopened with "The Last Days of Pompeii," which will probably continue for a long run.

B. S. Moss plans to reopen the Broadway, dark for about a year, with twin features on Thursday. Stanley W. Lawton, who operates the George M. Cohen and Wallack, has a booking and management arrangement with Moss for the Broadway.

That duals in RKO and Loew theatres, particularly the de luxe and first run neighborhoods, would be abandoned within the near future is denied by heads of both circuits.

Declare Allied Men Are Signed at Astor

(Continued from page 1)

agement failed Friday night. Local 306 declares that stories to the effect Allied men are working in the Astor booth are not true, since, it was stated, both unions have a working arrangement and Allied would not put its men into a theatre having difficulty with Local 306. However, Plunkett and Krellberg insist Allied men are now being employed in the theatre, regardless of what Local 306 says.

Alpine on Dyckman Street Has Opening

Springer & Cocalis Friday opened the Alpine, Dyckman St., and Murray Ginsburg, a partner with S. & C. in Beacon, N. Y., reopened the Shubert, Newark, N. J.

Century circuit has closed a deal with Morris Kutinsky to handle the booking of the Community, Queens Village, L. I.

Within the next few weeks, Skouras will reopen the Strand, Rockville Center, L. I. The house has been closed about 15 months.

Mountain Houses to Open

DENVER, Sept. 22.—Three Fox Intermountain houses will reopen soon. They are: Elk, La Junta, now being reseated; Del Rio, Las Cruces, N. M., undergoing renovation, and Plaza, Las Vegas, N. M., being rebuilt after a fire.

The Curran at Boulder, Col., is being torn down and will be replaced by a $100,000 house scheduled for opening in January. In the meantime the prices and policy of the Curran have been taken over by the Fox Isis.

George Luce has leased the Palm, Bayard, Neb., from L. T. Flower and will open soon. The Black Hills, Hot Springs, S. D., has been taken over by Guy M. King. The house has been dark for five years.

Baltimore House Opens

BALTIMORE, Sept. 22.—The Ambassador, de luxe neighborhood house, the latest word in ultra modernistic design, has been opened by Frank H. Durkee and associates.

The house was designed by John J. Zink. It is fireproof throughout and built of brick, concrete and steel with celotex walls and marble paneling on the foyer walls. It seats about 1,100.

To Try All-Year Policy

WALNUT BEACH, Sept. 22.—For the second year, the Colonial here will attempt an all-year policy instead of opening for the summer months only. The Tower, opened this summer after years of inactivity, will also essay a part-time program throughout the winter, it is rumored.

Get Two in Waterville

WATERVILLE, Me., Sept. 22.—Exhibition here is now controlled by Gordon & Lockwood as a result of two transfers. The Opera House, former M. & P.-Publix house, and the State, formerly operated by H. H. Paul, have been acquired.

New One for Monett, Mo.

KANSAS CITY, Sept. 22.—Exhibitor Stevenson, operator of the Gillioz at Monett, Mo., has purchased the lease of the Ozark, Cassville. Mrs. Engelyn Nolan, who has been operating the house several years, plans to build a new theatre there.

Cameo, Hartford, Reopens

HARTFORD, Sept. 22.—The Cameo has reopened with a new policy of vaudeville and pictures. Larry O'Neill is manager. Bank Night, which ran in the theatre before the summer closing, will be resumed.

Take Augusta Dreamland

AUGUSTA, Ga., Sept. 22. — The Dreamland, at one time the largest house here, has been taken over by Augusta Amusements, Inc., operators of the Imperial, Modjeska and Rialto and an affiliate of Lucas & Jenkins.

66 Additional Features Get Code Administration Seals

Sixty-six additional features have passed inspection of the Production Code Administrations, East and West, and, therefore, have been accorded code seals.

The following list represents product previewed in Hollywood and reviewed in the East by MOTION PICTURE DAILY *without code seals for the period beginning May* 1 *and terminating with Sept.* 12:

Picture	*Review Date*	*Code Seal*
Against the Current	Aug. 6	1158
Air Hawks	May 21	809
Alibi Ike	May 31	885
Arizonian	May 28	918
Avec l'Assurance	May 27	664
Black Sheep	May 6	835
Born for Glory	June 17	0566
Bright Lights	July 25	1060
Calm Yourself	June 11	963
Cappy Ricks Returns	Sept. 6	1138
Charlie Chan in Shanghai	Sept. 3	1255
Circus Shadows	June 10	898
Clairvoyant, The	June 8	0526
The Dark Angel	Aug. 30	1254
Dizzy Dames	June 6	650
Flame Within	May 3	869
Get That Man	July 26	649
Going Highbrow	June 24	856
Girl Friend, The	July 13	1056
Hardrock Harrigan	June 26	1004
Headline Woman	May 9	872
Here Comes the Band	July 27	1149
Here Comes Cookie	Aug. 15	1051
Here's to Romance	Aug. 26	1170
Hi Gaucho	Sept. 3	1264
Hooray for Love	May 18	881
Hot Tip	July 26	1100
King Solomon of Broadway	Sept. 10	1205
Ladies Crave Excitement	June 17	966
Last Wilderness	May 16	896
Law Beyond the Range	May 10	547
Little Big Shot	July 29	1087
Love Me Forever	June 4	976
Mad Love	June 29	1034
Make a Million	June 20	980
Men of Action	July 17	1050
Murder in the Fleet	May 7	866
Murder Man	July 8	1035
My Song for You	May 28	968
New Adventures of Tarzan	Mar. 27	904
Old Man Rhythm	July 13	904
One City Night	May 10	694
Orchids to You	June 11	956
Powdersmoke Range	Aug. 23	1265
Public Hero Number One	May 14	892
Public Opinion	Aug. 29	651
Pursuit	July 31	1134
Redheads on Parade	July 1	932
Red Salute	Sept. 9	1310
Return of Peter Grimm	July 16	1054
Riding Wild	Aug. 14	929
Rustler's Paradise	May 10	836
She Married Her Boss	Aug. 7	1116
Storm Over the Andes	Sept. 3	1164
Speed Devils	June 21	1031
Stranded	June 20	878
Streamline Express	Aug. 29	1117
Tango Bar	May 31	947
Texas Rambler	May 10	956
Thirty-nine Steps	June 24	0550
Thunder Mountain	Sept. 12	1535
Twenty Dollars a Week	June 10	969
Vanishing Riders	July 2	926
Way Down East	Aug. 15	1192
Without Regret	July 31	1022
Woman Wanted	July 16	1076

Twin Cities Contented

MINNEAPOLIS, Sept. 22. — Twin City prices have held up fairly well throughout the depression period. They continue at about the same level with an occasional minor adjustment in small or neighborhood houses.

A few grind houses are operating at a 15-cent top with subsequent run films. Minor first runs are getting a 25-cent top and the better first runs have been operating on a 40-cent top for more than a year.

Al Steffes gets 55 cents for loge seats in his small World Theatre.

Max Michaels Laid Up

BOSTON, Sept. 22.—Max Michaels, who a few weeks ago returned as resident manager to the Park, is home following an automobile accident. Mrs. Michaels, whom he married only a few weeks ago, is in a critical condition as the result of the crash.

Theatre Men Die in Fire

KANSAS CITY, Sept. 22.—Jack Malone, owner of the Casino at Boonville, Mo., and E. V. Brooks, operator, were fatally burned when film ignited in the projection room.

The two were working with a hot soldering iron when it dropped in a container of film. The men ran downstairs with their clothing afire. They were hurried to a hospital where they died early in the evening.

Firemen successfully fought the flames in the theatre. The house was vacant at the time.

Study Montclair Shows

Warners may adopt a new policy of legitimate attractions at the Montclair, Montclair, N. J., the plan contingent on several one-night stands which have been booked. The first attraction is the Ethel Barrymore show which is slated to open next month.

No Theatre Building Is Underway in N. E.

BOSTON, Sept. 22.—Renovations and conversions are common in this territory, but new construction is at a standstill in spite of the fact that other forms of building show marked gains. In Massachusetts general building is up 26 per cent over July and 32 per cent over August a year ago.

The only new house put up since the first of the year is the Pastime at Bristol, R. I., a 750-seat house, for Lon Vail. Work was started on a drive-in theatre at Hingham, but was stopped later. A number of exhibitors are trying to get a permit to build a house in Winchester, but have failed so far.

Relighting After 3 Years

DENVER, Sept. 22.—The Englewood, in Englewood, a suburb, is being redecorated and reseated. The house, which was recently purchased by Civic Theatres, has been closed for three years and mud and water from floods two months ago were still in the basement. It will reopen this fall.

The Star, Estonia, N. M., has been purchased by Matt Freilinger from L. L. Law.

The Princess, Keystone, S. D., and the Pastime, Springer, N. M., have closed.

Reopen at Middletown

MIDDLETOWN, O., Sept. 22. — The Sorg Opera House, remodeled after being damaged by fire several months ago, has been reopened by the Gordon Theatre Co., new lessees, with vaudeville and pictures. Matinee prices are 20 and 25 cents, with evening, Sunday and holiday scale 25 and 35 cents, with children, 10 cents at any time. Robert Gibbs, Jr., is manager.

The lessees also operate the Gordon here, of which Roy Patterson is manager. Patterson will act as city manager.

RKO Grand Opens Soon

COLUMBUS, Sept. 22.—The 1,200-seat RKO Grand, recently leased by the circuit, opened last week, according to C. Harry Schreiber, city manager. "Annapolis Farewell" was the initial offering.

The house is being remodeled under supervision of Gustav Wandelmaier, architect. It is rated as the oldest theatre in Ohio, having been erected 80 years ago and originally opened Sept. 12, 1855, with dramatic stock, when it was known as the Dramatic Temple.

Hanson Gets Fifth House

TORONTO, Sept. 22.—The new Hanson circuit, in process of development by O. R. Hanson, president of Empire Films, Ltd., has already reached the five-unit mark. The latest is the Grand, Hamilton, which is to reopen as the Granada. The four other houses are located at Toronto, St. Thomas, St. Catharines and Sudbury. More are to be announced in the next few weeks.

Cincy Mayfair Reopens

CINCINNATI, Sept. 22.—The Mayfair, 400-seat "art cinema," located in the Masonic Auditorium, has reopened for the third season.

The house is operated by J. Crawford Ebersole, a suburban exhibitor, and John R. Loffbourow of the University of Cincinnati. Kathryn Turner is managing director.

UNIVERSAL BUSTS THE NEW SEASON WIDE OPEN!

following SMASH HIT with SMASH HIT!

"DIAMOND JIM"

THE SENSATION OF THE NATION!

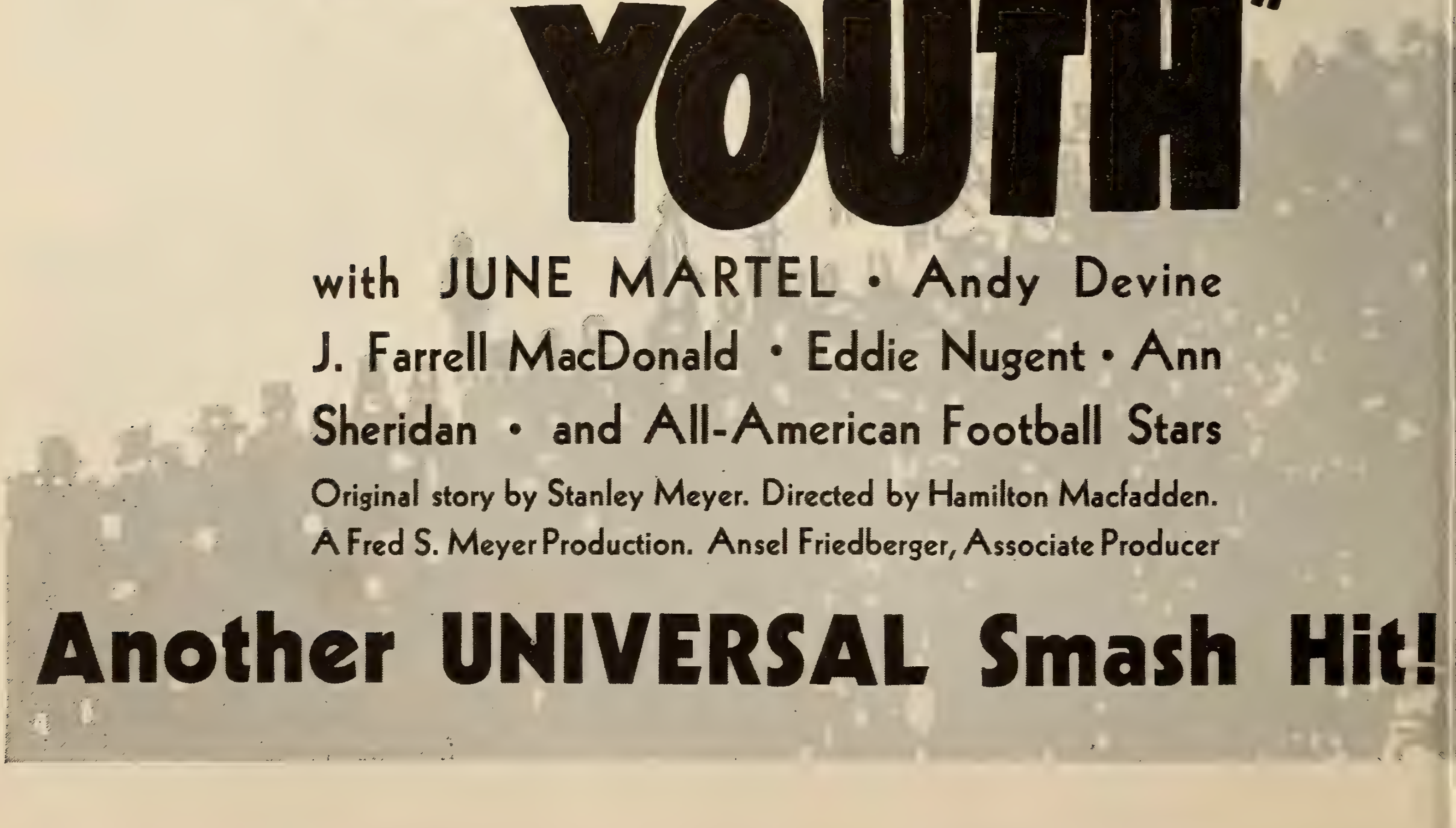
Broken Records and Holdovers Everywhere!

"THE BEST FOOTBALL PICTURE YET MADE! A CLEANUP!" *says Daily Variety*

Carl Laemmle presents

The New
CHARLES FARRELL
in the greatest performance of his career

"FIGHTING YOUTH"



with JUNE MARTEL • Andy Devine
J. Farrell MacDonald • Eddie Nugent • Ann
Sheridan • and All-American Football Stars

Original story by Stanley Meyer. Directed by Hamilton Macfadden.
A Fred S. Meyer Production. Ansel Friedberger, Associate Producer

Another UNIVERSAL Smash Hit!

"A REAL ENTERTAINMENT WALLOP!"

. . . says Box Office

Carl Laemmle presents

Jack HOLT in

"STORM over the ANDES"

with Mona Barrie • Antonio Moreno
Gene Lockhart • Grant Withers
Barrie Norton • George Lewis

Dirdcted by W. Christy Cabanne

Produced by Maurice Pivar

nother UNIVERSAL Smash Hit!

"A KNOCKOUT!"

. . . says Showmen's Trade Review

Carl Laemmle presents

Edmund LOWE in

"KING SOLOMON of Broadway"

with DOROTHY PAGE • PINKY TOMLIN
ED PAWLEY • LOUISE HENRY
Charles Grapewin • Arthur Vinton
Bradley Page • Clyde Dilson

Directed by Alan Crosland. Produced by Julius Bernheim

Another UNIVERSAL Smash Hit!

◀ *Purely Personal* ▶

GEORGE BRENT is due in town today. He will make a personal appearance with "Special Agent" at the Strand tonight, attend the fight tomorrow night, and leave for a personal appearance in Cleveland on Wednesday.

●

CHARLES PETERSON, trick pool player, and RUTH McGINNIS, woman pool and billiard champion, have been signed by SAM SAX for a Vitaphone short.

●

IAN HUNTER, featured in "A Midsummer Night's Dream," and MRS. HUNTER arrived by plane yesterday. He will attend the opening at the Hollywood Oct. 9.

Quip of the Day

Then there is the story of the exhibitor's wife who, being awakened by a bat flying around the bedroom, said: "If you can't keep your advertising stunts out of here, I'll leave the house."
—The Era, London.

MRS. E. F. HALEY, mother of Jack, will arrive here on the *Santa Lucia* early next week. J. BLUMENFELD of the San Francisco theatre circuit bearing his name is on the same boat.

●

DR. A. H. GIANNINI is staying on for the big bout tomorrow night. Originally, he anticipated following his European trip with only 10 days in New York.

●

JACK SULLIVAN is going to Detroit to attend the World Series and from there heads for the coast after an extensive stay here.

●

SPYROS SKOURAS and BILL POWERS leave the end of the week for St. Louis. Ditto for HARRY C. ARTHUR, JACK PARTINGTON and IRVING LESSER.

●

RICARDO CORTEZ, WILMER ALLISON, FRANK McHUGH and ALLEN JENKINS were heard over AL JOLSON'S radio hour Saturday.

●

BOB BENJAMIN is a regular commuter between here and Boston, using the airways to make his trips.

●

OLIVER H. P. GARRETT was married to ILONKA KALLAI on Friday. They're honeymooning.

●

FELIX FEIST is trying to catch up on his work. It gathered in piles while he was in Europe.

●

JOHN E. OTTERSON is en route to the coast, having left over the weekend.

●

JOE MOSKOWITZ'S fall season has started. He's an inveterate first nighter.

●

NEIL AGNEW hopes to get together with Fox West Coast either today or tomorrow on that Paramount product.

●

JOHN BARRYMORE arrives on the coast today.

●

RICK RICKETSON is due from Denver today.

Out Hollywood Way

HOLLYWOOD, Sept. 22.—JACK CONWAY has caught his second swordfish of the season. . . . JOHNNY WEISMULLER and JOHNNY FARROW to race their 50-foot boats from Catalina to Santa Monica to settle an argument. . . . IRVING CUMMINGS recovering from minor operation. . . . To start directing "The King of Burlesque" Sept. 30 for Twentieth Century-Fox. . . . OLIN HOWLAND, comedian, signed to term contract by Warners. . . His next "Meet the Duchess."

ANITA LOUISE to fly to New York for opening of "A Midsummer Night's Dream." "The Rainmakers" is the 17th Wheeler-Woolsey comedy in seven years.

+

Casting — GUINN WILLIAMS in "Miss Pacific Fleet," Warners. . . . LEILA HYAMS cast in "A Thousand Dollars a Minute," Republic. . . TOBY WING loaned by Paramount to Republic for "Forced Landing." IVAN SIMPSON, LOIS JANUARY, REGINALD SHEFFIELD and TORBEN MYER complete the cast of Samuel Goldwyn's "Splendor."

+

Directors—FRANK MACDONALD to handle "Freshman Love" for Warners. . . LEON SCHLESINGER, producer of Merrie Melodies, signs ISADORE FRELENG to new three-year pact.

+

Writers — JACK MOFFETT and CHARLES BRACKETT get new Paramount pacts.

Finish Seattle Merger

SEATTLE, Sept. 22.—Final details of the merger between Ed Walton's independent exchange and J. T. Sheffield's Republic Pictures branch office were completed here this week. B. F. Freedman, personal representative of Nat Levine of Hollywood, participated.

Effective immediately, Walton becomes local sales manager for the Sheffield office, and will handle Republic, Mascot, Majestic and other independent product.

Toronto Opens Another

TORONTO, Sept. 22.—This city has another new suburban house, the Bloordale, in the West End, which was formally opened by Controller W. J. Wadsworth, representing the city.

A few days previously, the new Paramount also was opened in the West End, this house having been erected by Luigi Romanelli, orchestra conductor.

Seek Aid for Musicians

ST. LOUIS, Sept. 22.—The St. Louis Department of Public Welfare has asked the Federal Works Progress Administration to provide $195,879.92 to employ 172 musicians during the coming year to provide music in community centers and various city institutions.

Transfer N. E. Houses

BOSTON, Sept. 22.—M. A. Shea has transferred the Rialto and the Plymouth, Leominster, to the group headed by Peter Latchis. In Dedham, the Stanley Sumner circuit has relinquished the Community to the Ralph Snider circuit.

After 23 Years

Kansas City, Sept. 22.—Charles W. Foster, ticket seller for the Ringling Brothers-Barnum & Bailey circus, walked into the Flora Ave. police station and told Capt. Thomas Sullivan that he "worked here as a booking clerk 23 years ago," and that when he left, he put a manila envelope containing some papers in the safe. He wanted to know "if the envelope was still there."

Sullivan doubted it, but went to look. He found it.

"That's it," Foster said smiling. The envelope contained army discharge papers issued in the Philippines and some other papers, including his appointment to the police department here.

Demand Rebate on Tax

MONTREAL, Sept. 22.—Theatre owners have placed a demand before the civic administration for a commission of five per cent on the sale of amusements tax tickets. This assessment is a Provincial levy, but the city eventually obtains the local proceeds for the benefit of hospitals and orphanages. Exhibitors are asking for the same discount to cover handling expenses which local merchants receive in the sales tax.

The amusements tax revenue from Montreal theatres during the past fiscal year totaled $335,000 and the desired commission, based on last year's impost, would amount to $16,750. The civic authorities have declared that the request is one for the consideration of the Province of Quebec.

Get Film for Museum

HOLLYWOOD, Sept. 22.—John E. Abbott and his wife, Iris Barry, have taken with them to New York more than 1,000,000 feet of film which will be used in the collection of the Museum of Modern Art Film Library. Abbott is manager of the museum, and Miss Barry is curator.

While in Hollywood they organized an advisory committee among film executives to assist the museum in gathering films worthy of perpetuation and study. Mary Pickford is chairman of the committee.

Form Two Companies

ALBANY, Sept. 22.—Sprinco Amusement Corp. has been formed here by Louis Bernstein, Philip Bush and Irene E. Leder.

Paths of Glory, Inc., has been chartered by Arthur Hopkins, James F. Reilly, Sydney Howard, James S. Falk, Bernard Goodwin and VanAlen Hollomon.

Henry Wolper Returns

BOSTON, Sept. 22.—Henry Wolper, office manager of the local M-G-M exchange, has returned to his desk following a severe hip fracture, incurred in Swampscott, which kept him in the hospital for some weeks.

"Steamboat," "Hat" End Louisville Run

LOUISVILLE, Sept. 22.—"Steamboat 'Round the Bend" at the Strand and "Top Hat" at the Brown completed three-week runs to phenomenal business, with "Top Hat" getting a nice $3,400 and "Steamboat" garnering $3,100 on the final stanza. Both pictures proved consistent draws, and have set an attendance mark.

"Annapolis Farewell" at the Rialto brought a slight pickup at the box-office, showing a fair $4,200, which is $700 over par, while Loew's State with a dual bill, "Here Comes the Band" and a revival of "The Thin Man," was $200 over, average being $4,500.

Other houses offered plenty of opposition and held up remarkably well. "Special Agent" did a fairly good $2,800 at the Mary Anderson, and "The Runaway Queen" with Radio City Revels, stage revue, boosted the take at the National to $3,500, which is $500 over normal for that house.

Total first run business was $23,000. Average is $18,500.

Estimated takings for the week ending Sept. 19:

"ANNAPOLIS FAREWELL" (Para.)
RIALTO—(3,000), 15c-25c-40c, 7 days. **Gross:** $4,200. (Average, $3,500)
"HERE COMES THE BAND" (M-G-M)
"THE THIN MAN" (M-G-M)
LOEW'S STATE—(3,000), 15c-25c-40c, 7 days. **Gross:** $4,700. (Average, $4,500)
"STEAMBOAT 'ROUND THE BEND" (Fox)
STRAND—(1,500), 15c-25c-40c, 7 days, 3rd week. **Gross:** $3,100. (Average, $2,500)
"TOP HAT" (Radio)
BROWN—(1,400), 25c-40c, 7 days, 3rd week. **Gross:** $3,400. (Average, $2,000)
"SPECIAL AGENT" (W.B.)
MARY ANDERSON—(1,000), 15c-25c-40c, 7 days. **Gross:** $2,800. (Average, $2,500)
"THE RUNAWAY QUEEN" (U.A.)
NATIONAL—(2,400), 25c, 7 days. Stage: Radio City Revels, Helene Heller and George Riley, Jack Pritchard, Paul Mall, Bert Lavier & Co. **Gross:** $3,500. (Average, $3,000)
"THE RAVEN" (Univ.)
"STREAMLINE EXPRESS" (Mascot)
"WHOOPEE" (U.A.)
"HELLDORADO" (Fox)
ALAMO—(900), 15c-25c, 7 days. **Gross:** $1,300. (Average, $1,400)

Fox Managers Shift In Milwaukee Spots

MILWAUKEE, Sept. 22.—A shift in managers at the Fox Wisconsin here placed L. Roy Pierce, formerly with RKO in Omaha, in charge, succeeding Livingston Lanning, resigned.

Another change finds Stanley Meyer, son of Fred S. Meyer as supervisor of the circuit's neighborhood houses here. Meyer has been managing Fox's Oriental, and is succeeded there by W. J. Reilly, formerly of Memphis.

The circuit plans to feature amateur shows at its Wisconsin on Thursday nights and on other nights at several of its state houses under the guidance of Dave Miller, for several years orchestra director at E. J. Weisfeldt's Riverside. Miller and his band will also appear at the Wisconsin Roof, atop the Wisconsin, on Saturdays and Sundays, according to H. J. Fitzgerald, general manager.

ELEANOR POWELL
"BROADWAY MELODY OF 1936"
WILLIAM MORRIS OFFICE

"Hat" Top in Philadelphia In 2nd Week

PHILADELPHIA, Sept. 22.—For the second week, "Top Hat" led the town, getting $16,000 at the Stanley. It was strong enough to rate a third week, but, evidently pressed by bookings, Warners decided to swing it into a second run downtown spot at the Karlton and then shoot it into the subsequents for a cleanup.

Both the stage show houses—still without their stage shows owing to the protracted dispute with the musicians—fell under their average takes. But with $11,000 each for the Earle and Fox, the former with "Two for Tonight" and the latter with "Gay Deception," the figure means money because of the lessened operating cost of a straight picture policy.

"Call of the Wild" dwindled in its third week, getting $3,800 for four days. It was replaced by "Dark Angel," which got a strong start.

Total first run business was $63,100. Average is $67,090.

Estimated takings for the week ending Sept. 19:

"CALL OF THE WILD" (U.A.)

ALDINE—(1,200), 40c-55c-65c, 4 days, 3rd week. **Gross:** $3,800. (Average, 6 days, $7,000)

"BONNIE SCOTLAND" (M-G-M)
(2nd run)

ARCADIA—(600), 25c-40c-50c, 3 days. **Gross:** $800. (Average, 6 days, $2,400)

"SHE MARRIED HER BOSS" (Col.)

BOYD—(2,400), 40c-55c, 6 days. **Gross:** $10,500. (Average, $12,000)

"TWO FOR TONIGHT" (Para.)

EARLE—(2,000), 30c-40c-50c, 6 days. **Gross:** $11,000. (Average, $12,000)

"THE GAY DECEPTION" (Fox)

FOX—(3,000), 40c-55c-65c, 6 days. **Gross:** $11,000. (Average, $12,000)

"ANNA KARENINA" (M-G-M)
(2nd run)

KARLTON—(1,000), 25c-35c-40c, 6 days. **Gross:** $3,000. (Average, $3,500)

"THE CLAIRVOYANT" (G. B.)

KEITH'S—(2,000), 30c-40c-50c, 5 days. **Gross:** $2,000. (Average, 6 days, $4,000)

"TOP HAT" (Radio)

STANLEY—(3,700), 40c-55c, 6 days, 2nd week. **Gross:** $16,000. (Average, $12,000)

"RETURN OF PETER GRIMM" (Radio)

STANTON—(1,700), 30c-40c-50c, 6 days. **Gross:** $5,000. (Average, $6,000)

"Hat" Sets Second Week Omaha Top

OMAHA, Sept. 22.—"Top Hat" bumped a holdover record here by piling up $5,600 at the Brandeis. This is over a first week average by $1,600.

At the same time, "China Seas" and "Silk Hat Kid," on a dual bill at the Omaha, topped normal by $250 for a take of $5,250. "Dark Angel" and "Woman Wanted" pulled a good $8,800 at the Orpheum.

Total first run business was $19,650. Average is $16,500.

Estimated takings for the week ending Sept. 18:

"TOP HAT" (Radio)

BRANDEIS—(1,200), 25c-35c-40c, 7 days, 2nd week. **Gross:** $5,600. (Average, $4,000)

"CHINA SEAS" (M-G-M)
"SILK HAT KID" (Fox)

OMAHA—(2,200), 25c-40c, 7 days, 2nd week. **Gross:** $5.250. (Average, $5,000)

"THE DARK ANGEL" (U.A.)
"WOMAN WANTED" (M-G-M)

ORPHEUM — (3,000), 25c-40c, 7 days. **Gross:** $8,800. (Average, $7,500)

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"O'Shaugnessy's Boy"

(M-G-M)

HOLLYWOOD, Sept. 22.—United again in a father and son tear-jerker, Wallace Beery and Jackie Cooper go to town beribboned for the new season's box office sweepstakes.

Not since "Viva Villa" has Beery had such a meaty role as the wild animal trainer who, after his son is taken from him, loses his nerve and his arm in a vivid cat battle. Jackie, too, recaptures his emotional appeal as the priggish lad inspired by his strait-laced aunt, Sarah Haden. Reared in a military school, first he hates, later discovering the real heart of his dad.

Admirably directed by Richard Boleslawski, acting or production never goes mawkish as the sentiment between father and son springs naturally and climactically.

Beery, who prior to entering films was an animal trainer, gives reality to the thrills that are at times breathtaking as he masters elephants and tigers in hair-raising stunts. Sarah Haden creates a fine study as the contemptible aunt, and Spanky MacFarland as Baby Cooper is great. Clarence Muse, Willard Robertson and Henry Stephenson support well. James Wong Howe's fine photography rates special mention.

The film's excellent calibre in all divisions elevates Phil Goldstone, its producer, to the big time ranks.

Based on a story by Harvey Gates and Malcolm Stuart Boylan, the screenplay by Leonard Proskins, Wanda Tuchock and Otis Garrett is well-knit, playing powerfully on the heartstrings in a class with "The Champ," "The Big House" and "The Bowery.

No production code seal. Runnning time, 97 minutes. "G."

"Ball of Fire"

(Twentieth Century-Fox)

HOLLYWOOD, Sept. 22.—Skillful handling by director George Marshall turns a familiar story of a dancing girl who replaces the star in the picture into lively entertainment. Marshall demonstrates perfect control and maintains such a light pace that the situations all seem new.

Opening with Bebe Daniels as a Hollywood celebrity whose popularity has waned personally appearing on a bill in which Alice Faye dances with Mitchell and Durant, while Ray Walker acts as master of ceremonies, the picture moves rapidly forward. When the unit finishes all return to Hollywood, Miss Daniels to argue with Andrew Tombes, producer, against playing mother roles, others to crash studio gates. Tombes is unable to handle the situation until Walker walks in uninvited, takes charge of rehearsal, pulling Miss Faye out of the line to lead a number and sending Miss Daniels back to her dressing room. Bebe is forced to admit defeat when an accident discloses that Rosina Lawrence, who has posed as her sister, is really her daughter.

There is splendid trouping by the entire cast with Miss Daniels crowding Miss Faye for top acting honors throughout and Mitchell and Durant going into a clown routine.

The production by John Stone is intimate with dance numbers by Jack Donohue more effective because only 12 girls are used. Lou Breslow and Edward Eliscu's screenplay from the play by Gladys Unger and Jesse Lasky, Jr., will please as wholesome family entertainment.

Production Code Seal No. 1,423. Running time, 67 minutes. "G."

Here for Fight

W. P. Bernfield, United Artists exploiteer in Kansas City; Frank Cassil, exhibitor in St. Joseph, Mo.; Sam Abend, manager of Exhibitors Film Delivery, Kansas City, and George Hartmann, exhibitor in North Kansas City, arrived in New York Saturday and will remain until Wednesday, meanwhile taking in the Baer-Louis fight at ringside.

Hirliman in New Deal

HOLLYWOOD, Sept. 22.—George Hirliman, who announced his new Regal Prod. last week, has closed a deal with Boston backers to make eight features about G Men under the banner of still another new company, Pacific Prod.

Lesser Now on Pathe Lot

HOLLYWOOD, Sept. 22.—Sol Lesser, who recently consolidated all his enterprises into Principal Prod., has closed his Hollywood office in the Taft Bldg. and has moved the Principal unit housed there to the Pathe lot. The unit is in charge of Louis Hyman and the new quarters will be in a bungalow adjoining the one used by Lesser.

Victory Signs Toomey

HOLLYWOOD, Sept. 22.—Victory Pictures have signed Regis Toomey for the leading role in "Bars of Hate," third in their series of Peter B. Kyne stories. Production is scheduled to start at the Brian E. Foy studio on Sept. 25 with Al Herman directing.

"Hat" Cracks Twin Cities' Film Record

MINNEAPOLIS, Sept. 22.—"Top Hat" set a new house record at the Orpheum on a straight film program by going to $18,000. This is $12,500 over normal. At the same time it went to $10,000 at the St. Paul Orpheum, over par by $5,600.

Total first run business in Minneapolis was $33,000. Average is $21,000. Total first run business in St. Paul was $22,000. Average is $16,000.

Estimated takings:

Minneapolis:

Week Ending Sept. 18:

"HERE COMES COOKIE" (Para.)

CENTURY — (1,680), 25c-40c, 7 days. **Gross:** $4,000. (Average, $4,000)

"WOMAN WANTED" (M-G-M)

LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

Week Ending Sept. 19:

"TOP HAT" (Radio)

ORPHEUM—(2,300), 25c-40c, 7 days. **Gross:** $18,000. (Average, $5,500)

"CHINA SEAS" (M-G-M)

STATE—(2,300), 25c-40c, 7 days, 2nd week. **Gross:** $5,000. (Average, $5,500)

"WESTERN FRONTIER" (Col.)

TIME—(300), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

"THE MAN WHO RECLAIMED HIS HEAD" (Univ.)

WORLD—(400), 25c-55c, 7 days. **Gross:** $3,000. (Average, $3,000)

St. Paul:

Week Ending Sept. 19:

"PAGE MISS GLORY" (W.B.)

PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $5,500. (Average, $5,500)

"HERE COMES COOKIE" (Para.)

RIVIERA—(1,200), 25c-40c, 4 days. **Gross:** $2,000. (Average for week, $3,500)

"SMILIN' THROUGH" (M-G-M)

RIVIERA — (1,200), 25c-40c, 3 days. **Gross:** $1,500. (Average for week, $3,500)

"TOP HAT" (Radio)

ORPHEUM—(2,000), 25c-40c, 7 days. **Gross:** $10,000. (Average, $4,400)

"BONNIE SCOTLAND" (M-G-M)

TOWER—(1,000), 15c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

"ESCAPE ME NEVER" (U.A.)

WORLD—(400), 25c-35c, 7 days, 3rd week. **Gross:** $2,000. (Average, $1,500)

"Hat" Sets $15,000 Mark in Milwaukee

MILWAUKEE, Wis., Sept. 22.—The second week of mild weather ushered in "Top Hat" at the Warner with a $15,600 take, setting a new record at the house. It was the big noise of the week and was held over.

Total first run business was $26,900. Average is $24,250.

Estimated takings for the week ending Sept. 19:

"ACCENTS ON YOUTH" (Para.)
"WOMAN WANTED" (M-G-M)

PALACE—(2,800), 25c-40c, 7 days. **Gross:** $4,500. (Average, $5,000)

"MAKE A MILLION" (Monogram)

RIVERSIDE—(2,300), 15c-20c-25c, 7 days. Stage: Cook and Christy; Ross Wyse Jr.; Rome & Palace; June Earle; Pete King, Vernon Rathburn & Co. **Gross:** $5,000. (Average, $5,000)

"SMILIN' THROUGH" (M-G-M)
"MANHATTAN MOON" (Univ.)

STRAND—(1,400), 25c-35c, 8 days. **Gross:** $2,000. (Average, $1,250)

"TOP HAT" (Radio)

WARNER—(2,400), 25c-40c, 7 days. **Gross:** $15,600. (Average, $5,000)

"THE KEEPER OF THE BEES" (Monogram)
"HERE COMES THE BAND" (M-G-M)

WISCONSIN—(3,200), 25c-40c, 6 days. **Gross:** $4,800. (Average, $8,000)

AMPA

Luncheon to Honor

Martin Quigley

. . . in celebration of his 20th year of service to the motion picture industry . . .

Every important personality in the East will be there . . .

Tickets including luncheon . . . one dollar as usual . . . luncheon at 12:45 . . . please be there promptly

Wednesday September 25th • **Jack Dempsey's Restaurant**
50th STREET AT EIGHTH AVENUE

Plan Party on a Ship

Boston, Sept. 22.—A section of the steamship *Arcadia* has been chartered by the Motion Picture Post of American Legion for a trip to New York and back during which an installation of officers will be held. The boat leaves the Hub Nov. 2. This post includes many New England film men.

Various committees named at a recent meeting include: Charles Heath, Cyril McGerigle, William McLaughlin, James H. Sheeran, Thomas Cady, Richard Sears, William Cuddy, Al F. Steen, Harry Martin, Kenneth Forkey, Patrick F. Healy, Philip Coolidge, and Timothy O'Toole.

Skirballs Gaining

Mildred Skirball probably will be discharged from Valley Hospital, Sewickley, Pa., the end of this week. Her sister, Grace, is showing slower recovery, but, according to her brother, Jack, is doing as well as might be expected. Joe Skirball, already back in Pittsburgh, is gaining.

The trio were injured August 11 in an automobile accident which resulted in the death of their mother, Mrs. Sarah Skirball.

Play Follows a Film

Charlotte, N. C., Sept. 22.—Something new in exploitation was handed patrons of the Carolina when the Little Theatre players put on a play with local talent at the close of the first evening showing of "Accent on Youth."

It was the inauguration of the Little Theatre's campaign for 900 members, which drive was to have ended late last week.

See Para. Claim Dead

Paramount's claim against Consolidated in connection with a damaged print may not come up for arbitration tomorrow at the New York Film Board of Trade. It is understood a settlement is being negotiated and a postponement will be sought in order to give the parties additional time to get together.

Negro Cast for Lubitsch

Hollywood, Sept. 22.—Ernst Lubitsch will soon produce an all-negro operetta to be called "The Chocolate Princess." Lubitsch conceived the story idea personally, and the film will be on the order of his "Love Parade." Paramount claims this as the first operetta with an all-colored cast.

Zanuck Borrows Oakie

Hollywood, Sept. 22.—Darryl F. Zanuck has arranged to borrow Jack Oakie from Paramount for a comedy role in the Twentieth Century-Fox production, "King of Burlesque." This will be Oakie's third picture for Zanuck. The other two were "Trouble Shooters" and "Call of the Wild."

Form Plaza Theatres

Stamford, Sept. 22.—Plaza Theatres, Inc., has been formed to take over control of the Plaza. The incorporators are Eunice Montei of Hartford, John H. Yoemans of Andover and Ella F. Patnod of Hartford.

Lift Englewood Ban

Englewood, Sept. 22.—Children are again being admitted to theatres after two weeks of a ban due to the infantile paralysis epidemic in Bergen County.

Larmour: Smart Exhibitor

Dallas, Sept. 22.—Martin Larmour, National Theatre, Graham, is county agent for the Federal Housing Administration. His primary duty was to induce the financial institutions to cooperate on loans and he accomplished this to such a degree and success of the effort was so pronounced that the state office in Fort Worth has asked him to visit adjacent territory and assist in other counties.

Statistics of the effort show that building in Graham for 1935 is 1,100 per cent ahead of 1934 and that the construction for January and February alone for 1935 was greater than the whole of 1934.

Business is reflected at the theatre in measurable volume. This year all of the craftsmen and artisans in the territory have had practically uninterrupted employment. Larmour is known as the factor that is locally responsible for the activity and the payroll has responded with appreciation at the box-office.

Lebedeff Sells Another

Hollywood, Sept. 22.—Ivan Lebedeff has sold his second original in six months. Rudolph Mate, European cameraman who just has finished shooting "Metropolitan" for Twentieth Century-Fox, has bought Lebedeff's "Legion of Dishonor." Mate still is under contract to Twentieth Century-Fox, but he may film "Legion of Dishonor" in England following expiration of his contract. Lebedeff recently sold his "Three Kisses" to Mary Pickford.

Use 2,000-Foot Reels

Boston, Sept. 22.—At least two first runs are using 2,000-foot reels while at least three others are splicing reels, in violation of an order of the operators' union.

One union member states in confidence that the organization is aware that the rule is not being followed, but, in view of the increasing favor being accorded the longer reels in New York and elsewhere, has adopted a policy of hands off for the present.

Name Indiana Agents

South Bend, Ind., Sept. 22.—The new Indiana and Michigan Theatre Corp., has made Fillmore B. Frieduss resident agent. Incorporators are Frank Darling, Norman J. Hartser and Frieduss.

Harry A. Prawat has been named as resident agent for the Cozy Theatre, Inc. Other officers are Hattie A. Prawat, Joseph Csigany, Jr., and Marie Csigany.

Dragonette Scenes Out

Hollywood, Sept. 22. — Jessica Dragonette, radio star, has asked Paramount to remove those scenes in which she appears from "Big Broadcast of 1936." The company had to cut part of her scenes to make room for others, and the singer asked that her scenes be removed entirely.

Strawinsky Is Promoted

Youngstown, Sept. 22. — Henry Strawinsky, head usher at Warners, has been advanced to assistant manager of Warners' Strand at Akron. He succeeds Grattan Johnston, who has been transferred to Warners' Portsmouth, as manager.

Buckley-Leland Merged

Albany, Sept. 22.—A certificate has been filed in the office of the Secretary of State under which C. H. Buckley Theatrical Enterprises, Inc., merges Leland Theatre, Inc.

Joe Goetz Gets New Post

Cincinnati, Sept. 22.—Joe Goetz, booker for the Cincinnati division of RKO Midwest, has been named assistant division manager, a newly-created post, under Col. Arthur Frudenfeld. He has been acting division manager during Frudenfeld's illness. Goetz will continue as manager of the RKO Paramount and Orpheum, suburban, located in Walnut Hills.

Jack Tiernan has been named assistant manager of the Paramount, and Lake Jones, chief of service at that house, has been advanced to assistant manager of the Orpheum.

Detroit Bowlers Active

Detroit, Sept. 22.—The Film Bowling League will start its season at Temple alleys on Oct. 4 with eight teams. Columbia, Republic, Film Truck Service, Film Drugs, Co-Operative Theatres and United Artists are sponsoring teams again this year. First Division and Avalon Theatre teams will take the place of M-G-M and Cinema Service, which are not sponsoring fives this year.

Two Hub Theatres Open

Boston, Sept. 22.—Two theatres have reopened with films and stage shows. They are the Howard Athenaeum, operated by Al Somerbee and the Lothrop Theatres Corp., and the Park, operated by the Park Amusement Co., with Max Michaels as manager.

Grand Has Second Fire

Denver, Sept. 22.—The new Grand at Rocky Ford, Co., which was opened about four months ago, has been damaged by fire, the loss being $4,000. The old Grand was destroyed by fire in June, 1934. According to J. J. Goldstein, owner, the damage was covered by insurance.

Two Companies Formed

Albany, Sept. 22.—Fulton Enterprises, Inc., Oneida, has been chartered here by Myron J. Kallet, Sidney J. Kallet and Alexander L. Saul.

Timbert Offices, Inc., has been formed by Lillian Halpern, Eva Sussholz and Samuel Simonoff.

Warners Sign Corossio

Hollywood, Sept. 22.—Warners have signed Natale Corossio of the Metropolitan Opera staff to stage a number from the opera "Martha" which will be used in "Stars Over Broadway." James Melton will sing.

Bloomberg in New Post

Salem, Sept. 22.—Philip Bloomberg has resigned as manager of the Paramount to become city manager for the Salem Realty Co. which now controls five houses. Bloomberg also will handle publicity.

James Field has been appointed manager of the Paramount, where he was formerly assistant manager. Alfred Swett has been named Field's assistant. Timothy Cawl has been made chief of staff.

Joseph Morency has been installed as manager of the Plaza, first run he formerly operated here. Jack Foster, former assistant manager at the Federal, now runs the Plaza.

Censor Staff Gets Cuts

Baltimore, Sept. 22.—Inspectors for the censor board are in a state of mind over cuts which have been made in their salaries so that a new inspector could be added to the staff.

Harry C. Jones, state employment commissioner, has taken up the matter with Dr. Ben Paul Sandy, chairman of the board, who says the move was made to even up all salaries.

Baker Quits Newman

Kansas City, Sept. 22.—George Baker, manager of the Newman for three years, has resigned to form a partnership with his father, A. F. Baker in the operation of the Electric in Kansas City, Kan.

Father and son started operation of the Electric recently, but Baker will remain at the Newman until a successor has been appointed by B. & K.

Eschman Has 'Handicap'

Chicago, Sept. 22.—Ed Eschman has taken over the sales manager job for Broadway Handicap, one of the new giveaway plans. He expects to close several deals while here. Charles Seidell is Chicago manager, which has established headquarters with the Capitol Film Exchange.

Seattle House Robbed

Seattle, Sept. 22.—Two thugs who appeared to be twins, according to their victims, robbed the Egyptian of approximately $600.

As Manager Carl Mahne and one of his usherettes carried the day's receipts to the office on the balcony, the thugs stepped from behind a curtain.

Josephson on "Home"

Hollywood, Sept. 22.—Julian Josephson will do the screen story to be based on Edgar A. Guest's verse. It will be called "Home." Guest is expected at the studio about Oct. 15, and while he is here he will continue his weekly broadcasts from a local station.

Speece to Columbus

Columbus, Sept. 22.—R. C. Speece of Loew's, Akron, O., has been named manager of Loew's Broad here. He succeeds Charles Katz, relief manager, who has been given an assignment in the east, according to W. A. Finney, division manager.

Paramount Sets Title

Hollywood, Sept. 22.—Paramount has definitely decided on "Desire" as the title for the new Marlene Dietrich-Gary Cooper film which goes into work shortly under Frank Borzage's direction.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 72 NEW YORK, TUESDAY, SEPTEMBER 24, 1935 TEN CENTS

Mexicans in Move to Meet U. S. Threats

Union Asks Native Films And European Imports

By JAMES LOCKHART

MEXICO CITY, Sept. 23.—Threats of American distributors to withdraw from this market by the end of the month unless the Government does something about a reduction of taxation have been met by a counter move on the part of the Union of Cinematographic Industry Employes.

They are drawing up a petition to be submitted to the Government asking for the stimulation of native production and encouragement of importation of European features.

At the same time the Politeama and Universal, large neighborhood houses, are asking the Government to do something immediately to prevent the threatened withdrawal on the ground

(*Continued on page* 6)

Independents Still Talk Hub First Run

BOSTON, Sept. 23.—The possibility that a new first run theatre may be established here for the spotting of independent features, as first revealed in the MOTION PICTURE DAILY, appears even stronger at present as the result of the active interest of Herman Rifkin, New England's largest unaffiliated distributor.

Rifkin, who heads the Republic exchanges here and in New Haven, stated that the situation here is now such a theatre is not only close to a necessity, but would be a moneymaker.

"I am negotiating for a first run theatre for independents," Rifkin said.

Three circuits operate the Hub's regular seven first runs. The two Loew houses went on a day and date

(*Continued on page* 5)

Allied Men Discuss National Moves Here

Allied leaders will meet today to discuss national policies, among which will be the plan to further a plan recommended by H. M. Richey at the annual convention of Allied of New Jersey in Atlantic City to tie up with American Edugraphic Corp. on a series of historic photographs.

Al Steffes, Minneapolis; Aaron Saperstein, Chicago; Richey, Detroit; Fred Herrington, Pittsburgh; Abram F. Myers, Washington, arrived yes-

(*Continued on page* 5)

Expect Between 200-250 at Ampa Lunch to Honor Martin Quigley

An attendance ranging between 200 and 250 last night seemed assured for tomorrow's Ampa luncheon in observance of Martin Quigley's 20th anniversary as a publisher. Al Lichtman will be master of ceremonies and the scene of the function will be Jack Dempsey's Restaurant.

Acceptances began to take on considerable volume yesterday, those already signifying their intention of being present including Will H. Hays, M. H. Aylesworth, Ned E. Depinet, Harry M. Warner, J. Robert Rubin, R. H. and P. D. Cochrane, James R. Grainger, Dr. A. H. Giannini, Gradwell L. Sears, J. J. McCarthy, John Boettiger, Si Seadler, Arthur W. Kelly, C. C. McCarthy, Herman Robbins, Sam and George Dembow, Leslie E. Thompson, John Dowd, Harry Thomas, W. Ray Johnston, Edward Golden, Arthur A. Lee, James A. FitzPatrick, A. W. Smith, Jr., Joseph Bernhard and S. Charles Einfeld.

RKO, Depinet Lose a Move In St. Louis

ST. LOUIS, Sept. 23.—Federal Judge George H. Moore has overruled the motion of Jacob M. Lashly, attorney for RKO Distributing Corp. and Ned E. Depinet, president, asking the court to direct the Department of Justice to furnish them with additional bills of particulars on anti-trust charges against them.

This means that the defendants must be satisfied with the information already given by Russell Hardy, special assistant attorney general, on Sept. 11.

Trial of the criminal anti-trust charges against RKO, Warners, Paramount and others will go on Sept. 30. On Oct. 1 the court will hear argument on an application for an injunction to prevent distributors from carrying out an alleged agreement not to serve the Ambassador, Missouri and New Grand Central theatres. This latter is an equity proceeding.

Theatres Hit New Stride in Frisco Areas

SAN FRANCISCO, Sept. 23.—This city and environs is seeing a burst of new theatre activity such as it has not experienced in a long time. With the exception of the reopening two weeks ago of the United Artists, practically all the activity concerns subsequent runs. Legitimates, too, have shown signs of renewed life, especially with burlesque. The Capitol was reopened by S. S. Millard some six weeks ago with a policy of burlesque and picture at 75 cents top, and has done so well that the Minsky interests have reopened the Columbia, which has been dark for many months, with a similar policy.

Recently Phil Frease, who operates theatres in Redwood City and Vacaville, entered the suburbs of Albany, near Berkeley, and built the Albany, second run, which clicked right from the start. The firm of Borg and Peters, which operates several the-

(*Continued on page* 5)

All-Star Cast Assembling For Louis-Baer Fisticuffs

The executive roster of the industry and as substantial a segment of Hollywood as could make the grade what with production and its demands to meet, will be scattered around the Yankee Stadium tonight for the Louis-Baer fracas.

Exhibitors from out-of-town also are here en masse for the fisticuffs, the list inclduing Harold J. Fitzgerald, Milwaukee; Rick Ricketson, Denver; Moe Horwitz, Cleveland; George Hartmann, North Kansas City; John Balaban, Chicago; George Trendle, Detroit; Robert J. O'Donnell, Dallas; Julius Goodman, Arthur B. Price, Bill Henderson, Walter Pacy, Joe and Leo Fields, Joe Brodie. Bill Hicks and Sam Soltz, all from Baltimore; Jay Emanuel, Philadelphia exhibitor and regional trade paper publisher, and

(*Continued on page* 5)

Unrestrained Competition Held Ruinous

MPTOA Finds Standards Are Succumbing

Business standards and self-regulation of fair trade practices in the industry are steadily crumbling under an onslaught of unrestricted competition, the M.P.T.O.A. stated in a bulletin issued to its membership yesterday.

The general tenor of the bulletin was sharp and critical.

"In the four months since NRA was destroyed," its opening paragraph read, "with one exception no definite or practical steps have been taken to curb or control unfair competition and unfair trade practices in exhibition and distribution. The exception was the M.P.T.O.A. suggestion for a contract rider, which, while very limited in scope, has proved quietly effective wherever leading exhibitors have had the courage and initiative to use it.

"NRA attempted to bolster wages and to regulate unfair trade practices. Fortunately, a sustained improvement in business in general, particularly agriculture, reflected in theatre grosses, has made any general decline in wages or increase in unemployment unnecessary and improbable for the time being. This is felt in related industries as well, restaurants, cafes, hotels, resorts, all are doing well.

"While this may subdue and con-

(*Continued on page* 5)

Union Parleys May Delay Para. Shows

Reinstatement of stage shows at the Paramount may be delayed until the middle of October while negotiations between the musicians' union and theatre operators are worked out. Conferences are going on daily.

The musicians are seeking an increase of $10 a man, or a new scale of $100 a man, in comparison to the wage paid when the shows were dropped in the spring. It is also understood that the union is insisting on 30 men in the pit.

Hopeful that negotiations will be

(*Continued on page* 5)

Rothacker Elected Para. Vice-President

Watterson R. Rothacker, engaged for a quarter of a century in the laboratory and production branches of the motion picture, has been elected a vice-president of Paramount Productions, Inc.

MOTION PICTURE
DAILY
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Martin Quigley
Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

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Two New FWC Pacts Up for Action Here

Harold J. Fitzgerald, operating head of Evergreen States Amusement Co., and Rick Ricketson, pilot of Fox Intermountain, arrived yesterday from Milwaukee and Denver, respectively, to complete final details on five-year contracts with National Theatres, holding company for all Fox theatre units.

The two operating chiefs do not plan to return to their territories until contracts have been signed. Ricketson was in town a few months ago and returned with an unsigned contract.

More Details Asked In Suit at Lincoln

Lincoln, Sept. 23.—More particulars are sought by Lincoln Theatres Corp. and Robert Livingston in the anti-trust suit of independent Theatres. Their motion calls for more information on some points and the striking out of some charges.

The suit is for $1,353,000. Other defendants are Paramount, Vitagraph, Fox, United Artists, Universal, RKO and M-G-M.

ROBERT WILDHACK
"BROADWAY MELODY OF 1936"
WILLIAM MORRIS OFFICE

Purely Personal

David J. Bernstein, J. Robert Rubin, E. M. Saunders, Tom Connors, Dave Chatkin, Eugene Picker, Morris Epstein, Harold S. Bareford, Robert Wolff, Phil Hode, Louis Frisch, Sam Rinzler, Milton C. Weisman, Sam Shipman, Joseph D. Basson, Frank Ruddock, Bill Powers, M. A. Schlesinger and Si Fabian, at the Astor; Thomas Meighan, Sam Dembow, Boris Morros, Sidney Samuelson, Edward Rugoff, Mitchell Klupt, Albert Hovel, E. C. Grainger, Truman Talley, Jack Levin, Allan Cummings and James A. FitzPatrick, at the Tavern during yesterday's midday recess.

•

John L. Herrmann and Carl O Peterson, cameramen, who were on Byrd's Antarctic expedition, will talk over the Columbia network at the Byrd reunion broadcast Wednesday from 9:30 to 10 P. M.

Quip of the Day

At a meeting of the independent producers in Hollywood, minus Trem Carr and Nat Levine, former independents now in Republic's ranks, one of the officers spotted an associate producer in the Republic setup who eased his way into the gathering.

Rising indignantly, the officer exploded to the chair, making a motion that said associate producer be escorted to the door.

As he reached the door, with verbal fire criss-crossing between independent and associate going on up to his exit, the associate producer turned and shouted

"Yates to you."

Al Freidlander leaves by plane tomorrow for Washington, Charlotte, Atlanta, Jacksonville, Miami, New Orleans, Memphis, Birmingham and Chicago. He plans to return in 10 days.

•

Andy Goldberg has resigned as manager of the Elton, Brooklyn, a Rachmil & Katz house, and plans to open a theatre in the same borough on his own shortly.

•

J. W. Bridgham and his son, L. H., operators of the State, Presque Isle, Me., were in town yesterday. They also have the Broadway, Dover, N. H.

•

J. E. Robin, executive secretary of the Independent Theatre Supply Dealers' Ass'n, flew to Akron, O., over the week end.

•

Karl Brenkert left for Boston yesterday after installing Enarc lamps at B. S. Moss' Broadway, which opens Thursday.

•

Mort Singer returned from Chicago yesterday after spending the week-end at his home there.

•

Charles A. Belden's "An American in Paris" has been acquired by Paramount.

•

Roscoe Karns, recently re-signed by Paramount, will reach New York today. It's a vacation.

•

M. Milberg has been added to the Albany First Division sales force.

Hal Roach, who is scheduled to return to the coast tomorrow, may defer his departure until later in the week. His daughter, Margaret, has postponed sailing for Europe until later. She had booked passage on the *Normandie,* which clears port tomorrow.

•

Helen Hayes, Jack Hulbert, Adrienne Allen, Ralph Richardson, J. B. Priestly, Ruth Gordon and Iden Payne of the Stratford-on-Avon Festival are the representatives of the stage and screen world who arrive today on the *Aquitania.*

•

W. Ray Johnston, whose traveling mate will be Herbert J. Yates, leaves for Hollywood the end of this week and that seems to be quite definite now.

•

Al Lichtman flew in from Chicago Sunday after spending two days in the Windy City on U. A. product deals.

•

Raymond Friedgen of New Century Pictures, Inc., is due in town shortly to arrange for distribution of product.

•

James Kirkwood, the old celluloid veteran, will play Jeeter Lester in a road company of "Tobacco Road" opening in Buffalo Oct. 7.

•

Eddie Dowling, now busy with "Agatha Calling," his new stage opus, will try out the show in Philadelphia next Monday night.

•

Carmen George celebrated another birthday Saturday and Edward Gelfand on Sunday. Both are M-G-M home office-ites.

•

Max Reinhardt, now in Vienna vacationing after the Salzburg festival, is due back here on the *Conte di Savoia* on Oct. 3.

•

Billy Scully went jaywalking yesterday at Broadway and 46th St. He missed all cars and vice versa.

•

Jean Dixon resumes stage work, her first love, as one of the principals in "Bright Star."

•

Samuel Cummins has cabled from Rome that he has acquired a new film on the Ethiopian situation.

•

Ed Sullivan brings his "Dawn Patrol Revue" to the stage of the Roxy on Oct. 4.

•

Lupe Velez has opened a South American tour at the Broadway, Buenos Aires.

•

Milton B. Arthur will be taking the TWA plane out of Los Angeles for St. Louis the end of the week.

•

Mary Pickford arrived from Chicago over the week-end.

•

Adele Buffington's "Volcano" has been acquired by Radio.

•

Constance Cummings, in Universal's "Remember Last Night?" is in New York with her husband, Benn W. Levy, playwright. They sail for London this week end, where she will appear in one of his plays.

•

William Wyler arrived yesterday to confer with Lillian Hellman on a story Samuel Goldwyn will produce, starring Merle Oberon.

•

. . . Boston

Max Michaels, operator of the Park, has returned to his post following a severe automobile accident. Mrs. Michaels, his bride of only a few weeks, is also well on the way to recovery.

W. A. Scully and W. F. Rogers of M-G-M have returned to New York.

Agnes Donahue, member of the office force of United Artists, is back on the job after an appendix removal.

A. Bendslev, Wellesley exhibitor, has returned from a sojourn in Denmark.

Gene S. Fox and Laurence J. O'Toole of the Metropolitan publicity staff are buying loud checkered shirts and oiling their guns in anticipation of the coming duck season.

Sam Butler, formerly connected with the Welansky circuit, has been appointed manager of the Park by Max Michaels.

Lillian Conley of the Warner exchange is home with a fractured foot.

"Dream" Tickets Go On Sale Here Oct. 9

Warners will place tickets for the run of "A Midsummer Night's Dream," opening at the Hollywood Oct. 9, on sale today. The house has been scaled to a $2 top. Seats will be reserved and the engagement keyed to a two-show-a-day basis. The company stated yesterday 1,127 applications for seats already have been received by mail.

Max Reinhardt, sails on the *Conte di Savoia* from Genoa on Thursday for the opening. Many of the leads will come east from Hollywood for the opening. Hobart Cavanaugh and Ian Hunter are here already, while Jean Muir and Anita Louise are expected next week.

Sold to United

The entire Warner lineup has been sold to United Amusement Co. of Montreal. The circuit has 23 houses.

"Special Agent" Holds

"Special Agent" holds over at the Strand for a second week.

Howard in Today

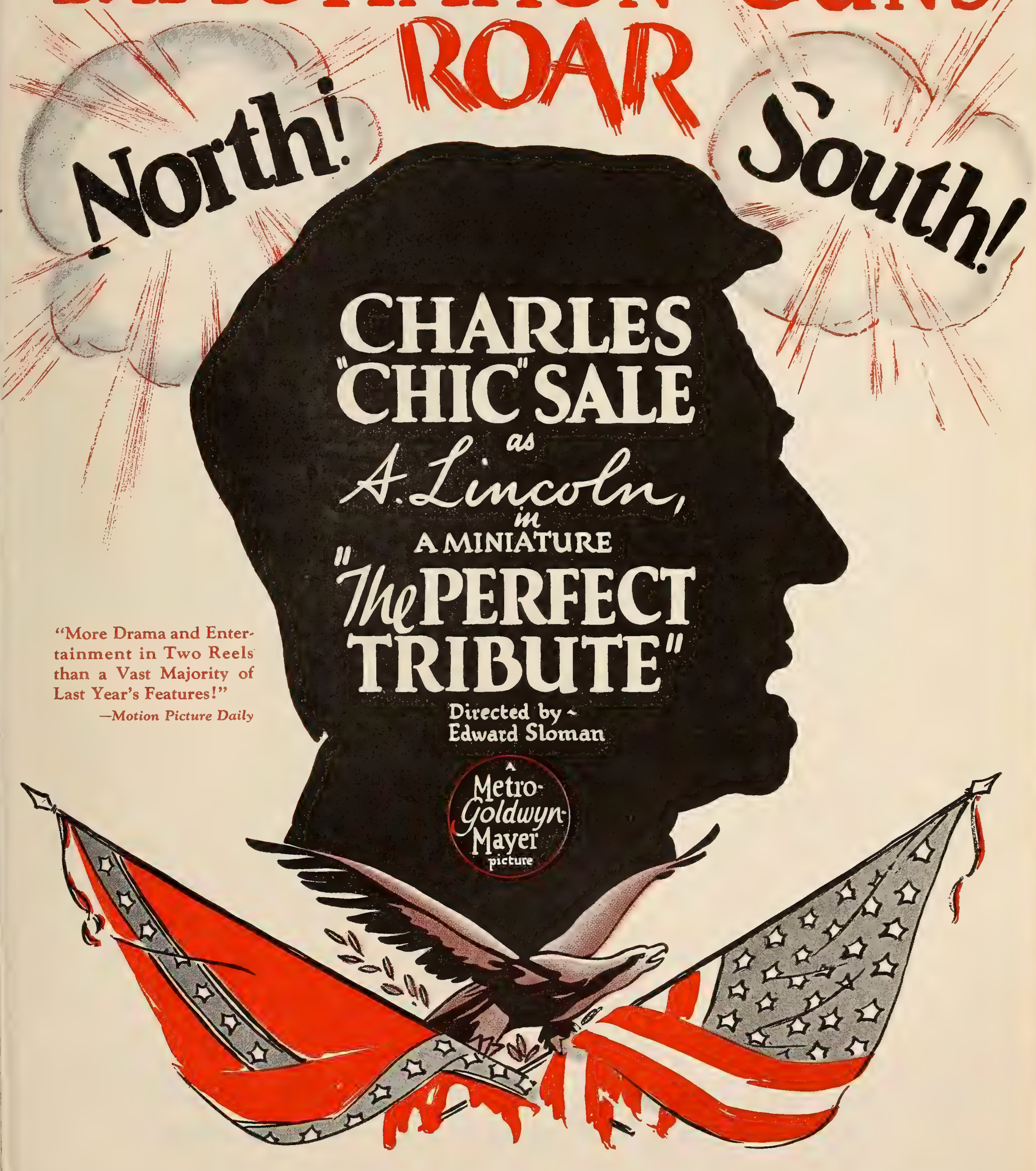
Leslie Howard is due on the *Normandie* today and next will do "The Petrified Forest" for Warners. A possibility is "Hamlet" which, if made at all, will be done under the aegis of Max Reinhardt.

Cohen, Siegel Lease Warner on Broadway

Max Cohen and his partner, Arthur J. Siegel, last night closed a lease on the Warner, long dark, and plan to reopen this Broadway theatre on a second run policy Sept. 28. The name will be changed to the New Yorker. Price scale and opening attraction have not yet been set.

Cohen and Siegel currently operate the Harris, Selwyn and Prospect in New York and Ritz and Lyndhurst in Lyndhurst.

EXPLOITATION GUNS ROAR


North!
South!

CHARLES "CHIC" SALE

as

A. Lincoln,

in

A MINIATURE

"The PERFECT TRIBUTE"

Directed by
Edward Sloman

A Metro-Goldwyn-Mayer picture

"More Drama and Entertainment in Two Reels than a Vast Majority of Last Year's Features!"
—*Motion Picture Daily*

SPRINGFIELD, ILL., AND NEW ORLEANS TWIN WORLD PREMIERES ESTABLISH THE GREATEST BOX-OFFICE SHORT SUBJECT OF ALL TIME!

[READY MONEY FOR YOU! SEE NEXT PAGE!]

THE GREATEST EXPLOITATION EVER DONE ON ANY SHORT SUBJECT!

In Springfield!

Governor Horner Demands Chic Sale As Personal Guest! . . . Mayor Proclaims Chic Sale Day! . . . Illinois Negotiates For "Tribute" Print For State Archives! . . . Governor, Mayor, Chic Sale Lead Parade To Tomb Of Great Emancipator! Lincoln Contests Flood Newspapers! . . . Lobby Loaded With Priceless Lincoln Relics, Guarded By State Militiamen! . . . Rave Reviews! Smash Opening!

In New Orleans!

Better Films Committee Mobilizes Mammoth Membership! . . . Louisiana State Museum Lends Million Dollar Lobby Display Of Sacred Confederate Battle Flags! . . . School Board Sanctioned Blanket Class Announcements! . . . Pre-Screening Stampedes Convention Of Veterans Of Foreign Wars! . . . Confederate Veterans Parade . . . Newspapers Jammed With Feature Stories! Audience Reaction: "One Of Finest Things Ever Done in Films!"

CHARLES "CHIC" SALE as A. Lincoln in A Miniature The PERFECT TRIBUTE

Metro-Goldwyn-Mayer

Get the FEATURE SIZE CAMPAIGN BOOK

PROUDLY METRO-GOLDWYN-MAYER BRINGS YOU

The Short Subject That Draws Like a Feature

CHARLES "CHIC" SALE

as *A. Lincoln,*

in A MINIATURE

"THE PERFECT TRIBUTE"

Unrestrained Competition Held Ruinous

(*Continued from page 1*)

ceal the distress and alarm over unfair competition, the undermining of all that was patiently built up over a period of years in the way of any sort of business standards and the self-regulation of fair trade practices, is going on steadily. Under cover of good current business conditions unrestrained competition is spreading rapidly, entrenching unfair trade practices that will do us untold damage when business lets down."

The fear was expressed, further, that failure of the industry to control its own practices is "an open invitation for political regulation by the government as well as economic disaster."

Lists Trade Practices

The bulletin then lists trade practices which the organization views as objectionable, including premiums, giveaways and gift nights; lotteries, pseudo-contests and prizes; double and triple features for one admission charge; two-for-ones, coupons, merchants' tickets and indiscriminate use of "advertising" passes; bargain matinees, cheap balcony prices and unreasonably low admission scales; unreasonable clearance, either in time and area, not based on any actual competition; overbuying to deprive a competing exhibitor of needed pictures; lack of a reasonable rejection privilege on all contracts of 10 or more features bought at the same time; non-theatrical showings of professional entertainment product to prevent unfair competition with an established theatre; score charges; music tax; designated playdates.

Cites ASCAP

The bulletin again stressed the M. P.T.O.A.'s lack of faith in what is described as "the legislative cure-all." On the Ascap situation, the organization hit at "the cry . . . that the theatres would deprive composers of music of all compensation for their work." In this connection, the bulletin continued:

"What we want, and what we would have if Ascap was destroyed, is to buy the entire exhibition rights for the motion pictures we use, including the recorded music, for what they are worth. When we pay the license fee or film rental for a picture, we want it to include the public performing rights for the whole picture, including recorded music, as they are actually inseparable anyway. We want no extras levied separately for what we have already paid a good price, such as music tax, score charge, etc."

As a "beau geste" in the direction of Fred S. Meyer, former national secretary and now executive studio manager for Universal, the bulletin concludes by urging exhibitors to give "Fighting Youth," which Meyer produced, "special consideration and early playing time."

"Chiselers" New Title

Hollywood, Sept. 23.—Final title for M-G-M's "Let Freedom Ring" will be "Chiselling Chisellers." Jack Benny plays the lead.

Union Parleys May Delay Para. Shows

(*Continued from page 1*)

concluded favorably, Boris Morros is planning what he terms "socko" shows that will be greater, he says, than anything than has been put on at the Paramount. If a deal is struck this week, the shows will be booked starting Oct. 4.

Operator Raise in Cleveland

Cleveland, Sept. 23.—Local operators have settled with the Cleveland M. P. Exhibitors' Ass'n. for a new scale on the basis of a seven and one-half per cent increase. The new scale is for two years, covering the period from Sept. 15, 1935, to August 31, 1937.

Exhibitors retain the present policy of getting one and a half hours gratis overtime and one gratis service hour for the first year of the agreement. The second year operators concede one hour overtime gratis instead of an hour and a half. Operators also conceded that stand-by men, testing apparatus, shall receive no pay. Almost all subsequent run theatres are members of the association.

Reach Richmond Agreement

Richmond, Sept. 23.—Local major circuit and independent theatres have signed a new one-year contract with stagehands and operators. Under terms of the deal operators will work 39 hours a week while maintenance men will be employed 48 hours weekly.

Dan Anderson, James Evans and William Walsh represented the stagehands, while Fred Dempsey and J. J. Brennan of the I. A. T. S. E. also attended the various conferences.

Few changes were made, including provisions for time and a half for Sunday charity shows and one man to man booths during screenings of two-hour length.

Allied Men Discuss National Move Here

(*Continued from page 1*)

terday to attend the session which will be presided over by Sidney Samuelson.

This afternoon, Allied of New Jersey will hold its postponed regular meeting at the Walt Whitman, Camden, N. J., following which members will make an inspection tour of the RCA plant in that city.

Michigan Allied to Meet

Detroit, Sept. 23.—Allied of Michigan will hold its annual convention here Oct. 21-23 with about 300 expected to be on hand for the three-day session.

H. M. Ritchey, general business manager, is now in New York conferring with Allied leaders on various topics to be discussed at the local sessions. He is due back the end of the week.

Oppose Warrick Award

Objection to the award of $137,782 by Special Master John E. Joyce to Stanley C. Warrick on claim for a lease on a Florida theatre was filed in Federal Court last week by counsel for Paramount Pictures, Inc. The attorney has requested that the claim be reduced to $20,041.

Theatres Hit New Stride in Frisco Areas

(*Continued from page 1*)

atres in the bay region, built a new house shortly after in Salinas, not far from San Francisco.

The Coliseum, which several months ago suffered a $30,000 fire, has been remodelled and reopened by the Sam Levin interests. Al Levin, who was managing the theatre, has resigned to devote his time to build a new theatre in Alameda, in association with George Oppen. Levin and Oppen will have new opposition in Alameda because the Nasser Brothers, who operate the Alameda, have decided to take over a house now dark, the Strand, as opposition to the invaders.

Outside the city, too, but still close in, Dan Tocchini has opened his Empire in Santa Rosa, while right on the very edge of the San Francisco county line, adjacent to San Mateo county, Harry Levin has reopened the Bay Shore.

In the meantime things are happening fast in San Francisco proper. Aaron Goldberg, who operates five little houses on Market St., is negotiating with Dan and Abe Markowitz for the purchase of the Pompeii, next to the United Artists, which, if the deal is consummated, will give Goldberg six houses, second and third runs, on Market St.

Schwartz Remodeling

Herman Lionel Schwartz is remodeling the old Princess which he has purchased from a San Francisco bank. While the house is a 1,400-seater, it is perhaps the oldest here. J. Leslie Jacobs handled the realty transaction. Schwartz plans to spend some $25,000 fixing it up and will reopen it as a second run. He will call it the Ellis.

Reports are current that both United Artists and the Golden Gate (RKO) are looking for "continuation" houses, like F. W. C. has in the St. Francis. The Embassy is mentioned as the RKO house, and the Strand is reported to be under study by United Artists. Norman Cohen, who operates the U. A., has leases on both houses.

Across the bay in Vallejo another highly competitive situation has developed with F. W. C. dominating. F. W. C. runs the Vallejo and Fox Virginia, with Lou Traeger operating the Varmar, built by Traeger and Frease three years ago; J. M. Gould is building a new 900-seater in Vallejo, but this move has been answered by F. W. C. with plans for the reopening of their dark "protection" house, the Strand, which has been kept on the shelf as a sort of an ace in the hole.

Fox Charges Illegal Exhibition in Bronx

A suit for accounting was filed in the Manhattan Federal Court yesterday by the Fox Film Corp. against the Esco Operating Corp., which controls the Pilgrim in the Bronx.

The complaint charges that the defendants exhibited three Fox fiilms without licenses. The pictures are "Under the Pampas Moon," "Spring Tonic" and "Our Little Girl." The plaintiff also alleges infringement of copyrights and asks for an injunction.

Cast Assembles In New York For Fisticuffs

(*Continued from page 1*)

Al Steffes, Minneapolis; A. F. Myers, Washington; Fred Harrington, Pittsburgh; Aaron Saperstein, Chicago; H. M. Ritchey, Detroit, Allied directors all, likewise will attend, at the same time tying in their visit with a meeting on official organization business.

Hal Roach is giving a cocktail party and dinner for Loew and M-G-M executives at the Astor and then will convey his guests to the stadium in a special bus, slated to leave from Loew's State Bldg. at 7:30 P. M. Included are Felix F. Feist, William F. Rodgers, Tom J. Connors, E. M. Saunders, Joe Vogel, Charles C. Moskowitz, Louis K. Sidney, Marvin Schenck, Howard Dietz, Si Seadler, Oscar Doob and Morty Spring.

Irving Berlin, Leo Morrison, Robert Woolsey and Bert Wheeler checked into the Warwick from Hollywood yesterday. Chester Morris is expected. George Raft arrived this morning by train. Pat O'Brien is another expectancy. Roscoe Karns and William Frawley arrived today. Edward G. Robinson is still another.

Among the innumerable parties to attend the bout is a United Artist group composed of Al Lichtman, Harry D. Buckley, Harry Gold, Harry Goetz, Paul Lazarus, Charles Stern, James Mulvey and Monroe Greenthal.

Mack Gordon and Harry Revel are on the way by plane. Somewhere between the two coasts are Buster Keaton, Walter Catlett, Marjorie Booth, Jay Paley, Joe E. Brown, Ketti Gallian, George Stevens and others.

Martin Quigley will be host to a group at a New York Athletic Club dinner prior to the main event.

Independents Still Talk Hub First Run

(*Continued from page 1*)

policy a few weeks ago. Two of M. & P.-Publix's trio are also day and date. Because of this, together with the fact that single features predominate, the seven spots use an average of only six different features a week at present. The RKO Boston, which has been taking some independents, practically became a closed book for indies when it quit double-features Aug. 29 in favor of stage shows and singles. Holdovers further decrease the independents' chances.

The Majestic, where the roadshow engagement of "The Crusades" will open soon, is being considered for the independent stronghold.

Chicago Deal Near

Emil Stern and Eddie Silverman of Essaness Theatres and M-G-M have reached final agreement on a product deal for the Chicago circuit, but no signatures have as yet been affixed to contracts. That procedure is now slated to be closed today.

Essaness, under the deal which includes an M-G-M franchise, will take over operation of the 1,600-seat theatre in Oak Park which the distributor will build.

Mexicans in Move to Meet U. S. Threats

(*Continued from page* 1)

that their patrons prefer American films.

Official estimates are that approximately 600 American made films are imported into this country each year. These pictures constitute about 95 per cent of Mexico's total. If the Americans withdraw, it is almost a foregone conclusion that most theatres here must close, for home productions and those of Britain, Germany, France and Russia are insufficient to keep all houses open in the larger towns every day in the week.

Mexican producers are surprised that the Government has done nothing up to now. They freely admit their industry is not yet ready to supply all the pictures that Mexicans must see.

Exhibition Thriving In Mexico Capital

Mexico City, Sept. 23.—Exhibition is thriving in the Federal District, which includes the national capital, has a population of 1,300,000 and is this country's largest community, according to the national statistics department, which asserts that the number of theatres has increased from 56 in 1932 to 62 last year, and that the approximate monthly gross of these houses was, 1932, 463,600 pesos; 1933, 463,500; 1934, 596,400. The value of pesos ranged from 3.25 in 1932 to 3.60 per American dollar in 1934.

Local theatres have done much better this year, the department finds. It announces the average gross income per month for the first quarter of 1935 as:

January, 665,700 pesos; February, 580,500; March, 656,800.

Oldknow Buys Share In Mexican Capital

Atlanta, Sept. 23.—Oscar Oldknow has purchased a half interest in Louis Bach's four neighborhood houses, the Ponce de Leon, Hilan, Bankhead and Alpha. In addition, Oldknow has acquired the Buckhead with Terry McDaniel.

Oldknow has been interested for some time in the operation of the Empire here and two other houses in Carrollton and Douglasville.

Cool Joins Warners

Pittsburgh, Sept. 23.—L. B. Cool, since 1931 manager of Mort Shea's Fulton, has resigned to join Warners. He has been assigned to Sharon, Pa., by Zone Manager Harry Kalmine to succeed Tom White.

Cool will have charge of the Columbia and Liberty.

W. H. Raynor, former general manager for RKO in New England, succeeds Cool.

Korda Signs Thomas

Lowell Thomas has been signed by Alexander Korda to advise on the production that will portray the life of the late T. E. Lawrence, to be called "Revolt on the Desert."

One Day Job

Hollywood, Sept. 23.—Al Boasberg started directing "Uppercutlets" for Radio at 8 o'clock in the morning and finished by midnight, using only 4,000 feet of film.

It is some kind of a record. Walter Catlett, Lew Kelly, Kitty McHugh are featured.

Minnesota to Have Sales Tax Session

A special session of the legislature has been called for next month by Gov. Floyd B. Olson of Minnesota for the purpose of passing a special sales tax, Al Steffes, Allied leader in Minneapolis, stated yesterday upon his arrival. He was accompanied by Harry Dryer and Max Torodor, independent exhibitors from Minneapolis.

"There is a probability that theatres will be taxed three per cent, the same as the general sales tax," Steffes stated. Last year, "a sales tax of 10 per cent on theatre admissions and three per cent on general sales was almost passed, but was killed the last day in the Senate," Steffes asserted.

Discussing business in his territory, the Allied leader held that things were not good despite the fact that all theatres are open.

"The new deal hasn't made money for us yet," he concluded.

Steffes, Dryer and Torodor plan to leave tonight after the Baer-Louis fight. They intend traveling by air.

Hearing in M-G-M Action Is Postponed

By agreement between attorneys, the hearing scheduled for yesterday before Judge Dore in the Supreme Court on a motion by the Gotham against M-G-M and the Dorset to restrain the distributor from serving the Dorset "China Seas" ahead of the Gotham was postponed until tomorrow.

Melvin Albert, representing the plaintiff, agreed to the delay when an M-G-M attorney stated he had to go to Syracuse on other business. Meanwhile, the Garbo picture will not be released to the Dorset.

Hearing Postponed On Ohio Playdates

Columbus, Sept. 23.—Hearing on the court test of the constitutionality of Ohio's law banning designated playdates has been postponed indefinitely. The test is in the form of a suit by RKO against Attorney General John W. Bricker.

Depositions are to be taken in New York, however.

Texas Allied to Meet

Dallas, Sept. 23.—Allied Theatre Owners of Texas will hold its annual convention Oct. 21-22 in San Antonio. Many exhibitors refrain from attending the conventions usually held in Dallas, and this shift has been made to interest exhibitors farther south.

Declares Dividend

Columbia's board of directors yesterday declared a special dividend of 50 cents, payable Dec. 10 to holders of common stock and voting trust certificates for common on Nov. 29.

Wall Street

Paramount Issues Up on Big Board

	High	Low	Close	Net Change
Columbia	64¾	64¼	64¼	— ¼
Consolidated	4¼	4¼	4¼	.....
Consolidated, pfd.	16⅜	16	16	.....
Eastman	154	153	153	—2
Loew's, Inc.	44	42⅝	43⅝	+ ⅞
Paramount	11½	11¼	11⅜	+ ⅝
Paramount, 1 pfd	99¾	98½	99½	+1½
Paramount, 2 pfd	13¾	13⅜	13½	+ ⅜
Pathe	6¼	6	6	.....
RKO	5⅛	4¼	5	+ ⅝
20th Century-Fox.	16⅞	16⅝	16⅞	.....
20th Century pfd.	25	24¾	24¾	— ¼
Warner Bros.	8	7⅝	7¾	+ ¼
Warner, pfd	43⅞	42¾	43	+1¼

Technicolor Gains on Curb

	High	Low	Close	Net Change
Technicolor	19¾	19⅜	19¾	+ ¾
Trans-Lux	3⅜	3¼	3¼	.....

Warner Bonds Best Gain

	High	Low	Close	Net. Change
General Theatre 6s '40	14¼	14¼	14¼	.....
Keith B. F. 6s '46	87	87	87	—1
Loew's 6s '41 ww deb rights.	105	104½	105	+ ½
Paramount B'way 3s '55............	62¼	62¼	62¼	— ⅛
Paramount Pict...	96½	94¼	96⅜	+1⅛
RKO 6s '41 pp..	71	70⅛	70¼	+1
Warner Bros. 6s '39 wd	82	81	82	+2⅜

(Quotations at close of Sept. 23)

B. & K.-U. A. Fail to Agree Upon Product

Chicago, Sept. 23.—United Artists to date has not closed with B. & K., the distributor insisting upon 18 pictures while the circuit is understood to have been willing to sign for only 12.

Operation of the United Artists Theatre by B. & K., however, will not be affected by failure to close the film deal.

Charles Bickford Injured

Hollywood, Sept. 23.—Charles Bickford was seriously bitten by a lion here today during filming of Universal's "East of Java." He suffered a deep cut in the neck and must remain in the Hollywood Hospital at least three weeks. There is danger that the neck cord may be permanently injured. With only two days to go, the production has been halted pending Bickford's recovery.

Para. Sets 3 Titles

Hollywood, Sept. 23.—Paramount has set three new titles. "Two Friends" is the new title of "Gettin' Smart," which James Cruze is directing; "Klondike Lou" will be the name of Mae West's next, and "Give Us This Night" will be the release name of Gladys Swarthout's film.

Arthur Woods East

Hollywood, Sept. 23. — Arthur Woods, B.I.P. director, left here by plane today, bound for New York and then to England. Joe Pollock, here visiting his brother, who has been ill, and Henry Wadsworth, actor, are on the same plane.

Darryl Zanuck Injured

Hollywood, Sept. 23.—Darryl Zanuck is recovering from injuries sustained when he was thrown from a horse and landed in a bale of barbed wire at his ranch in San Fernando Valley.

First Run Product About Set in K.C.

Kansas City, Sept. 23.—Kansas City first run buying of new season product has been pretty well completed, distributors here indicate. Aside from some possibilities yet in the air, only a few changes will occur in first run showing of major product.

Warner releases will play the Newman, and First National the RKO Mainstreet, as last year. The Newman will have Paramount, and the Mainstreet Radio product.

Loew's Midland will again play M-G-M and U. A. product. It also has some Twentieth Century to play, it is understood, but will play only what was set before the merger.

Columbia product will be first run at the Tower, as last year. Warner and First National eliminations, also, it is said, are scheduled for Kansas City's single independent first run house.

Universal pictures, at the Tower last season, will go to the Uptown for the most part. Some will go to the Fox Plaza for first run showing.

G. B. has not announced what first run affiliation it has, if it is set.

Rumor has it that RKO and Republic are talking about the possibility of setting Republic product in the former's houses. Under such circumstances, Republic pictures would probably first run at the Mainstreet.

Fees Allowed in Action in St. Louis

St. Louis, Sept. 23.—Circuit Judge O'Malley today allowed fees totaling $147,000 in the receivership suit involving the Theatre Realty Co., owner of the Fox theatre building and adjoining property. Allowances were: James T. Blair and Edmond Koeln, receivers, $35,000 each; their attorneys, John S. Leahy and Guy A. Thompson, $23,500 each; St. Louis Union Trust Co., plaintiff in the suit and trustee for the bond against the property, $2,000, and its attorneys, Bryan, Williams, Cabe and McPheeters, $10,000.

This is the first allowance of fees to the receivers and attorneys since the realty company went into receivership in January, 1932. A petition for reorganization of the company is now pending in the Federal Court.

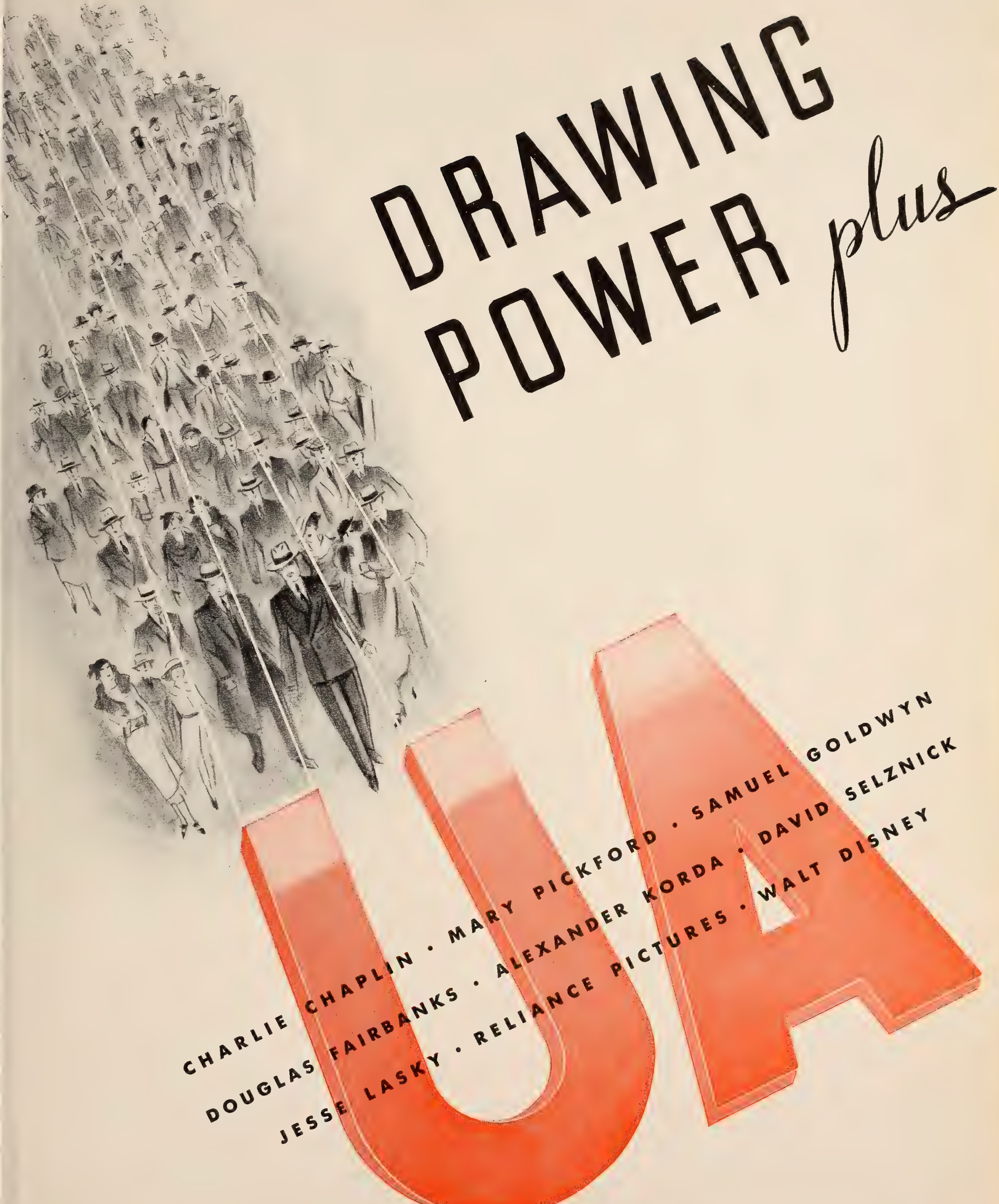
J. M. Landis Named As New Head of SEC

Washington, Sept. 23.—James M. Landis, one of the early New Deal advisers, and a member of the Securities and Exchange Commission, was elected to the chairmanship of that body today, succeeding Joseph P. Kennedy, who resigned. Landis came to Washington from Harvard, where he was a faculty member, as a Brain Truster. He was a protege of Professor Felix Frankfurter, and led in drafting the New Deal securities and Stock Exchange legislation.

Minsky, Balto., Open

Baltimore, Sept. 23.—Minsky has reopened the Palace with Maurice Costelli as manager. This year he is offering pictures with burlesque.

DRAWING POWER *plus*



CHARLIE CHAPLIN · MARY PICKFORD · SAMUEL GOLDWYN
DOUGLAS FAIRBANKS · ALEXANDER KORDA · DAVID SELZNICK
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*DRAWING POWER *plus* . . . "CALL OF THE WILD," starring CLARK GABLE with Loretta Young and Jack Oakie. Hit No. 1 of the new season sent theatre grosses to phenomenal highs! Darryl Zanuck's great production has already held over in 35 key city engagements...setting box office records everywhere and ready to do the same for you!

DRAWING POWER *plus* . . . Samuel Goldwyn's "THE DARK ANGEL", starring FREDRIC MARCH, MERLE OBERON, HERBERT MARSHALL . . . First engagements definitely stamp it as Smash Hit No. 2. Rivoli Theatre, N. Y., sets new cash and attendance records...held over for 3rd big week. Chicago beats "Kid Millions" record and that's some accomplishment with, naturally, another holdover. Pittsburgh's amazing receipts top "Kid Millions" by $1000 on opening week end. Denver set new high record for the year . . . holdover figure smashed!

DRAWING POWER *plus* . . . and as we go to press, watch for the world premiere of "RED SALUTE" at the Ambassador Theatre, St. Louis. This is a production that will bear watching! At a recent preview of "RED SALUTE," a capacity house laughed, applauded, cheered and put on the most enthusiastic demonstration ever witnessed in a theatre. A Reliance Picture produced by Edward Small starring BARBARA STANWYCK with Robert Young that is going to go places and do things at every box-office!

DRAWING POWER *plus* . . . Samuel Goldwyn's "BARBARY COAST", starring MIRIAM HOPKINS, EDWARD G. ROBINSON and JOEL McCREA is a production of such definite box-office greatness that it has already started a cycle of similar pictures even before its release . . . films aimed at capitalizing on the sure success of this outstanding picture.

The productions listed above are only the beginning of UNITED ARTISTS' procession of "drawing power plus" pictures. Great films are on their way to you . . . not offered as a group . . . but each an outstanding production that is sold *individually* on its merits!

*DRAWING POWER *plus* . . .

the ability of a motion picture to raise your receipts far above the normal take and to attract ticket buyers who are not listed among the regular patrons of your theatre.

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"Hat" Cracks Some Records In Cleveland

CLEVELAND, Sept. 23.—"Top Hat" broke all records at Warners' Hippodrome, grossing $27,500. Average is $8,000. The previous record was held by "Roberta." It was held a second week.

"Steamboat 'Round the Bend" more than doubled the Allen $3,000 average with a take of $6,250 in its second week downtown.

"Special Agent" at the RKO Palace, with vaudeville headed by Leo Carrillo, brought the take $2,500 above par to $17,500.

"Two for Tonight" and "Without Regret" finished at Loew's State and Loew's Stillman, respectively, with par averages of $10,000 at the State and $4,000 at the Stillman.

Total first run business was $60,250. Average is $40,000.

Estimated takings for the week ending Sept. 20:

"STEAMBOAT 'ROUND THE BEND" (Fox)

ALLEN—(3,300), 30c-35c-42c, 7 days, 2nd week. **Gross:** $6,250. (Average, $3,000)

"TOP HAT" (Radio)

WARNERS' HIPPODROME—(3,800), 30c-35c-42c, 7 days. **Gross:** $27,500. (Average, $8,000.

"SPECIAL AGENT" (W. B.)

RKO PALACE—(3,100), 30c-42c-60c, 7 days. Stage: Leo Carrillo. **Gross:** $17,500. (Average, $15,000)

"TWO FOR TONIGHT" (Para.)

LOEW'S STATE—(3,400), 30c-35c-42c, 7 days. **Gross:** $10,000. (Average, $10,000)

"WITHOUT REGRET" (Para.)

LOEW'S STILLMAN—(1,900), 25c-35c, 7 days. **Gross:** $4,000. (Average, $4,000)

"Steamboat" Heavy New Haven Grosser

NEW HAVEN, Sept. 23.—"Steamboat 'Round the Bend," on a dual with "Super Speed," at Poli's, piled up the best business of the week with a $9,000 gross, over par by $2,500, and went into the College as the fourth consecutive holdover for that house.

The Paramount, with "Two for Tonight" and "Together We Live," went $1,300 over its average taking, in a $6,100 week. "Special Agent" and "Harmony Lane" at the Roger Sherman, just topped average at $5,000. The College almost doubled its normal $2,700 week, with $5,100 as its gross for the second week of "Top Hat."

Total first run business was $25,200. Average is $18,500.

Estimated takings for the week ending Sept. 19:

"TOP HAT" (Radio)

COLLEGE—(1,500), 25c-35c, 7 days. **Gross:** $5,100. (Average, $2,700)

"TWO FOR TONIGHT" (Para.)
"TOGETHER WE LIVE" (Col.)

PARAMOUNT—(2,400), 35c-50c, 7 days. **Gross:** $6,100. (Average, $4,800)

"STEAMBOAT 'ROUND THE BEND" (Fox)
"SUPER SPEED" (Col.)

POLI—(3,040), 35c-50c, 7 days. **Gross:** $9,000. (Average, $6,500)

"SPECIAL AGENT" (W. B.)
"HARMONY LANE" (Republic)

ROGER SHERMAN—(2,200), 35c-50c, 7 days. **Gross:** $5,000. (Average, $4,500)

Tri-States MPTO to Meet

MEMPHIS, Sept. 23.—The M. P. T. O. of Arkansas, Mississippi and Tennessee will hold its semi-annual convention Oct. 20 and 21 at the Hotel Chisca.

"Dark Angel" Leads Upturn In Pittsburgh

PITTSBURGH, Sept. 23.—Leading a general upturn of business which has followed the arrival of cooler weather and the new fall product, "The Dark Angel" garnered $13,000 at the Penn. This was over par by $3,000.

All houses were better than average. "Dante's Inferno," helped by a stage show, took $8,000, to the good by $2,500. "The Constant Nymph," at the Art Cinema, did $800, as "Accent on Youth" was well on the profit side of the line, getting $18,500 with a stage show at the Stanley.

Total first run grosses were $45,500. Average is $35,500.

Estimated takings for the week ending Sept. 19:

"DANTE'S INFERNO" (Fox)

ALVIN—(2,000), 25c-40c, 6 days. Stage: Henrietta Leaver, "Miss America of 1935" and Bernie Armstrong. **Gross:** $8,000. (Average, $5,500)

"THE CONSTANT NYMPH" (G. B.)

ART CINEMA—(290), 30c-40c, 6 days. **Gross:** $800.

"THE DARK ANGEL" (U. A.)

PENN—(3,300), 25c-40c, 6 days. **Gross:** $13,000. (Average, $10,000)

"ACCENT ON YOUTH" (Para.)

STANLEY—(3,600), 25c-55c, 6 days. Stage: Xavier Cugat's band, Georges and Jalna, Raul and Eva Reyes, Molly Picon. **Gross:** $18,500. (Average, $15,000)

"LITTLE BIG SHOT" (W. B.)
"BONNIE SCOTLAND" (M-G-M)

WARNER—(2,000), 25c-40c, 6 days. **Gross:** $5,200. (Average, $5,000)

"Diamond Jim" Is Buffalo Sensation

BUFFALO, Sept. 23.—"Diamond Jim" was sensational here, drawing $12,500 to the Lafayette and easily doubling par. It was held for another week.

This stiff competition, combined with unusually warm weather and the presence of "Thumbs Up," Broadway revue, hit other grosses. The Century's dual, "Thin Man" and "Westward Ho," was $2,250 to the good at $7,800.

Total first run business was $46,950. Average is $37,900.

Estimated takings for the week ending Sept. 20:

"CALL OF THE WILD" (U. A.)

BUFFALO—(3,500), 30c-50c, 7 days. **Gross:** $13,500. (Average, $12,000)

"THE GOOSE AND THE GANDER" (W. B.)

HIPPODROME—(2,100), 30c-50c, 7 days. **Gross:** $6,200. (Average, $7,300)

"ACCENT ON YOUTH" (Para.)

GREAT LAKES—(3,000), 25c-40c, 7 days. **Gross:** $6,900. (Average, $7,300)

"THE THIN MAN" (M-G-M)
"WESTWARD HO" (Republic)

CENTURY—(3,000), 25c, 7 days. **Gross:** $7,850. (Average, $5,600).

"DIAMOND JIM" (Univ.)

LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $12,500. (Average, $5,700)

Yarborough a Director

HOLLYWOOD, Sept. 23.—Jean Yarborough, former assistant to Director George Stevens, has been made a director of two-reel comedies at Radio. His first picture, as yet untitled, will feature Ford Sterling and Lee Marcus will supervise.

Diedrich Hohn Dies

NORWALK, Sept. 23.—Diedrich Hohn, 22, manager of the Regent, is dead of pneumonia, following a two-day illness.

Oil a Big Help

Kansas City, Sept. 23.—One Kansas exhibitor is walking around on air these days. He is W. J. Burke of the Strand, Oxford, Kan., where they brought in the state's largest oil gusher last week. Burke's theatre has been open and closed off and on for five years, and Oxford never has been able to support a show consistently. But with three or four gushers, and a well going down in the town's principal street, the town will be able to support the Doric handsomely.

"Melody" a $7,000 Draw in Portland

PORTLAND, Sept. 23.—"Broadway Melody of 1936" proved to be the second big hit in two weeks. It grabbed $7,000, over average by $2,000, at the United Artists.

At the same time, "Top Hat," in its second week, pulled $6,000 at the Orpheum. This was still $1,000 over average. "The Goose and the Gander" and a dual, "She" and "Hot Tip," were normal at the Broadway and Mayfair, respectively.

Total first run business was $24,700. Average is $27,700.

Estimated takings for the week ending Sept. 21:

"STAR OF MIDNIGHT" (Radio)
"UNDER THE PAMPAS MOON" (Fox)

BLUE MOUSE—(700), 15c-25c, 7 days. **Gross:** $1,700. (Average, $1,700)

"THE GOOSE AND THE GANDER" (W. B.)

BROADWAY—(1,912), 25c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

"SHE" (Radio)
"HOT TIP" (Radio)

MAYFAIR—(1,700), 25c-40c, 7 days. **Gross:** $3,000. (Average, $3,000)

"TOP HAT" (Radio)

ORPHEUM—(1,700), 25c-40c, 2nd week, 7 days. **Gross:** $6,000. (Average, $5,000)

"SPECIAL AGENT" (W. B.)
OLD MAN RHYTHM" (Radio)

PARAMOUNT—(3,008), 25c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

"BROADWAY MELODY OF 1936" (M-G-M)

UNITED ARTISTS — (945), 25c-40c, 7 days. **Gross:** $7,000. (Average, $5,000)

Friars Resume Lunches

BOSTON, Sept. 23.—Weekly luncheons of the Friars Club have been resumed at the Hotel Statler adjoining the film district. Eddie Dowling was the first guest of honor in the new series. Maurice N. Wolf, M-G-M district manager, heads the group.

A recent ruling by the house committee is that, except on special functions, the club rooms will darken at 1 A.M.

"U" Sues Mark Hansen

LOS ANGELES, Sept. 23.—Universal Exchange is suing Mark Hansen in Municipal Court for adjustment on unfulfilled contracts. Hansen recently sold the Marcal without making arrangements for the continuance of his booking obligations, according to Universal.

Dan Truog Is Married

KANSAS CITY, Sept. 23.—Dan Truog, engineer, son of W. E. Truog, U. A. exchange manager here, and Miss Marjorie Lee, were married Sept. 21.

"Hat" Heads To Five-Week Chicago Run

CHICAGO, Sept. 23.—"Top Hat" looks good for five weeks. It finished the second week at the Palace with $29,200, which is $10,200 over a first week normal.

Extreme hot weather and ball games cut in on grosses. "She Married Her Boss," with Dave Apollon and his revue, was $1,000 up on a take of $35,600 at the Chicago and "The Dark Angel" garnered a strong $18,600 at the United Artists.

Total first run business was $130,300. Average is $122,100.

Estimated takings:

Week Ending Sept. 19:

"SHE MARRIED HER BOSS" (Col.)

CHICAGO—(4,000), 35c-50c-68c, 7 days. Stage: Dave Apollon and Revue. **Gross:** $35,600. (Average, $34,600)

"MAN ON THE FLYING TRAPEZE" (Para.)

ORIENTAL—(3,490), 25c-40c, 7 days. Stage: Armida, Mark Fisher and vaudeville. **Gross:** $13,400. (Average, $15,000)

"TOP HAT" (Radio)

PALACE—(2,509), 25c-35c-50c, 7 days, 2nd week. Stage: Eddie Peabody and Revue. **Gross:** $29,200. (Average, $19,000)

"DARK ANGEL" (U. A.)

UNITED ARTISTS—(1,700), 30c-40c-60c, 7 days. **Gross:** $18,600. (Average, $17,000)

"PAGE MISS GLORY" (W. B.)

GARRICK—(900), 25c-35c-50c, 7 days. **Gross:** $6,000. (Average, $6,500)

Week Ending Sept. 20:

"CHINA SEAS" (M-G-M)

APOLLO—(1,400), 25c-35c-50c, 7 days. **Gross:** $6,200. (Average, $6,000)

"ANNAPOLIS FAREWELL" (Para.)

ROOSEVELT—(1,591), 30c-40c-60c, 7 days. **Gross:** $8,000. (Average, $11,000)

"AGE OF INDISCRETION" (Univ.)

STATE-LAKE—(2,776), 20c-30c-35c, 7 days. Stage: State-Lake Follies with Gene Buck. **Gross:** $13,300. (Average, $13,000)

Lincoln Split Bill With Show, $2,900

LINCOLN, NEB., Sept. 23.—The Orpheum on a split week with a trio of pictures and the Bill Hogan band headlining the stage show three days clicked off the handsome gross of $2,900, $1,200 over par. Pictures were "Smart Girl" (with stage show) and a dual, "Thunder in the East" and "Calm Yourself."

"Diamond Jim," expected to do big things, was barely able to get to the average $3,100. "Every Night at Eight" got $100 more than regular with a $2,300 take. "Jim" played the Stuart and "Eight" the Lincoln.

Total first run business was $11,300. Average is $9,850.

Estimated takings:

Week Ending Sept. 18:

"SADDLE ACES" (Resolute)
"KENTUCKY BLUE STREAK" (Republic)
"HONG KONG NIGHTS" (1st. Div.)

COLONIAL—(750), 10c-15c, 7 days, three changes. **Gross:** $900. (Average, $850)

Week Ending Sept. 19:

"SMART GIRL" (Para.)
"CALM YOURSELF" (M-G-M)
"THUNDER IN THE EAST" (U. A.)

ORPHEUM—(1,200), 10c-15c-20c-25c, 7 days. Three of vaudeville headlining Bill Hogan and his band. **Gross:** $2,900. (Average, $1,700)

"39 STEPS" (G. B.)

VARSITY—(1,100), 10c-15c-25c, 7 days. Vaude headlining Paul Spor, full week. **Gross:** $2,100. (Average, $1,700)

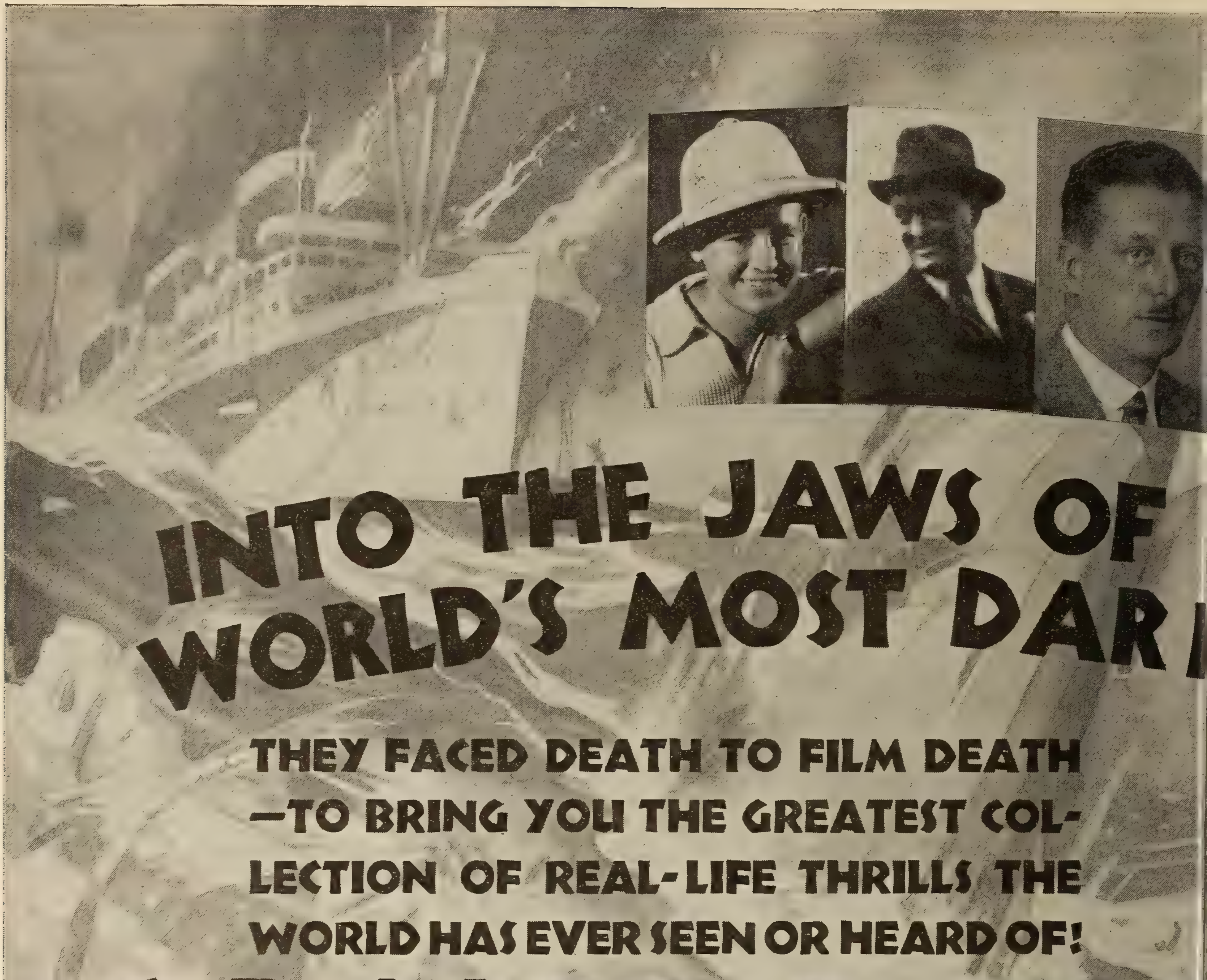
"EVERY NIGHT AT 8" (Para.)

LINCOLN—(1,600), 10c-20c-25c, 7 days. **Gross:** $2,300. (Average, $2,200)

Week Ending Sept. 20:

"DIAMOND JIM" (Univ.)

STUART—(2,000), 10c-25c-40c, 7 days. **Gross:** $3,100. (Average, $3,100)



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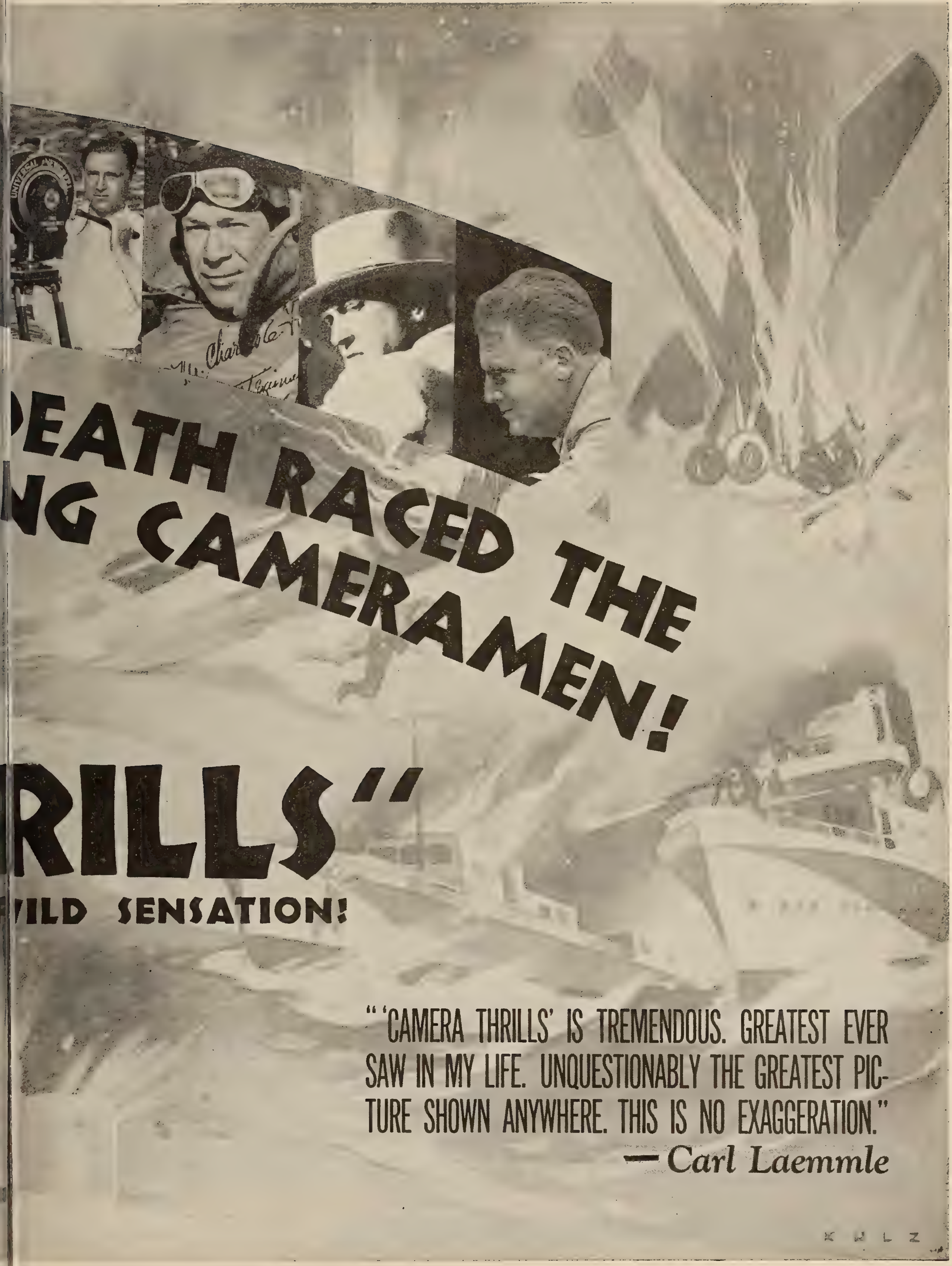
"CAMERA TH

UNIVERSAL'S TWO-REEL HURRICANE OF

Presented by Carl Laemmle
Produced by Charles Ford


DEATH RACED THE
NG CAMERAMEN!
RILLS"
WILD SENSATION!

"'CAMERA THRILLS' IS TREMENDOUS. GREATEST EVER SAW IN MY LIFE. UNQUESTIONABLY THE GREATEST PICTURE SHOWN ANYWHERE. THIS IS NO EXAGGERATION."

—*Carl Laemmle*

"Call" and "Agent" Charlotte Leaders

CHARLOTTE, N. C., Sept. 23.—"Call of the Wild" and "Special Agent" tied for top honors with takes of $5,000 each, both breaking par by $1,000.

"Harmony Lane" and "Bonnie Scotland" failed to reach average by $500.

Total first run business was $12,000. Average is $11,000.

Estimated takings for the week ending Sept. 21:

"CALL OF THE WILD" (U. A.)
CAROLINA—(1,400), 25c-40c, 6 days. **Gross:** $5,000. (Average, $4,000)
"SPECIAL AGENT" (W. B.)
BROADWAY—(1,114), 25c-40c, 6 days. **Gross:** $5,000. (Average, $4,000)
"HARMONY LANE" (Mascot)
IMPERIAL—(949), 25c-30c, 3 days. **Gross:** $1,000. (Average, $1,500)
"BONNIE SCOTLAND"
IMPERIAL—(949), 25c-30c, 3 days. **Gross:** $1,000. (Average, $1,500)

Goes into Archives

SPRINGFIELD, ILL., Sept. 23. — M-G-M will turn over to the state government a print of "The Perfect Tribute," Lincoln two-reeler with "Chic" Sale, for deposit in the official archives. The picture played here Sunday, which was officially proclaimed Chic Sale Day. Governor Horner and Sale led a parade to the tomb of Lincoln.

Confederates Turn Out

NEW ORLEANS, Sept. 23.—Confederate veterans, in an unusual procedure, joined in parade with Veterans of Foreign Wars for the premiere of "The Perfect Tribute" at Loew's State Sunday. Even the Louisiana State Museum arranged an exhibit of Confederate battle flags on which a value of more than $1,000,000 is placed.

Hamrick Shifts Policies

SEATTLE, Sept. 23.—John Hamrick switched policies for two of the first run houses in the recently-merged Hamrick-Evergreen setup. Hamrick's Orpheum becomes the second de luxe house, sharing the top single feature attractions with the Fifth Avenue. The Paramount, originally scheduled for the de luxe policy, will operate with dual features formerly planned for the Orpheum.

Herb Sobottka and Robert Williams, manager and assistant manager, respectively, of the Paramount move to the Orpheum to inaugurate the new policy. Don Geddes and Bill Hamrick, formerly at the Orpheum, will take the Paramount. A 40-cent top will prevail at both houses.

Para. to Build Big Vault

HOLLYWOOD, Sept. 23.—Paramount will build a new film vault, large enough to store 14,000,000 feet of film. The vault will occupy the site of the old Mary Pickford bungalow which will be torn down. For the past few years the Pickford bungalow has served as headuarters for the Charles R. Rogers unit.

Schwalm a Candidate

HAMILTON, O., Sept. 23.—John A. Schwalm, manager of the Rialto, a Southio unit, and member of the I.T.O. Ohio directorate, is a candidate for reelection to the City Council.

Schwalm also is chairman of one of the local Democratic organizations.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Personal Maid's Secret"

(Warners)

HOLLYWOOD, Sept. 23.—Bright comedy and telling characterization in both writing and acting provide this film with positive appeal for all types of houses.

Ruth Donnelly, after long service in wealthy homes, takes a job in the modest apartment of Margaret Lindsay and Warren Hull. The attempts of the couple to live up to the new maid result in a series of moves ending on a Long Island estate. A visitor is Anita Louise, Miss Donnelly's daughter, adopted by a wealthy family. Miss Donnelly reveals the relationship to save Miss Louise from an affair with a married man. Miss Louise handles her change from a giddy snob to a genuine admirer of her mother with telling understanding.

Miss Donnelly does fine work as the maid. Arthur Treacher as the butler, and the child, Ronnie Crosby, walk away with the comedy honors. Frank Albertson, Lillian Kemble Cooper and Henry O'Neill are good in smaller parts.

F. Hugh Herbert and Lillie Hayward handled the screen play smoothly from a story by Lillian Day. Arthur Greville directed for steady dramatic and comedy climaxes, under the supervision of Bryan Foy. Without big names, there is, nevertheless, real charm in the film. True comedy and drama should appeal to a large audience.

Production Code Seal No. 1,154. Running time, 60 minutes. "G."

"The New Frontier"

(Republic)

HOLLYWOOD, Sept. 13.—Plenty of gun play, trick riding and the spectacular burning of a frontier saloon provide action to please western audiences.

John Wayne and father Sam Flint are reliable guides across Indian-infested plains of early days. A wagon train in charge of Wayne is attacked by bad man Alfred Bridge with heart of gold, who apologizes when he discovers Wayne in charge because Wayne had befriended Bridge in the past. Wayne takes the train in safely to discover his father killed by Warner Richmond, bad man with a black heart. Wayne becomes sheriff, promises to clean up the town and swears in the Bridge gang as deputies.

Richmond arranges an ambush in the hills for Wayne, who single-handed disarms some 20 men and trips horses into a river in an exciting spill. A battle in a burning saloon is slowed by shots of a preacher praying for law and order, but otherwise the finale is tense.

Allan Cavan, Murdock MacQuarrie, Mary McClaren, Glen Strange and Earl Dwire are featured under the direction of Carl Pierson from a story and screenplay by Robert Emmett. Paul Malvern produced.

No production code seal. Running time, 62 minutes. "G."

Looking 'Em Over

"The Crime of Dr. Crespi"

(Republic)

John H. Auer produced, wrote and directed this adaptation of Edgar Allan Poe's rather gruesome story, "The Premature Burial," the result being strong dramatic meat of the buried alive variety, featured by the performance of Eric Von Stroheim as Dr. Crespi. It is unlikely that the film may be considered acceptable material for the juvenile, but the adults who like their films with a weird twist, and with a "shock" tendency, should find it acceptable entertainment.

Beside Von Stroheim, there are no outstanding cast names, the support including Dwight Frye, Paul Guilfoyle and Harriet Russell in particular.

Dr. Crespi, noted surgeon and clinic head, agrees to operate on the husband of the girl he had himself loved. The operation is a success, but the patient "dies" later. Suspicious that he has been poisoned, Frye, young doctor, taxes Crespi with the crime, and is bound and gagged. Crespi, in the morgue that night, gloats over the victim, who has been drugged, and will recover after he has been buried. Frye, with the help of another doctor, exhumes the victim, who recovers and confronts Crespi. The criminal commits suicide. Slight romantic aspects are taken care of in incidental manner.

Production Code Seal No. 789. Running time, 63 minutes. "A."

Southern Houses in Cooperative Group

HENDERSON, N. C., Sept. 23.—Interstate Theatres, Inc., has been granted its incorporation papers and offices have been opened in the Stevenson Bldg. here.

Purposes are described as:

(1)—To effect operating economies.

(2)—To avoid destructive competition.

(3)—To render better service to the public.

The company is a cooperative in that all member theatres also own stock in Interstate of which S. S. Stevenson, of the Stevenson and Moon, Henderson, is president and in charge of operations. H. R. Berry of Hattieville, S. C., is vice-president and B. L. Strozier, Rock Hill, S. C., secretary. The board is made up these three and G. W. Parr, Lancaster, S. C., and R. P. Rosser, Sanford.

Stockholders follow:

Stevenson and Moon, Henderson, S. S. Stevenson.
Temple and Sanlee, Sanford, R. P. Rosser.
State, Monroe, F. W. Smith.
Hollywood, Hillsboro, W. M. Chance.
Turnage and Strand, Washington, N. C., C. A. Turnage.
Colonial and Opera House, Tarboro, A. M. Smith.
Temple, Hartsville, S. C., H. R. Berry.
Imperial, Lancaster, S. C., G. W. Parr.
Stevenson and Carolina, Rock Hill, S. C., B. L. Strozier.
Haigler, Camden, S. C., T. L. Little.
Carolina and Reliance, Orangeburg, S. C., J. I. Simms.
Ritz, Walterboro, S. C., H. B. Cook.

Decision Reserved In Agostina's Suit

Decision was reserved yesterday by Justice Frank F. Adel in Supreme Court, Brooklyn, on the suit of Benjamin F. De Agostina, president of Allied M. P. Operators' Union, against Estates Operators Co., Inc., which controls the Avon, Garfield and 16th St., Brooklyn.

De Agostina contends that Estates is a member of the I.T.O.A., and, as such, should be compelled to employ members of his union under the terms of a contract. He asks a temporary stay pending a trial.

Change Berkeley Charge

LOS ANGELES, Sept. 23.—Municipal Judge Call has ordered that the original charges of manslaughter against Busby Berkeley, dance director, be substituted by second degree murder charges in connection with the three-car collision which cost the lives of two women on Sept. 8. Arraignment was set for Oct. 7 in Superior Court.

Nebraska Gets Vaude

LINCOLN, Neb., Sept. 23.—Court attitude in opposition to Bank Night may bring about a return of vaudeville here. Circuit heads are studying the outlook.

Tri-States has already signed with the Wilbur Cushman vaudeville circuit for programs at the Capitol, Grand Island, and the Rivoli, Hastings.

Pickets in Court Today

Hearing on charges of disorderly conduct against 40 pickets from Local 306 is set for today in the Jefferson Market Court. Melvin Albert of Weisman, Quinn, Allen & Spett, will represent theatre members of the I.T.O.A. bringing the complaints.

Waterbury Theatres Await School Start

WATERBURY, Sept. 23.—Schools are scheduled to reopen Sept. 30. The delay has been due to an infantile paralysis epidemic. Theatres will admit children under 14 as soon as schools resume.

Two reopenings are scheduled for theatres. One, the Lido, has been redecorated and reequipped. Mrs. A. F. Sirica, William Sirica and Fred Quatrano will operate it as the Waterbury Amusement Corp.

The Springwood, at Springwood, will open soon after, having been dark for two years.

Columbus Gets Shows

COLUMBUS, Sept. 23.—With the RKO Palace inaugurating a stage show policy, at least temporarily, last week with the "Folies Bergere," it is understood that Loew's Ohio will play shows, opening Sept. 27 with one of Major Bowes' amateur units. Both houses also will play first run pictures.

In opposition, the Hartman, controlled by J. Real Neth, and now dark, will inaugurate a legitimate season Oct. 14, with Ethel Barrymore in "The Constant Wife."

Start "Great Ziegfeld"

HOLLYWOOD, Sept. 23. — Production has finally started on "The Great Ziegfeld" at M-G-M, with Fannie Brice and Ray Bolger the first to appear in a scene. The studio will try to finish with Bolger as soon as possible, as he is due in New York soon for a stage play, "On Your Toes."

Hearings Delayed on Sales Tax for Films

Hearings slated for yesterday on Universal and United Artists protests against levying a sales tax on business of the New York exchanges were put over until Oct. 1 by a special commission set up by Frank J. Taylor, comptroller for New York City.

Distributors contend that pictures are rented and not sold and therefore not subject to the two per cent city sales tax. Willard C. McKay is representing Universal and Ed Raferty is acting for United Artists in the matter.

N. H. Warner Club Elects

NEW HAVEN, Sept. 23.—Michael Anderson has been named as the new head of the Warner Club. Other officers elected are: Vice-president in charge of welfare, Dan Finn; vice-presidents in charge of membership, Frances Silverman and P. Flood; secretary, Mabel Crick; treasurer, M. O'Donnell; chairman of contributions and loans, James Bracken; board of governors, B. E. Hoffman, Nat Furst and J. Matthews.

A dinner is to be held in November.

Virginia Sale Touring

HOLLYWOOD, Sept. 23.—Virginia Sale and her husband, Sam Wren, are due in New York by auto. This week they will begin rehearsals of "Glory's Child," a stage play in which they will appear. They are also scheduled to appear briefly in a revue.

Not for Him

Denver, Sept. 23. — Fred Flanagan, owner of the smallest account in the Denver territory—the Vona, 100 seats, in Vona, Colo., 183 population, does not believe in giveaways. On all his correspondence and advertising he uses this slogan: "We do not bribe the people to see our shows."

Flanagan opens his house two days a week—Saturday and Sunday.

Browne Confers in K. C.

KANSAS CITY, Sept. 23.—George E. Browne, president of the I.A.T.S.E., and John Nick, vice-president, were here last week to confer with independent theatre owners regarding contracts for the coming season.

The union here is circulating a protest against the use of non-union labor by independents. The message is carried on a sticker affixed to the backs of the "bottle cap" mills used in the collection of the one per cent sales tax.

Commonwealth Men Meet

KANSAS CITY, Sept. 23.—The approximately 20 managers of Commonwealth Amusement Corp. attended the organization's first annual convention here.

Among those present were C. A. Schultz and O. K. Mason of Commonwealth and Elmer C. Rhoden of Fox Midwest.

Tampa Will Boost House License Fee

TAMPA, Sept. 23.—When the new license year starts Oct. 1, theatres, among other businesses, are going to find their occupational licenses tilted.

The present city license is $150 a year, irrespective of size, seating capacity or location. Of course there is an additional $50, if advertising is shown on the screen. Under the new schedule theatres will be graded by seating capacity. Smaller houses will be given a license for $150, and for larger ones the rates go as high as $450. In addition to the city license there is a state and county fee, which is $300 for every house.

Closes Clinton Capitol

CLINTON, Ind., Sept. 23.—Robert Scherer has closed the Capitol. The move followed filing of a suit in the Vermillion County Circuit Court by the Clinton Capitol Theatre, Inc., owner of the building, in which immediate possession of the showhouse and $1,000 damages was demanded for failure to vacate when the Scherer lease expired last month. Scherer says a new theatre, erected next door, will be ready Oct. 1.

Barlup to Baltimore

BALTIMORE, Sept. 23.—Stanley Barlup, who has been at the Fox in Washington all summer and is the assistant to Angie Ratto, Palace manager in that city, is now managing Loew's Parkway here until the return of Charles McCleary, who has been ill in Sinai Hospital.

UNIVERSAL ANNOUNCES
A STUPENDOUS PRODUCTION OF
THE GREAT AMERICAN CLASSIC
"UNCLE TOM'S
CABIN"
From the novel by Harriet Beecher Stowe
NOW IN PREPARATION!

Bank Night Ruled A Lottery in Iowa

DES MOINES, Sept. 23.—Bank Night was ruled a lottery here today by District Judge Russell Jordan in issuing to the state a permanent injunction against the Des Moines Theatre Co., and A. H. Blank, president. The injunction suit had been brought by the county attorney as a test case.

On the theatre's contention that Bank Night was not a lottery as one might win a prize without purchasing a ticket, the judge said, "The fact that one might win without paying consideration would not deprive the scheme of its character as a lottery. The fact that some may buy a ticket and attend the drawing and receive a chance to win the prize is greatly increased on Bank Night." Counsel for the theatre firm said the case probably will be appealed to the state Supreme Court.

More K. C. Bank Night

KANSAS CITY, Sept. 23.—Fox Midwest will introduce Bank Night in the Plaza, its de luxe first suburban run, and the Uptown, its first run house here. This makes use of Bank Night 100 per cent in its Kansas City, Mo., houses, and gives Kansas City its second first run using the promotion. The Newman instituted the plan during the summer.

"Crusades" Holding Up

Business at the Astor is holding up nicely with "The Crusades" garnering $7,200 in its fourth week on a two-a-day policy. The picture, which ends its fifth week tomorrow night, will tally in the neighborhood of $6,500.

Pennsylvania Groups Oppose Sunday Films

PHILADELPHIA, Sept. 23.—Church organizations and others are starting a statewide movement to oppose Sunday films, a referendum for which will be on the ballots in practically all counties at the coming election.

The plan has the backing of the Lord's Day Alliance, the W.C.T.U., State Council of Churches, Men's Dry League, State Grange and others. Another question on the ballots will be local option on the sale of liquor. The two are linked in this movement.

So far, action has consisted in passing resolutions and the sending of letters to candidates.

Premium Buyers Meet

The Atlantic Coast Premium Buyers' Exposition, sponsored by the Premium Advertisers' Assn., opened its five-day session at the Hotel Pennsylvania yesterday, with numerous speakers scheduled for round table discussions. A. B. Coffman, in charge of the affair, said there were 95 display booths at the exposition.

Cameron Again Active

DALLAS, Sept. 23.—P. G. Cameron, veteran exhibitor, has re-entered the business, having acquired a 50 per cent interest in the Columbia. Cameron is associated with L. E. Harrington. The management of the house is expected to change hands Oct. 15.

Otterson En Route West

HOLLYWOOD, Sept. 23.—John E. Otterson, president of Paramount, is due to arrive from New York tomorrow night.

Puts One Over

New Haven, Sept. 23.—The naivete of the *Register* is boundless. "325 Little Iron Men Tonight" got around the Bank Night advertising ban. The Strand, Hamden, slipped this piece of subtlety into its regular ad and the editor evidently thought it was one of the latest pictures.

Warners Lease Two Washington Houses

SEATTLE, Sept. 23.—Dave Cantor's New Bijou in Aberdeen and New Hoquiam in Hoquiam will be taken over on Sept. 28 by Warners. The deal was closed last week by Frank Blount of Warners' real estate department and Oscar Gilbertson of the auditing department.

Warners are now operating the Aberdeen in that city, with Tom Olsen as manager. Olsen will probably remain as managing director of the three houses.

Illinois Circuits Active

CHICAGO, Sept. 23.—The opening of the fall season finds two of the larger circuits downstate very busy. Alger Brothers with headquarters at Peru have just completed installing new sound equipment in Peru, Mendota and Rochelle. Recently they opened the Albro, a 500-seat house in Urbana. This house was formerly the Colonial and had been dark for 10 years.

At Morris the Anderson circuit has opened the Naper in Naperville, and is building two other modern theatres. One in DeKalb will be opened next month. It is called the Barb and will seat 600. At Macomb a 650-seat house, the LeMoine, is now being built and will open in November.

Dallas Rialto Leased

DALLAS, Sept. 23.—P. G. Cameron and L. E. Harrington have taken a lease on the Columbia, North Side neighborhood, and will remodel and reequip it. Nathan Brown, present operator, will vacate shortly.

Interstate's Rialto, rebuilt from the Old Mill, has opened. Company plans call for the use of this house as an additional first run and for extended runs from the larger houses. It is expected that the admission scale will remain at 50 cents.

Goldman Leases the Pitt

PITTSBURGH, Sept. 23.—A six-month lease on the Pitt has been taken by Moe Goldman, who operates a string of independent grind houses in the New England states. Goldman will reopen the house, which George Shafer ran last season, with vaudeville and pictures, Sept. 26, under a double-feature policy at a scale of 10 and 15 cents.

Brassil Wins Promotion

NEW HAVEN, Sept. 23.—Eugene Brassil has been named assistant manager at the Roger Sherman, to succeed Angelo Sette, who was recently promoted to the managership of the Broadway, Norwich.

Cleveland House to Open

CLEVELAND, Sept. 23.—The Casino Mayfair, formerly the Ohio, will open Oct. 15, offering stage and table service, under the management of Harry Proper.

Amusement Leaders On Rogers Memorial

WASHINGTON, Sept. 23.—Well-known figures in the amusement world included in the commission of 200, headed by Vice-President Garner, to consider a memorial for Will Rogers, are:

M. H. Aylesworth, Eddie Cantor, Irvin S. Cobb, Marion Davies, Dr. A. H. Giannini, Will H. Hays, Rupert Hughes, Joseph P. Kennedy, Ed Kuykendall, Frank Lloyd, George Marshall, Louis B. Mayer, C. C. Pettijohn, Mary Pickford, Hal Roach, Joseph M. Schenck, Winfield Sheehan, Frank C. Walker and John Hay Whitney.

Jesse H. Jones, chairman of the R. F. C., is treasurer. Governor Marland of Oklahoma, Fred Stone and Amos G. Carter and Rex Beach are vice-chairmen.

Field Named for Rogers

HOLLYWOOD, Sept. 23.—The polo field of Uplifters' Ranch at Santa Monica has been renamed the Will Rogers Memorial Field. The late comedian usually played there over weekends.

De Wolf Hopper Passes

KANSAS CITY, Sept. 23.—De Wolf Hopper, 77, famous comedian, died today at a local hospital from a heart attack. He became ill yesterday after taking part in a radio broadcast and after being sent to the hospital refused to take his illness seriously.

De Wolf Hopper's favorite role was that of Old Bill in "The Better 'Ole." His favorite play was "Wang." His readings of "Casey at the Bat" have been classics for a generation.

David Landau Dies

HOLLYWOOD, Sept. 23.—David Landau, veteran stage and screen actor, died here Saturday. He appeared in "Street Scene" and "She Done Him Wrong" among other pictures. He was 57 years old. Mrs. Delight Landau, his widow, survives.

Philip Levy Dead

ALLENTOWN, Sept. 23.—Philip Levy, former theatrical manager and recently manager of theatres in Pennsylvania and New York, died here over the week-end. A native of San Francisco, he was 63 years old.

Jack Cassidy Passes

NEW HAVEN, Sept. 23.—Jack Cassidy, veteran operator at the Paramount, died at New Haven Hospital after a six weeks' absence from his post. He was with the theatre at its opening 19 years ago.

S. & C. Take Two More

Springer & Cocalis have taken over the Grand and Folly in Brooklyn. The former house has been closed for some time and will be reopened shortly. The Folly has been operated by Albert and Harry Mackler. Mort Shea had this house for a number of years and dropped it.

Gary Grant Signed

LONDON, Sept. 23.—Cary Grant has been signed by Garrett-Klement Pictures, Ltd., to appear in "The Amazing Quest of Mr. Ernest Bliss," from the E. Phillips Oppenheim best seller.

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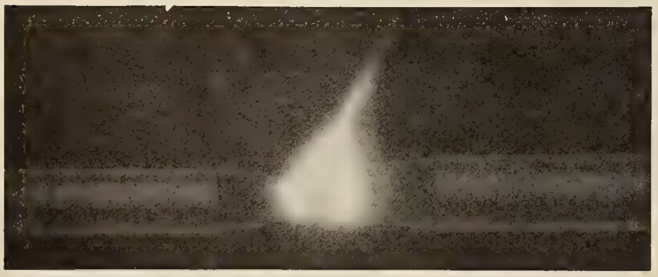

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The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

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Academy Sets New Contract For Writers

Agreement Ends Year's Work of Committees

Hollywood, Sept. 24.—Launching its first important drive in opposition to the Screen Writers' Guild effort to force producer recognition, the Academy today announced completion of a revised five-year basic writer-producer working agreement and code of fair practice, ending almost a year's collaboration between the writer and producer committees.

Recommendations which have full concurrence of both committees will now be referred to respective Academy branches for endorsement prior to submission to the Board of Governors and producer companies for requested adoption. Simultaneous with the mailing of ballots to writer, producer and

(*Continued on page 13*)

Capacity Crowd to Attend Ampa Lunch

A capacity attendance, 250 strong, will attend the Ampa luncheon for Martin Quigley at Jack Dempsey's today. The function is in observance of the publisher's 20th anniversary in this field.

In addition to leading executives who signified their intention of being among those present on Monday, the following were among yesterday's acceptances: Charles C. Pettijohn, Felix F. Feist, David Bernstein, Howard Dietz, Abe Montague, J. H. Moskowitz, E. C. Grainger, H. G. Knox, Maurice McKenzie, Monroe Greenthal, Jules E. Brulatour, Earle W. Hammons, Paul Gulick, Jack Alicoate, Jay Emanuel and Andre Sennwald, critic of *The New York Times*.

Ickes' Demands May Halt Use of Parks

By BERTRAM F. LINZ

Washington, Sept. 24.—Use of the national parks for film locations may be foregone in the future by producers as a result of a demand by Secretary of the Interior Ickes that companies using the parks make a "voluntary" contribution to the National Parks Trust Fund.

Some months ago use of Sequoia National Park by M-G-M for the filming of "Sequoia" resulted in complaints that the unit had done much damage. A week ago M-G-M made a contribution of $5,000 to the National

(*Continued on page 6*)

Operator Wage Pacts Stir Up Some Friction

Some Groups Talk Split From Circuit Deals

Dissension within exhibitor ranks over the new basic operator wage scale broke out at a meeting of major and independent circuit heads on Monday, indicating that some of the unaffiliated theatre heads may forsake the circuits in their negotiations and start discussing a scale for their own theatres with Local 306.

The disruption is said to have taken place when a Skouras representative objected to the secrecy in negotiations carried on by the circuits. He is also

(*Continued on page 6*)

Hearing on Pickets Is Postponed Again

Hearing on charges of disorderly conduct against 40 pickets of Local 306 was postponed yesterday by Magistrate McGee in the Jefferson Market Court until Oct. 18. An attorney for Local 306 asked for dismissal of the cases on the ground that a truce between the unions is now in effect. Melvin Albert of Weisman, Quinn, Allen & Spett, attorneys for the I.T.O.A., argued that there had previously been two truces which have never amounted to anything.

The judge deferred action until Oct. 18 in order to see what develops between the unions in the interim.

Five Chance Games Cases Are Delayed

Five chance game cases scheduled for hearing before Judge Croake in the Stapleton Magistrate's Court yesterday were postponed until Oct. 15. Ex-Senator Smith, representing four Harry Shiffman theatres, and an at-

(*Continued on page 6*)

Renovates 50-50

Chicago, Sept. 24.—A. B. McCollum, Hoopeston circuit operator, is remodeling his Lorraine in Hoopeston in an unusual manner. McCollum is rebuilding and keeping the theatre open at the same time.

Half of the house has been torn up for repairs and the seats in the other half left for use. When one side is completed in the new style the other side will be revamped. Seating capacity under the change is about half but the house remains open and "the show goes on."

RKO Deals Set for 189 Features Here

RKO has completed product deals for 189 pictures for its metropolitan circuit. Another deal is pending with G. B. for 20 films. Contracts closed by the circuit are for 48 from RKO, 52 from Warners-First National, 56 from Twentieth Century-Fox, 18 from Universal and 16 from Republic.

Commenting on business, Herbert Bayard Swope, chairman of the KAO board, yesterday declared that in 1934-35 the circuit "made a splendid showing all along the line. Business is better—getting better all the time."

RKO Gains Helping RCA Profit Outlook

RCA may pay $5 on its B stock as a result of improved earnings this year, according to the *Wall Street Journal,* and there is a possibility of reducing the accumulated deficit in dividends on this stock.

Contributing to the bright outlook, according to this writer, are the improved earnings of RKO, now in process of reorganization. RCA holds 84 per cent, or $9,786,000 worth of RKO debentures, and these are now earning interest. The company also has 1,259,468 shares of RKO, a total investment of about $15,000,000, upon which it has not been getting return.

Grosses Hit $1,595,351, Topping Last Year's High

Grosses in the 22 key cities for which weekly totals are compiled by Motion Picture Daily have leaped back beyond the levels prevailing a year ago. The $1,595,351 recorded for the week ending Sept. 5-6 was $175,536 above the high point reached a year ago for the week ending Sept. 27-28.

For the week ending Sept. 12-13 this year there was a slight recession to $1,386,711, but this figure has been exceeded only nine times in the last 12 months.

Fall reopenings have increased the number of theatres in operation in these cities to 135, an increase of 13 from the low of 122 reached during the week ending Aug. 1-2.

Comparative grosses on page 10.

Para. to Sign Partnerships For 90 Days

Extension from Sept. 28 To Be Decided Today

Paramount partnership agreements which expire on Sept. 28 will be extended today for a period of 90 days, it was stated officially yesterday. A meeting is scheduled to take place today when such a decision will be ratified.

The reason cited for the extensions is that it will take about three months to work out permanent deals with the various partners who operate about 1,000 theatres throughout the country. Reports current yesterday that George Trendle's deal would be set for signatures on Friday were denied yesterday by a high Paramount official.

Abe Blank, Ralph Branton, Louis Dent, Robert J. O'Donnell, John Balaban and Trendle are in New York, having arrived from their territories to attend the Louis-Baer fracas.

John E. Otterson, president of Paramount, arrived on the coast yesterday. It is understood that he will personally confer with the partners when the long term agreements are to be signed.

Warners Place Two In Wisconsin Pool

Warners have pooled two theatres in Appleton and Milwaukee, Wis., and have deals under way in two other situations which will be closed shortly.

One of the joint operating arrangements is with Jack Sillaman of the Rio, Appleton. Warners has the Appleton in this town and both houses have been pooled for the last week. The second deal is with the Sax Brothers in Milwaukee. Warners has the Granada, while the Saxes have the Majestic. This agreement goes into effect Oct. 1.

Schenck to Make Bid For Half of Fox Met

Joseph M. Schenck, acting for United Artists Theatres Corp., is expected to make a bid for the 50 per cent interest in Metropolitan Playhouses, it was learned yesterday.

Schenck is due from the coast around Oct. 1, when it is said he will confer with Milton C. Weisman, receiver for Fox Theatres and also vice-president and secretary of Metropolitan Playhouses, on the purchase of the outstanding interest.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

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Advertising Manager

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Wall Street

Eastman Best Gain on Big Board

	High	Low	Close	Net Change
Columbia	66	65	66	+1½
Consolidated	4½	4½	4½	+ ¼
Consolidated, pfd.	16¾	16⅜	16¾	+ ¾
Eastman	156	155	156	+3
Keith-Albee, pfd.	76	75	75	— ⅛
Loew's, Inc.	44½	43⅞	44¼	+ ⅝
Paramount	11¾	11⅛	11½	+ ⅛
Paramount, 1 pfd.	100⅞	100	100½	+1
Paramount, 2 pfd.	13⅞	13½	13¾	+ ¼
Pathe Film	6⅛	6⅛	6⅛	+ ⅛
RKO	5¼	5	5⅛	+ ⅛
20th Century-Fox	16⅞	16⅝	16⅝	— ¼
20th Century, pfd	25⅛	24¾	25⅛	+ ⅜
Warner Bros.	8⅛	7⅞	8	+ ⅛
Warner, pfd	42½	42½	42½	— ½

Trans-Lux Gains on Curb

	High	Low	Close	Net Change
Sonotone	1¾	1½	1¾	— ⅛
Technicolor	19⅝	19⅜	19⅜	— ⅜
Trans-Lux	3⅜	3⅜	3⅜	+ ⅛

Bonds Gain Slightly

	High	Low	Close	Net Change
General Theatre 6s '40 ctf.	14½	14½	14½	+ ¼
Keith B. F. 6s '46	88	88	88	+1
Loew's 6s '41 ww deb rights	104⅞	104⅝	104⅝	— ⅜
Paramount B'way 3s '55	63	63	63	+ ¾
Paramount Pict. 6s '55	97⅜	96¼	97	+ ⅝
RKO 6s '41 pp.	72	70⅞	72	+1¾
Warner Bros. 6s '39 wd	83¼	82¾	83	+1

(Quotations at close of Sept. 24)

Insiders' Outlook

By RED KANN

VISITING theatremen from this sector and that, here principally for last night's fight, report business is perking up. When exhibitors, with one eye, at least, and perhaps two, cast in the general direction of exchangemen and higher rentals, tell you that, it's apt to be something.

Not content with the encouraging nature of these various verbal assurances, we turned to the trusty adding machine for further evidences of what goes on in key cities and discovered the period following the whopping Labor Day week was no slouch either.

Twenty-eight cities which make up MOTION PICTURE DAILY'S box-office index rolled up $1,348,990 for the theatre week ending variously from September 11-18. Comparing with a normal $1,172,200, the gain was exactly $176,790. . .

▼

Indicating how the total first run business in these twenty-eight keys went is the following tabulation:

City	*Week Ending*	*Gross*	*Average*
Boston	Sept. 13	$ 99,500	$ 80,500
Buffalo	Sept. 13	40,400	36,100
Charlotte	Sept. 14	19,000	12,000
Chicago	Sept. 12-13	128,300	122,100
Cincinnati	Sept. 13	73,400	60,200
Cleveland	Sept. 13	63,350	40,000
Denver	Sept. 12	34,500	19,500
Detroit	Sept. 12	77,400	67,500
Indianapolis	Sept. 14	21,750	19,500
Kansas City	Sept. 12-13	39,200	37,000
Lincoln	Sept. 11-13	12,300	9,650
Los Angeles	Sept. 18	91,940	91,200
Louisville	Sept. 13	21,900	18,500
Milwaukee	Sept. 12	25,050	24,250
Minneapolis	Sept. 11-12	22,200	21,000
Montreal	Sept. 14	41,500	40,500
New Haven	Sept. 13	27,100	18,500
Oklahoma City	Sept. 14	18,900	13,500
Omaha	Sept. 11-12	25,400	16,500
Philadelphia	Sept. 12	77,900	70,100
Pittsburgh	Sept. 12	39,850	35,500
Portland	Sept. 14	31,700	24,700
Providence	Sept. 12	39,200	40,500
San Francisco	Sept. 10-13	87,250	74,200
St. Louis	Sept. 12	60,000	54,000
St. Paul	Sept. 12	17,600	16,000
Seattle	Sept. 13	30,500	30,000
Washington	Sept. 12-15	81,900	79,200
28 Cities		$1,348,990	$1,172,200

▼

In this period, demonstrating as it does the contributing power of real drawing cards, "Top Hat" about which you should know plenty at this late date, drew top honors in Boston ($27,000 gross, or over par by $15,000), Chicago ($32,500, comparing with an average $19,000), Cincinnati ($24,000, average $12,000), Detroit ($15,600, or $5,600 ahead of the norm), Kansas City ($15,000, or $7,000 to the good), Lincoln ($4,800 and over average by $1,700), Los Angeles ($9,100 in its third week at one house and $9,000 in its third at another), Louisville ($3,500 in its third week), New Haven ($14,000, or double par), Omaha ($9,500 when average is $4,750), Philadelphia ($25,000, or double average), Portland ($9,000, or $4,000 ahead), San Francisco ($26,000, comparing with a $13,000 average). . .

▼

Then there was "Diamond Jim" which may prove to be Carl Laemmle's mortgage lifter. It went to $13,500, or $500 ahead in one St. Louis house, and $10,500, or $1,500 ahead, in another in the same city. In Indianapolis, it left normal behind by $1,500 to a take of $4,500 in the face of stern competition and in Seattle the gross was $7,400 which was $1,400 ahead of parity.

The Rogers picture, "Steamboat 'Round the Bend," has been going places as well. Take a look: Cleveland ($17,350, which was $9,350 ahead of usual business), Denver (a record breaker at $11,000, or $6,000 over par), Louisville ($3,200 which, for

(*Continued on page* 6)

Protests Continue Over Ontario's Tax

TORONTO, Sept. 24.—Protests against the amusement tax in Ontario continue to develop and Premier Hepburn is being pressed with demands for a repeal of the levy.

The latest to take action against the impost are the City Council of Windsor, Ont., and the Local Council of Women which adopted a resolution of protest at its annual meeting in Kingston. Both of these bodies stressed the inequity of the tax which went into effect June 1 and through which the province will reap $3,000,000 in 12 months, it is estimated. Under the old scale in which all tickets of 25 cents and under were tax-free, the largest annual revenue was registered in the prosperous year of 1927 when the Provincial Treasury earned $1,567,630. For the current year the tax total will reach double that amount while the theatres will probably gross half of the 1927 receipts.

Premier Hepburn of Ontario announced when the tax increases went into effect that the revenue would be devoted to unemployment relief. Recently, however, he tossed the relief problem to the cities and towns so that the province does not require the money for that purpose. The argument is also advanced that, according to Government statistics, the number of employed persons is now equal to the aggregate payroll total of the normal year of 1926.

Flint Men Threaten To Return to Duals

FLINT, Mich., Sept. 24.—A number of local exhibitors, dissatisfied with the results of the agreement entered into about a year ago to do away with double bills except on one change a week and disgruntled because of the recent opening of the new Rialto by Schreiber, Smilay & London of Detroit, which is playing double bills two changes a week and vaudeville on the third, will kick over the agreement at its expiration, which takes place within the next few weeks.

A spokesman for this group of exhibitors said that they had failed to get increased profits predicted by adherents of the single bill plan and in addition charge that one or two theatres are over-buying and asking unfair protection.

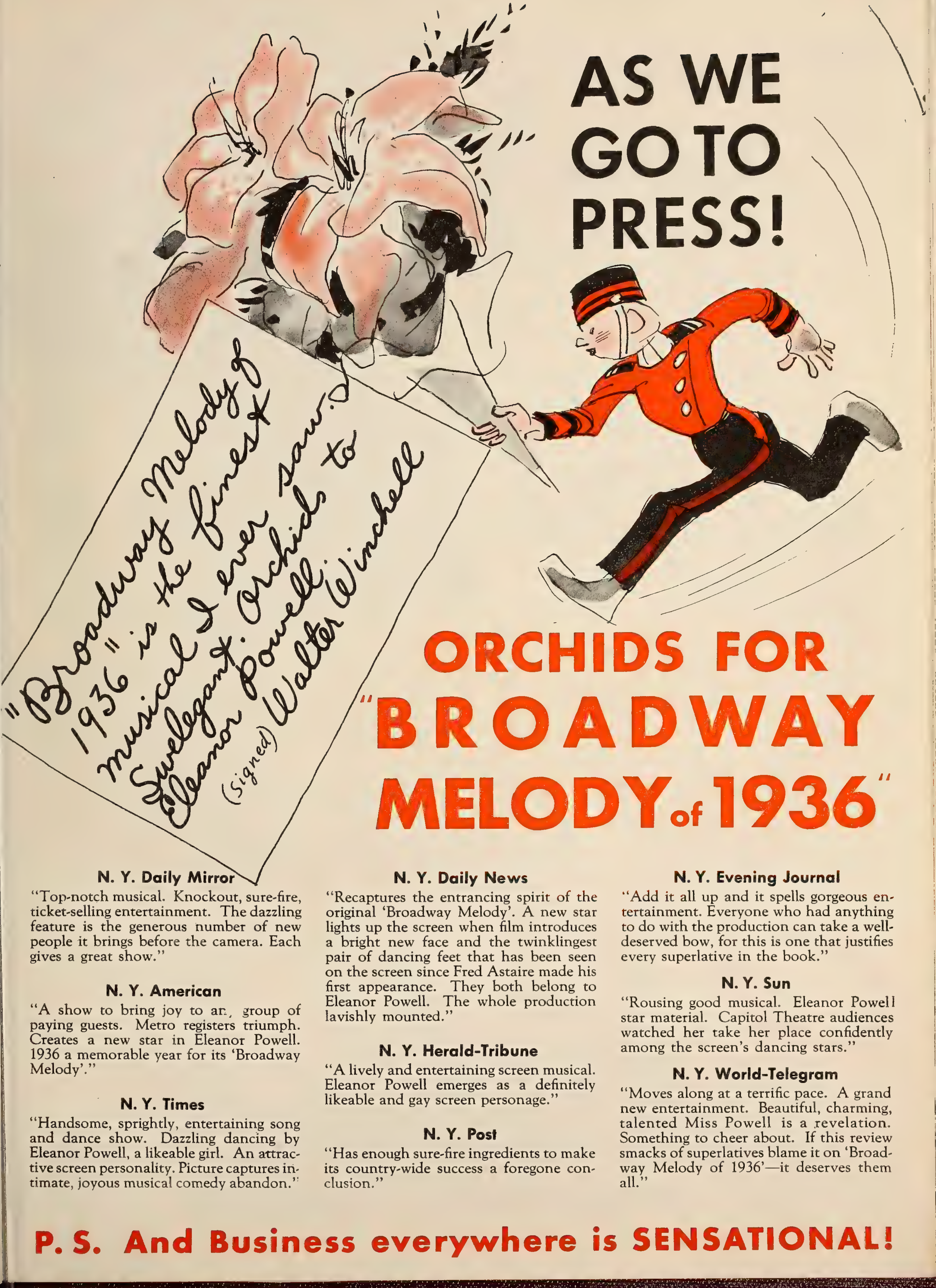
He said that they would not re-sign the agreement at its expiration, but would return to the continuous use of duals. This, of course, will result in all Flint theatres returning to doubles.

Jack Alicoate Back; Finds European Gain

Jack Alicoate, publisher and editor of *The Film Daily,* yesterday returned from his annual trip abroad on the *Normandie* and brought with him a generally encouraging story of the industry abroad, and in England, in particular.

Throng to Fight

The film industry—New York, Hollywood and points in between—was well represented last night at the Yankee Stadium when Joe Louis won out over Max Baer by a knockout in the fourth round.



AS WE GO TO PRESS!

"Broadway Melody of 1936" is the finest musical I ever saw. Swellegant. Orchids to Eleanor Powell. (signed) Walter Winchell

ORCHIDS FOR "BROADWAY MELODY of 1936"

N. Y. Daily Mirror

"Top-notch musical. Knockout, sure-fire, ticket-selling entertainment. The dazzling feature is the generous number of new people it brings before the camera. Each gives a great show."

N. Y. American

"A show to bring joy to an, group of paying guests. Metro registers triumph. Creates a new star in Eleanor Powell. 1936 a memorable year for its 'Broadway Melody'."

N. Y. Times

"Handsome, sprightly, entertaining song and dance show. Dazzling dancing by Eleanor Powell, a likeable girl. An attractive screen personality. Picture captures intimate, joyous musical comedy abandon."

N. Y. Daily News

"Recaptures the entrancing spirit of the original 'Broadway Melody'. A new star lights up the screen when film introduces a bright new face and the twinklingest pair of dancing feet that has been seen on the screen since Fred Astaire made his first appearance. They both belong to Eleanor Powell. The whole production lavishly mounted."

N. Y. Herald-Tribune

"A lively and entertaining screen musical. Eleanor Powell emerges as a definitely likeable and gay screen personage."

N. Y. Post

"Has enough sure-fire ingredients to make its country-wide success a foregone conclusion."

N. Y. Evening Journal

"Add it all up and it spells gorgeous entertainment. Everyone who had anything to do with the production can take a well-deserved bow, for this is one that justifies every superlative in the book."

N. Y. Sun

"Rousing good musical. Eleanor Powell star material. Capitol Theatre audiences watched her take her place confidently among the screen's dancing stars."

N. Y. World-Telegram

"Moves along at a terrific pace. A grand new entertainment. Beautiful, charming, talented Miss Powell is a revelation. Something to cheer about. If this review smacks of superlatives blame it on 'Broadway Melody of 1936'—it deserves them all."

P. S. And Business everywhere is SENSATIONAL!

THEY TOPPED ALL RECORDS I

WALK"-BUT THIS Cap

"It just can't miss. It rates about the finest thing Warners have yet produced."
—SHOWMEN'S TRADE REVIEW

in the Navy's "Flirta

Shipmates

With LEWIS STONE • ROSS ALEXANDER
EDDIE ACUFF • DICK FORAN • JOHN ARLEDGE
Filmed at Annapolis by "Flirtation Walk's" director, FRANK BORZAGE
A Cosmopolitan Production • A First National Picture

WARNER BROS . . . PRODUCERS!

FLIRTATION

IT!

Stars ahoy! Break out the flags! Dick Powell and Ruby Keeler are coming full steam ahead with the Battle Fleets thundering behind them. "Flirtation Walk" set the standard they had to beat. They've done it. New romance, faster laughs, songs and steps packed with melody and pace. Plus the thrill of the strongest story they've had yet.

DICK POWELL
and
RUBY KEELER

n Walk"

Forever

All the thrills of the Middies on parade in sensational new Warren & Dubin song hits—
'Don't Give Up The Ship,'
'I'd Love to Take Orders From You,'
'I'd Rather Listen to Your Eyes'.

Operator Wage Pacts Stir Up Some Friction

(*Continued from page* 1)

said to have taken exception to the move made by Joseph Plunkett on a deal for Allied operators at the Astor.

Various circuit heads contacted state that the meeting was "harmonious." Another session was called for yesterday, but it will not be held until today instead.

William Powers, who is said to be the Skouras representative, is understood to have been upset about certain remarks passed by Boris Morros and both nearly clashed during the sessions, which at that time had not been attended by Joseph D. Basson, head of Local 306, and Frank Tichenor, appointee of Mayor LaGuardia, who is sitting in on the sessions.

After 10-Year Deal

Powers was accused of taking Basson out to lunch and making a deal for the Skouras houses, which he is said to have denied. Powers then threatened to break away and enter negotiations with Local 306, stating he could get a better deal by dickering on his own than with the major circuits. Louis Frisch and Sam Rinzler and Si Fabian were considering joining Powers, who is reported to have left the meeting in a huff.

Broadway houses are understood to be paying the union men $2.55 an hour, exclusive of overtime. The scale for the nine houses was discussed, but it is stated that the union held out for the same figure it is now getting.

The circuits are still trying to get a 10-year deal with a clause for arbitration on a new scale every two years.

Four Classifications

Grading of the houses is not expected to be completed this week, as anticipated. The circuit neighborhood theatres are definitely set on a $1.86 an hour rate. It is said that the independents are expecting to get around $1.35 to $1.45 an hour for first run neighborhood houses. At present there are four classifications. In the first group is the theatre seating up to 600. In the second list are the houses of the Randforce and Skouras type. The third category has the RKO and Loew circuit houses. The fourth and last is limited to the Broadway first runs.

Basson yesterday met Jack Springer and A. H. Schwartz, both of whom employ Empire State operators, indicating that a merger of the three unions is nearing the closing point.

Cooper at Pioneer As Vice-President

Hollywood, Sept. 24.—Merian C. Cooper today assumed the post of executive vice-president of Pioneer, taking offices at United Artists. With him went John Speaks, who, as Cooper's assistant, becomes general manager of Pioneer. Announcements of titles on the eight-picture program will be made with the arrival of John Hay Whitney. Cooper and his wife will leave for Europe on a combined vacation and story search, following the conferences with Whitney.

Insiders' Outlook

(*Continued from page* 1)

the town, was a handsome $700 out in front), Providence ($9,800, or $2,800 beyond the normal peak), Oklahoma City ($10,000, or exactly double routine takes). . .

▼

At M-G-M, where as in other directions, the course of the box-office is of obvious concern and interest, interesting comparisons which bear out all that has preceded have come to light. Currently there, the field force has been given figures to show how grosses were heading on the Fourth of July this year as compared with its predecessor in 1934. This was the result:

Boston	519%	better
St. Louis	316%	better
Indianapolis	274%	better
Wilmington	262%	better
Philadelphia	249%	better
Rochester	244%	better
Kansas City	244%	better
Harrisburg	218%	better
Reading	212%	better
Louisville	131%	better

"These, of course, are for one theatre in each city," the comment to the field ran. "We could carry along similarly through a long list, but the whole story is told by the following:

The East	133%	better
The West	124%	better
The South	90%	better
Nationally	132%	better

▼ ▼

Hollywood dispatch reads: "Paramount has definitely decided on 'Desire' as the title for the new Marlene Dietrich-Gary Cooper film which goes into work shortly under Frank Borzage's direction."

That suggests future marquees reading:

MARLENE DIETRICH IN DESIRE
or
DESIRE WITH MARLENE DIETRICH

It also suggests, for the common good, that something about to be done about it before release date rolls around. . . .

H. M. Doherty Named Warner Clubs' Head

H. M. Doherty, who has been associated with Warners for the past 12 years, has been elected president of the national Warner Club. He succeeds Max Blackman, who held the post for one year.

J. T. Holmes has been named to replace Tom Martin as treasurer. These have been the only two changes in last year's setup. Louis Aldrich continues as secretary. Ruth Weisberg stays as vice-president in charge of welfare, Steve Trilling as vice-president in charge of entertainment and Jules Levey as vice-president handling membership.

About 80 delegates from all clubs throughout the country attended the annual get-together held at the Warner office. The session was followed by a night at the French Casino.

Oregon Special Session

Salem, Sept. 24.—The Oregon legislature goes into special session here Oct. 7, the session to last 20 to 30 days.

Arizona House Opened

Coolidge, Ariz., Sept. 24.—George Mauk has opened the Mauk Theatre.

Ottawa to Vote on Daylight Time Law

Ottawa, Sept. 24.—A revival of the daylight saving issue has popped up once more with the City Council of Ottawa deciding to submit a plebiscite to the people before tying up the situation for 1936. The vote will take place at the time of the civic elections on Dec. 2.

During the past few years "summer time" has been effective for five months from May 1 to Sept 30 and the people have become restless under this long stretch of artificial clocking. If daylight saving is approved by vote, it will probably be restricted to the two vacation months of July and August.

The head of the Ottawa City Council is Mayor P. J. Nolan who is the proprietor of three local theatres.

Puritan Closes a Deal

Hollywood, Sept. 24.—Puritan Pictures has completed arrangements with Joseph Simmonds and Sig Neufeld to produce Tim McCoy westerns for the Puritan lineup. McCoy is now touring with the Barnum & Bailey circus and will begin picture work in October. Two of the features of the 10 scheduled are "The Outlaw Deputy" and "The Man From Guntown."

Ickes' Demands May Halt Use of Parks

(*Continued from page* 1)

Park Trust Fund. This is said to be sufficient to cover the damage and to leave a balance.

It was learned today that two studios plan to make pictures in the parks, one in Yellowstone and the other in Yosemite. They have been told they can do so only if they make a "voluntary" contribution of $3,000 each to the trust fund, which would work as a rental at the rate of $1,500 per week. As this would be in addition to heavy expenditures for transportation of horses, food and other needs of the troupe, the companies have refused to make the contribution.

National park officials are said not to be in sympathy with Secretary Ickes' idea of collecting for the use of the parks, having always felt that the advertising which resulted from the showing of films was highly valuable. The major complaint, however, is understood to come from the railroads, concessionaires and others who benefited by the visits of the film makers.

Canada Theatre Gain Shown in New Report

Toronto, Sept. 24.—An indication of the manner in which theatre corporations of Canada are effecting improvement in their financial position despite decreased revenue is found in the annual statement of Confederation Amusements, Ltd., just issued.

Gross revenue for the past fiscal year was $427,603, as compared with $49,086 for the previous 12 months, while the net loss was $3,311, as against $3,645. During the year mortgages were cut $19,600 to $159,500 and, in the last three years, mortgage obligations have been lowered by $53,000. Current liabilities have been cut from $96,788 to $60,393 during the last fiscal 12 months with current assets slightly lower at $38,989, compared with $40,333 one year ago.

It is interesting to note that the company was able to sell $25,500 worth of first bonds which had originally been issued in 1931 primarily for the erection of the Chateau Theatre in Montreal, but were not disposed of at that time because of the unfavorable market conditions. Confederation Amusement operates six theatres with an aggregate capacity of 7,000.

Five Chance Game Cases Are Delayed

(*Continued from page* 1)

torney from the office of Weisman, Quinn, Allen & Spett, brought to the attention of the judge the fact that a Special Sessions hearing to decide legality of games is slated for Oct. 17. In view of this, it was felt that the five cases could be put over until a decision is made in Special Sessions.

This was agreed to. The lawyers inadvertently stated the Special Sessions hearing was set for Oct. 15. When the five cases come up on that date, another delay will be sought.

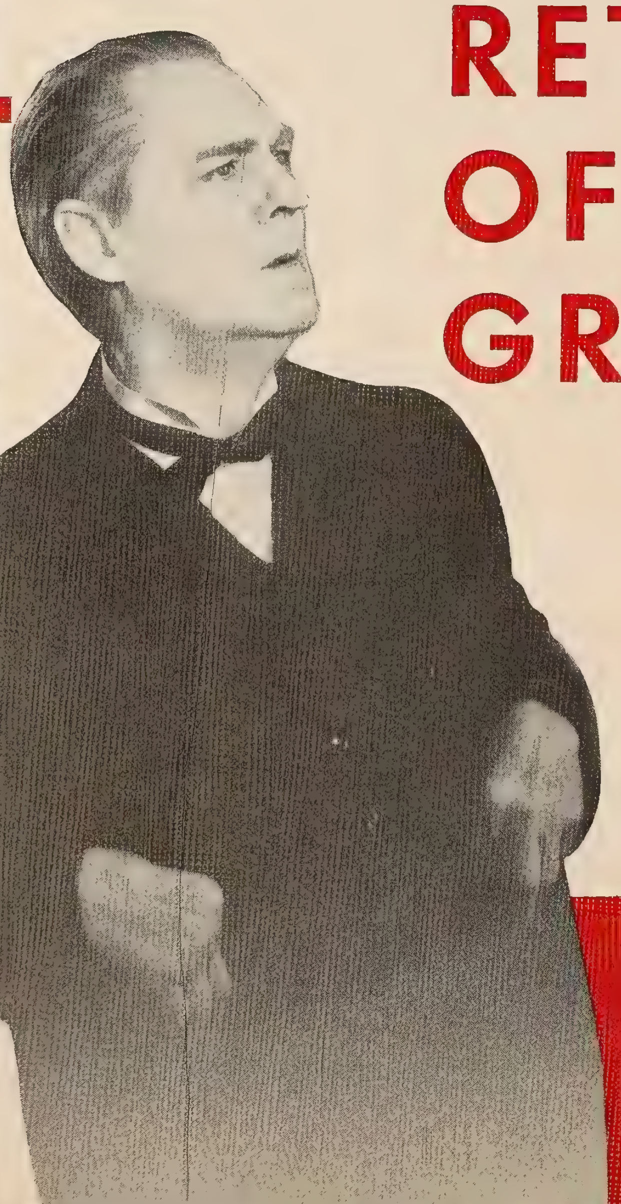
Legalize Sunday Films

Montgomery, Sept. 24.—Sunday films were legalized in Alabama in all towns from 15,000 to 40,000 population as the legislature adjourned.

LIONEL BARRYMORE BRINGS TO THE SCREEN THE CHARACTER THAT FIRED THE IMAGINATION OF AMERICA IN ONE OF ITS GREATEST STAGE PLAYS

DAVID BELASCO'S
MATCHLESS
STAGE
SUCCESS

THE RETURN OF PETER GRIMM



A TRADITION
IN THE THEATRE
. . . . AN
ACHIEVEMENT
ON THE SCREEN

STARRING

LIONEL
BARRYMORE

HELEN MACK • EDWARD ELLIS
DONALD MEEK - Directed by Geo. Nicholls, Jr.

RKO-RADIO PICTURE

Sirovich Committee Calls for Film Men

Al Lichtman, United Artists president; Jack Cohn, Columbia vice-president and Capt. George McL. Baynes, Eastern Service Studios, were subpoenaed yesterday by the House committee investigating patent pools. The subpoenaes are returnable Sept. 30 when the committee opens its inquiry at the Fifth Avenue Hotel. Representative William I. Sirovich heads the committee. Will H. Havs, John E. Otterson, Adolph Zukor, R. H. Cochrane of Universal and George Quigley of Vitaphone were subpoenaed earlier.

The committee's accountants have completed their compilation of statistical data at Columbia and Warners and are now working at Fox. The investigation, in connection with House Bill No. 4523, is designed to ascertain whether patent pools are in the public interest. David Harrison Berger is counsel to the committee.

Denver Men Protest Star Review System

Denver, Sept. 24.—Members of the Denver Theatre Managers' Ass'n. recently held a meeting here for a round robin on the four-star reviewing system in the *Rocky Mountain News,* a Scripps Howard paper. Attending were Charles B. McCabe, publisher, and Alberta Pike, dramatic critic.

About 30 exhibitors voiced a protest on the system. McCabe told the men that "it is not the intention of the newspaper to foster a system not constructive to the theatres." He said a survey will be made in a door-to-door canvass of readers for opinions.

McCabe promised to turn over the questionnaire to the managers' association and indicated that if the matter warranted the system would be modified. The managers expect to hold another meeting in a few months to discuss the reactions of the public.

Marcus to Do Three Features, 36 Shorts

Lee Marcus, associate producer, will make three features and 36 shorts on the current RKO program, he stated yesterday. The first feature, "The Rainmaker," has just been completed with Wheeler & Woolsey. The comedians will appear in a second picture Marcus will make while Gene Raymond has been cast for the third.

Marcus flew in from the coast Monday to attend the 54th birthday celebration for his mother yesterday. He plans to take the air route back to the studios today.

Biloxi Pickets Resume

Biloxi, Miss., Sept. 24.—Picketing of theatres here and in Gulfport is threatened as a result of labor controversies. One theatre here and two in Gulfport are affected, Stage Employes' Local 14 asking the Saenger-Paramount houses for a signed contract for an additional day's pay for Sunday, claiming they work seven days for six days' pay.

Plan Amateur Pictures

New Orleans, Sept. 24.—The Amateur Cinema League has been organized here by Norma Laescher, Fred Lazarae and Louis Hodges to produce amateur pictures which will be shown privately before the Louisiana Council for Motion Pictures.

◂ Purely Personal ▸

Harry and Jack Goetz, Joe Moskowitz, the Goldstein Brothers, George Weeks, Paul Mooney, Pete Harrison, Jay Emanuel, Benny Rubin, Albert Hovel, James A. FitzPatrick, Herman Robbins, Ed Fay, Colvin Brown, Charles Casanave, M. A. Schlesinger, Arthur W. Kelly, Haskell Masters, Martin Quigley, Charles Paine, Bill Heineman, Jack Miller, James Coston, Harry H. Thomas, Al Friedladder, Ben Bernfield, Frank Cassil, A-Mike Vogel, Gertrude Merriam, Herb Berg, Herman Gluckman, Budd Rogers, Jack W. Springer, A. H. Schwartz, Joseph D. Basson, Kay Kamen, Erwin Kleeblatt, Jack Rose, Sherman Krellberg, Arthur Mayer, Bert Ennis, Edward Rugoff and Charles Moses, at the Tavern for a round of chatter and plenty of food.

Quip of the Day

Over a recent weekend at Robbins' Roost which is Herman Robbins' place on Schroon Lake, the host served Polish ham sandwiches. The repast clicked and one of the guests asked how and where to buy it.

Yesterday he received a ham from Robbins with this note:

"Here's a tasty dish for Yom Kippur and perfectly within the code."

Joseph P. Kennedy sails on the *Normandie* with his family today for a vacation abroad. Also Europe bound on that boat are Constance Cummings and Benn Levy, Buddy Rogers and Max Schall.

•

Jack Miller, Jack Rose, Izzy Slaven and James Coston made a special trip from Chicago to witness the fisticuffs last night. Coston, who flew in, will return on the Century this afternoon.

•

Primo Carnera entered the Music Hall yesterday at 3:30 o'clock to see "Steamboat 'Round the Bend." He had to get reserved seats before he passed by the doorman.

•

Karl MacDonald of the Warner foreign department has left for Havana to confer on distribution in Cuba and Central America.

•

J. Real Neth of Columbus, O., is in town. He came for the fight. His attorney, John Connor, accompanied him.

•

Brad Angier, New England correspondent for Motion Picture Daily, was a visitor yesterday.

•

Joe Pollak reached New York from Hollywood yesterday to visit his brother, who is ill.

•

Phil Reisman is due to return here from a European tour on the *Majestic* next week.

•

Regina Crewe discussed "A Midsummer Night's Dream" over WINS yesterday afternoon.

•

Irving Berlin flew in from the coast for the Stadium event last night.

Bert Wheeler, Bob Woolsey, Gus Van and Dave Vine are among stage and screen players who will appear at the "Save Vandeville" mass meeting tonight at the St. James. Joe Laurie, Jr., vice president of the American Federation of Actors, will preside. Labor officials will speak.

•

W. G. Van Schmus will be host today in the studio apartment atop the Music Hall when John Kenneth Hyatt, managing director, and Murray Martin, director of publicity of the Center, will be introduced. Details of policy will then be divulged.

•

Watt Parker, Spectrum distributor in Atlanta and Charlotte, is in town on business. He was accompanied north by P. E. Ausband of Atlanta. John Cosentino, special representative of the same company, has returned from an extended tour of the south.

•

Herb Yates, Ned Depinet, Willard McKay; Sam Dembow, a temporary bachelor what with his wife visiting her family in Cleveland; Ed Churchill and Lynn Farnol at "21."

•

Claude Ezell and Eugene Reed, Denver attorney for Bank Night, leave today for Philadelphia. They have just returned from a Canadian trip.

•

Ketti Gallian, Mrs. Wesley Ruggles and Mrs. Joe E. Brown arrived here yesterday. They all are staying at the Waldorf-Astoria.

•

Sam Goldstein of Guaranteed Pictures sails today on the *Washington* for London on a business trip.

•

William and Mrs. Boehnel sail on the *Washington* today.

•

James Dunn is at the Ritz Tower.

•

. . . Denver

Frank Culp, manager of the Isis here, has returned from a three months' leave of absence.

Wayne Gossett, formerly with Fox West Coast, has joined Fox Intermountain. He is temporarily handling relief assignments until Rick Ricketson sets him at a definite theatre.

W. H. Ostenberg of Scotts Bluff, Neb., is taking a vacation which will permit him to take in the World's Series in Chicago and Detroit.

Harry Goodrich of Fox Intermountain is on vacation in Montreal, New York and Florida. When he returns he will manage the Ogden here. Goodrich was formerly with International Amusement Co., local circuit.

Joe Ashby, veteran exchange manager of the local RKO branch, has returned to his desk after a serious operation.

C. H. Butler's wife is out of the hospital. About three weeks ago she gave birth to a son.

Demourdant & Drennan of Blackfoot and Idaho Falls tonight open a new $65,000 theatre seating about 750 at Rexburg, Ida.

Charles Hugh Yaeger, president of Affiliated Enterprises, agent for Bank Night here, is all set to attend the World's Series in Chicago and Detroit.

Rick Ricketson is due back from New York within the next 10 days.

Greenberg Charges Warner Negligence

Charges of mismanagement and negligence in their official duties were made in the Supreme Court yesterday against the directors of Warner Brothers Pictures, Inc., by Adolph Greenberg, a stockholder. The suit, which is for an accounting, also names as defendants executives of the estate of Moe Mark, Goldman, Sachs & Co., McClure, Jones & Co., and Renraw, Inc.

In a 25-page complaint the petitioner sets forth that he is the owner of 40 shares of common stock of Warner Brothers Pictures, Inc. He charges that individual defendants, among whom are Harry M., Albert and Jack L. Warner, failed to perform their duties in that "they did not give their care or oversight to the business and affairs of the defendant corporation, but utterly neglected same; that they did not administer the affairs of the defendant corporation in an honest, careful and prudent manner, but on the contrary they deliberately and negligently permitted the money, property and effects of the defendant corporation to be wasted and squandered."

Cites 1928 Deal

Greenberg cited a transaction in November, 1928, whereby he charged that Warners improvidently purchased 90 per cent of the voting stock of Skouras Brothers Enterprises, Inc., at a price far in excess of its true value. He also attacked a deal with the Stanley Co. of America on Oct. 2, 1928, whereby in exchange of stock Warner Brothers acquired an interest in First National Pictures, Inc., by paying to the Fox Film Corp. a profit of $6,000,000 which, he charges, was excessive. The plaintiff also attacked the purchase of four music publishing houses in 1929. These were M. Witmark & Sons, Inc., The Music Publishing Holding Corp., Harms, Inc., and Remick Music Corp. He further attacked the purchase and creation of 200 subsidiary companies in 1929 and 1930.

Charges Nepotism

The complaint also contains charges of nepotism and pool manipulations and declares the defendants engaged in an extravagant program of theatre construction. The petition seeks the removal of directors and asks that the court take jurisdiction over the company's affairs and any other remedies which the court may deem fit.

The defendants have entered denials to the charges and explanations of the transactions. Greenberg has applied for an order to strike out the defense entered by Renraw, Inc.

Hearing is set for Friday, Sept. 27.

Comment on the suit was refused by Warners' legal department.

RKO in a China Deal

A deal has been closed by RKO with the Peacock Motion Picture Co. of Shanghai for the distribution of RKO product in China. Percy N. Furber, vice-president of Peacock and Ned E. Depinet officiated.

NICK LONG, Jr.
"BROADWAY MELODY OF 1936"
WILLIAM MORRIS OFFICE

Reliance, Met Will Move to Para. Bldg.

Reliance and Metropolitan Playhouses will move to the 14th floor in the Paramount Building about the middle of October. Harry Goetz, president of Reliance, now makes his headquarters at 1776 Broadway, while Metropolitan Playhouses is located in the offices of Weisman, Quinn, Allen & Spett.

Skouras Theatres Corp., which operates a number of theatres in Metropolitan Playhouses, is already situated on the 14th floor in the Paramount Bldg. Randforce is also considering taking space on the same floor in addition to retaining headquarters in Brooklyn. When the switches are made, all Metropolitan circuit units will be coordinated.

William Phillips, who is interested in both Reliance and Metropolitan Playhouses, will make his office in the latter's headquarters. He is vice-president and treasurer of Metropolitan.

Routine Matters Up Before Pathe Board

Incidental matters pertaining to reorganization of Pathe and other routine details were discussed yesterday at the company's board of directors meeting. Frank F. Kolbe, president, acted as chairman of the session. Passing reference was made to First International, the new finance company behind First Division.

Pathe is expected to move from West 45th St. to the RKO Building in Radio City about the middle of next month.

No Ruling on Casey Suit

No decision has been handed down yet by Justice John F. Carew in the Supreme Court on a motion by Pat Casey to examine officers of Pathe before trial.

Gotham "China Seas" Suit Set for Today

A motion by the Gotham to enjoin M-G-M from releasing "China Seas" to the Dorset prior to release to the plaintiff's house is definitely slated for hearing today in the Supreme Court. The action was scheduled to be heard by Judge Dore on Monday, but was put over until today when an M-G-M attorney asked for the delay on the ground that he had to go to Syracuse. Meanwhile, M-G-M has agreed not to release the picture until the matter is adjudicated.

Stevenson Adds to Duties

Edward Ford Stevenson, for many years president of Visugraphic Pictures, Inc., and for several years associated with Crosby Gaige, theatrical producer, who recently joined the advertising firm of Kelly, Nason and Roosevelt in an executive capacity, has also been placed in charge of the radio department of that agency.

"Salute" Opens Sept. 28

"Red Salute," Reliance production starring Barbara Stanwyck and Robert Young and released through United Artists, opens at the Rivoli Theatre Saturday, Sept. 28. Picture follows successful engagement of "Dark Angel."

Grosses Hit $1,595,351, Topping Last Year's High

	Week Ending Sept. 12-13		*Week Ending Sept. 5-6*	
	No. Theatres	***Gross***	***No. Theatres***	***Gross***
Boston	7	$99,500	7	$133,500
Buffalo	5	40,400	5	52,700
Chicago	8	128,300	8	136,800
Cleveland	5	63,350	5	66,200
Denver	6	34,500	6	33,100
Detroit	7	77,400	7	87,300
Indianapolis	4	21,750	4	25,250
Kansas City	5	39,200	5	49,300
Los Angeles	10	110,780	9	117,700
Minneapolis	6	22,200	6	22,500
Montreal	5	41,500	3	32,000
New York	8	256,331	8	341,501
Oklahoma City	4	18,900	4	15,300
Omaha	3	25,400	3	19,650
Philadelphia	9	77,900	9	94,100
Pittsburgh	4	39,850	4	65,000
Portland	6	31,700	6	29,700
Providence	6	40,500	5	50,600
San Francisco	8	87,250	8	81,600
St. Paul	5	17,600	5	17,200
Seattle	6	30,500	6	32,350
Washington	8	81,900	7	92,000
	135	$1,386,711	130	$1,595,351

Comparative grosses for the last available periods:

Week Ending	*No. Theatres*	*Grosses*
Sept. 27-28	132	$1,419,815
Oct. 4-5	132	1,412,844
Oct. 11-12	132	1,344,137
Oct. 18-19	131	1,385,533
Oct. 25-26	133	1,386,935
Nov. 1-2	135	1,288,992
Nov. 8-9	134	1,386,736
Nov. 15-16	133	1,389,743
Nov. 22-23	136	1,305,450
Nov. 29-30	137	1,369,576
Dec. 6-7	136	1,401,989
Dec. 13-14	135	1,244,610
Dec. 20-21	135	1,070,800
Dec. 27-28	139	1,408,788
Jan. 3-4	141	1,719,887
Jan. 10-11	138	1,361,450
Jan. 17-18	138	1,251,130
Jan. 24-25	138	1,251,130
Jan. 31-Feb. 1	137	1,354,350
Feb. 7-8	135	1,332,415
Feb. 14-15	136	1,381,960
Feb. 18-19	140	1,405,417
Feb. 21-22	137	1,318,630
March 7-8	139	1,295,650
March 14-15	137	1,358,384
March 21-22	135	1,325,360
March 28-29	137	1,334,375
April 4-5	139	1,242,487
April 11-12	140	1,205,456
April 18-19	139	1,115,386
April 25-26	142	1,421,800
May 2-3	140	1,250,132
May 9-10	145	1,417,888
May 16-17	138	1,236,100
May 23-24	137	1,235,650
May 30-31	137	1,152,200
June 6-7	134	1,119,900
June 13-14	134	1,155,950
June 20-21	134	1,089,850
June 27-28	129	1,160,370
July 4-5	126	1,063,119
July 11-2	127	1,063,200
July 18-19	125	1,023,457
July 25-26	126	989,500
Aug. 1-2	122	1,051,219
Aug. 8-9	123	1,121,730
Aug. 15-16	122	1,108,380
Aug. 22-23	123	1,210,965
Aug. 29-30	122	1,221,567
Sept. 5-6	130	1,595,351
Sept. 12-13	135	1,386,711

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Allied Leaders Talk Historic Film Plan

Al Steffes of Minneapolis, Aaron Saperstein, Chicago; A. K. Howard, Boston; Fred Herrington, Pittsburgh; Abram F. Myers, Washington, and H. M. Richey, Detroit, held an informal session yesterday to discuss a tieup with American Edugraphic on historic photos for Allied theatre members.

Due to absence of Sidney Samuelson, president, who was in Camden where he presided over the regular meeting of Allied of New Jersey, no action was taken. A meeting has been called for this morning to act on the plan. Most of the men will clear out tonight.

Richey, who has been actively engaged in promoting the plan, yesterday stated that the original idea has been revamped, and, instead of being offered to theatres on a national basis, it is now being closed with individual exhibitors.

Original plans called for adoption of the idea nationally on Sept. 15. Richey asserted that because of the change in the plan it did not go into effect on that date, but will immediately after the meeting today.

Speaker Sees Ohio Nearing 1929 Level

CINCINNATI, Sept. 24.—J. S. Merrill, Springfield, O., president of the Associated Credit Bureau of Ohio, in an address before the fall conference here, said that his city was leading the road back to recovery in Ohio.

"Springfield's sales have increased 26 per cent, and her collections have gained 28 per cent over those of last year. Business has reached 86 per cent of the 1929 level," he asserted. "At the present rate, we will reach the 1929 level in eight to 12 months."

A national credit survey, he said, showed both sales and collections to have increased from 10 to 15 per cent in most cities, with sales a shade above collections.

Flinn Film Contact On Rogers Memorial

Will H. Hays, president of the M.P.P.D.A. and member of the national operation committee of the Will Rogers Memorial fund campaign, yesterday designated John C. Flinn to represent the industry as an active member of that committee.

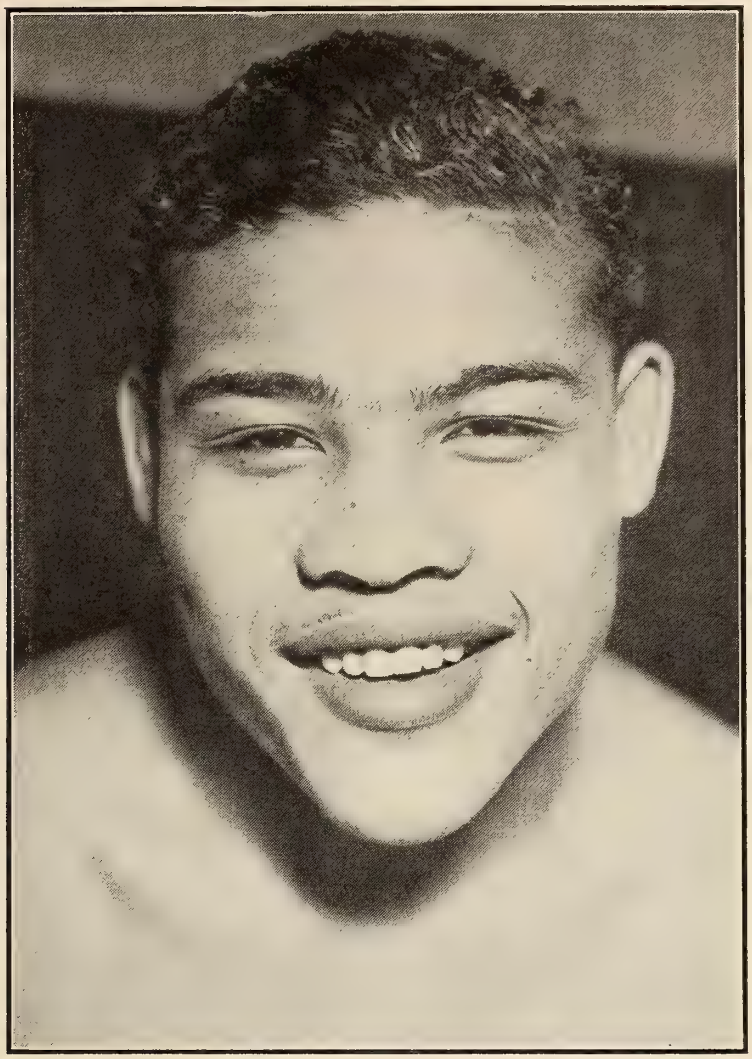
Flinn, formerly executive secretary of Code Authority, will devote his entire time to the Rogers Memorial. He has arranged for a temporary leave of absence from his present work for the duration of the campaign.

RKO in Frisco Embassy

RKO today assumes operation of the Embassy, San Francisco, under a deal closed yesterday with Herman Cohen. The theatre will be operated under supervision of Cliff Work, coast division head for the major circuit. RKO also operates the Golden Gate in San Francisco.

Richards to Hollywood

NEW ORLEANS, Sept. 24.—E. V. Richards, Jr., quietly left for Hollywood today, where, it is understood, he will confer with John E. Otterson on the Paramount southern theatre situation.



REMEMBER LAST NIGHT?

ANOTHER

$1,000,000 GATE

PREDICTED FOR

JAMES WHALE'S

TERRIFIC SENSATION

Presented by Carl Laemmle

REMEMBER LAST NIGHT?

A Carl Laemmle, Jr. Production

A UNIVERSAL KNOCKOUT!

Academy Sets New Contract For Writers

(*Continued from page* 1)

director members, the Academy announced it would fight this issue if the Writers' Guild offered opposition, which is contrary to the previous policy of ignoring the Guild's negotiations with producers. The Academy also stated it would try to bring independent studios under the proposed pact and prepared a proposal that writers now employed be permitted to secure changes in present written or verbal contracts. A summary of the revised pact as worked out by the Producers' Committee, consisting of Irving Thalberg, Sam Briskin, Henry Herzbrun, Hal Wallis, Sol Wurtzel, B. B. Kahane, and the Writers' Committee, consisting of Howard J. Green, John Balderston, Howard Estabrook, Joseph Moncure March, Carey Wilson, Waldemar Young, follows:

Pact Summarized

(1) Producing companies be uniformly committed for at least a two-year period to the comprehensive basic agreement guaranteeing favorable terms on general conditions important to the work and professional standing of screen writers.

(2) Week-to-week employment be on basis written in contract.

(3) A simplified plagiarism warranty be adopted in standard form in all signatory studios clearly establishing that the writer assumes responsibility only for originality of own work.

(4) Free option within 30-day limit be extended to all employed writers, including those under term contract, for revision of existing contracts to secure the benefit of the new Academy agreement.

(5) Broad authority be granted the Academy committee consisting solely of writers for administration and enforcement of agreement.

(6) When studios have layoff options in term contracts the writer be entitled to advance notice and receive at least one week's consecutive time in such layoff.

(7) Contingent speculation or approval basis of payment will continue to be outlawed as in the original Academy code, and the principle of payment on delivery for freelance work done for specified aggregate compensation be reaffirmed and strengthened.

(8) Guarantee in present code of week's notice to freelance writers after 10 weeks' work at less than $500 per week be continued under the new pact.

(9) Writers are entitled to be informed what other writers are also working on same material.

(10) Wording "screen play by" be made standard practice as part of improved procedure for determining screen credits, based on the Academy's three-year administration of credit clauses in the original code.

(11) Credit for screen play not to be divided among more than three names on the screen.

(12) Producers and directors not permitted to take screen credit for collaboration on screen play. (This clause conditional on vote of branches.)

(13) Screen play achievement be given more emphasis in arrangement of title cards, credit for play being given on card containing no other credits except source material or on card alone, or with directors' credit or on main picture title.

(14) Principle of original code to be maintained, clarified as to right of contributing writers to designate screen credits by unanimous agreement.

(15) Percentage basis for guiding writers and producers in determining play credits has been included in new agreement with the purpose of making credits a more accurate index to the importance of creative work done by individual writer.

(16) Established Academy credits bulletin to be maintained under the new agreement, to provide a permanent record of writing achievements, including screen credits and credits for other valuable contributions to photoplay authorship.

(17) Specific procedure of notices to be given by studios, guaranteeing writers advance information regarding proposed credits, also to provide opportunity for protest or agreement.

(18) Specific clause in contracts preventing writers from claiming more than their share of the credit for share in collaboration.

(19) Committee to be composed entirely of writers and to have final authority to correct official records in the event of error or unfairness in assignment credits by producer.

The Academy expects producer approval on the pact prior to Oct. 15.

Out Hollywood Way

HOLLYWOOD, Sept. 24.—MARX BROTHERS startled a tourist in the Brown Derby by descending upon him en masse and asking him for an autograph. . . . IRVING THALBERG and NORMA SHEARER attended preview of "Mutiny on the Bounty" at Santa Barbara the night of their arrival from New York. . . . JUNE TRAVIS taking flying lessons from AMELIA EARHART.

ANITA LOUISE option picked up by Warners. . . . TERRY DELAPP, day city editor of *Los Angeles Times,* returning to Paramount publicity department as editor. . . . EDWARD ARNOLD signed by Universal to contract calling for two pictures a year for two years. . . . RODNEY BUSH, new head of Paramount advertising department, here. . . . He replaces HERBERT MOULTON, now in production department.

M. E. GREENWOOD, M-G-M executive, in Portland for his health. . . . JOHN TUCKER MURRAY back to Harvard after giving technical advice on "Romeo and Juliet" to M-G-M. . . .

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Casting—PAT O'MALLEY and JOE REILLY in "Husk" . . . KAY SUTTON and MAXINE JENNINGS in "Follow the Fleet" . . . PAULINE GARON, back after a long illness, cast in "Hard Luck Dame" . . . MORGAN WALLACE set for "A Thousand Dollars a Minute," Republic . . . MARGARET MORRIS in feminine lead opposite CONWAY TEARLE in "Desert Guns," Beaumont.

WALLACE FORD, PHYLLIS BROOKS, EDWARD BURNS and MAXINE JENNINGS signed by Radio for "It Happened in Hollywood" . . . REGINALD DENNY in lead of Chesterfield's "The Lady in Scarlet" . . . PATRICIA FARR, borrowed from Twentieth Century-Fox, will play opposite, with CLAUDIA DELL, DOROTHY REVERE, JAMISON THOMAS, JAMES BUSH, JOHN ST. POLIS, JOHN T. MURRAY, LEW KELLY and JACK ADAIR featured.

VICTOR POTEL and OTIS HARLAN in Warners' "Prairie Schooner" . . . RICHARD ARLEN to star in "Legion of the Lost," Republic . . . SAMUEL GOLDWYN signs EUGENIA FALKENBERG, young tennis star, to term contract . . . Assigned to "Shoot the Chutes" . . . GORDON JONES, U.C.L.A. track star, signed for the same feature.

COLIN CLIVE cast by Warners in "Meet the Duchess" . . . MARY DORAN set for "Miss Pacific Fleet," Warners. . . . ERIN O'BRIEN MOORE signed for Radio's "Seven Keys to Baldpate" . . . ERIK RHODES cast in "It Happened in Hollywood," same studio . . . JUNIOR COUGHLIN, JOAN SHELDON, MARY BOVARD, MARGARET ARMSTRONG and KENNY HOWELL in untitled musical featurette starring RUTH ETTING.

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Writers—FRANKLIN COEN doing the script on "End of the World," Paramount. . . . VINCENT LAWRENCE adapting "Honors Are Even," Paramount.

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Story Purchase—JOSEPH C. KESSELING'S "There's Wisdom in Women" acquired by Paramount for CAROLE LOMBARD.

Law Prevents Long Reels for Chicago

CHICAGO, Sept. 24.—Before 2,000-foot reels can be used in this city the local ordinances must be revamped. Present laws state that not more than 1,000-foot reels of film may be used here. Local exchanges figure that $30,000 of equipment in their plants will have to be junked if the big reels are adopted.

Seattle Gets Stage Unit

SEATTLE, Sept. 24.—Wilbur Cushman stage units will be booked into the Rex here beginning Sept. 29, it was announced by John Danz this week. The units are produced in Atlanta and now cover the major cities of the Middle West and East.

With the opening of these shows, replacing vaudeville, the Rex will be the only Seattle house featuring stage road units. First run pictures will be continued at the 15 and 25-cent scale.

Ban Nazi Film

"Horst Wessel," Nazi film, was withdrawn from a scheduled showing in Paterson, it developed yesterday. Police Chief John M. Murphy there declared the withdrawal was volunteered by Friends of New Germany on the ground, he added, the showing might cause political conflict.

"Ball of Fire" New Title

HOLLYWOOD, Sept. 24.—"Ball of Fire" has been set as the final title for the Twentieth Century-Fox picture tentatively called "Music Is Magic."

'Melody' Is Big PortlandDraw; 'Top Hat' Held

PORTLAND, Sept. 24.—Opening Greater Movie Season at United Artists, "Broadway Melody of 1936" brought in $8,000, or $3,000 over the regular take.

"Top Hat" was held for a second week at Hamrick's Orpheum and secured $6,000, or $1,000 over normal. Balance of first runs held to average.

Total first run business was $28,700. Average is $24,700.

Estimated takings for the week ending Sept. 21:

"GOOSE AND THE GANDER" (F. N.)

BROADWAY—(1,912), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

"STAR OF MIDNIGHT" (Radio)
"UNDER PAMPAS MOON" (Fox)
(2nd Run)

BLUE MOUSE—(1,700), 25c-35c-40c, 7 days. **Gross:** $1,700. (Average, $1,700)

"SHE" (Radio)
"HOT TIP" (Radio)

MAYFAIR—(1,700), 25c-35c-40c, 7 days. **Gross:** $3,000. (Average, $3,000)

"TOP HAT" (Radio)

ORPHEUM—(1,700), 25c-35c-40c, 7 days, 2nd downtown week. **Gross:** $6,000. (Average, $5,000)

"SPECIAL AGENT" (W. B.)
"OLD MAN RHYTHM" (Radio)

PARAMOUNT—(3,008), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

"BROADWAY MELODY OF 1936"
(M-G-M)

UNITED ARTISTS—(945), 25c-35c-40c, 7 days. **Gross:** $8,000. (Average, $5,000)

Providence Houses Aid Epidemic Bans

PROVIDENCE, Sept. 24.—Dr. Michael J. Nestor, Providence health superintendent, has requested theatres to cooperate in halting the infantile paralysis epidemic by refusing admission to children under 16. The disease has claimed its twenty-second victim here.

Dr. Nestor says that "a very fine spirit" has been shown by showmen in their willingness to exclude children until schools reopen.

Edward M. Fay, not only has promised the cooperation, but has obtained pledges of similar action from other managers in the downtown district. Signs have been prepared citing the exclusion of children under 16. Neighborhood houses also are cooperating.

Lift Jeffersonville Ban

JEFFERSONVILLE, IND., Sept. 24.—The ban placed on theatres and other public places here for the past two weeks due to the epidemic of paralysis has been removed. Other public halls, schools and churches were also opened.

Disney Dates Piling Up

CHICAGO, Sept. 24.—More than 450 reels of Mickey Mouse and Silly Symphony cartoons have been booked into local theatres for the celebration of Mickey's seventh anniversary, Sept. 28. Special attention is being given to the orders by the U. A. exchange in order to handle the bookings.

Bridgeport Vaude Out

BRIDGEPORT, Sept. 24.—Vaudeville is definitely out at the four Loew theatres this fall, says Manager Matt Saunders of Poli's Palace theatre. According to Saunders, local business is the best it has been in the last 14 years.

"Hat" Still Frisco High In 2nd Week

San Francisco, Sept. 24.—Even in its second week "Top Hat" was still the city's biggest box-office bet. It piled up $17,500, over normal by $3,000, at the Golden Gate.

"Annapolis Farewell" and "Thunder in the Night" made an excellent showing with a take of $14,000 at the Paramount. This tops par by $2,500.

"Anna Karenina" was a disappointment at $5,200 in the St. Francis, and "Call of the Wild" fell off to a weak $3,900 in its third week at the United Artists.

Total first run business was $76,100. Average is $76,500.

Estimated takings:

Week Ending Sept. 17:

"TOP HAT" (Radio)

GOLDEN GATE—(2,850), 25c-35c-40c, 7 days, 2nd week. Stage, band. **Gross:** $17,500. (Average, $14,500)

Week Ending Sept. 18:

"SHE MARRIED HER BOSS" (Col.)

ORPHEUM—(2,440), 15c-35c-40c, 7 days. **Gross:** $7,300. (Average, $6,800)

"ANNAPOLIS FAREWELL" (Para.)
"THUNDER IN THE NIGHT" (Fox)

PARAMOUNT—(2,740), 25c-35c-40c, 7 days. **Gross:** $14,000. (Average, $11,500)

Week Ending Sept. 19:

"LITTLE BIG SHOT" (W. B.)
"THE RUNAWAY QUEEN" (U. A.)

FOX—(5,000), 10c-25c-35c, 7 days. **Gross:** $4,750. (Average, $6,000)

"ANNA KARENINA" (M-G-M)

ST. FRANCIS—(1,470), 15c-30c-40c, 7 days. **Gross:** $5,200. (Average, $7,000)

"SPECIAL AGENT" (W. B.)

WARFIELD—(2,680), 25c-35c-40c-50c, 7 days. Stage, band. **Gross:** $22,500. (Average, $21,000)

Week Ending Sept. 20:

"ROMANCE IN BUDAPEST" (Du World)
(Three Days)
"CAMILLE" (Du World)
(Four Days)

CLAY—(400), 25c-35c, 7 days. **Gross:** $950. (Average, $700)

"CALL OF THE WILD" (U. A.)

UNITED ARTISTS—(1,200), 15c-25c-35c-40c-55c, 7 days, 3rd week. **Gross:** $3,900. (Average, $9,000)

"Hat" Leads in Detroit 3rd Week

Detroit, Sept. 24.—With five strong attractions competing in an exceptional week, "Top Hat" still was the strongest individual draw in its third week at the Downtown. The $16,400 gross was over normal by $6,400.

Total first run business was $84,300. Average is $67,500.

Estimated takings for the week ending Sept. 19:

"SHE" (Radio)
"OLD MAN RHYTHM" (Radio)

ADAMS—(1,770), 10c-40c, 7 days. **Gross:** $5,400. (Average, $5,000)

"ALICE ADAMS" (Radio)

FOX—(5,100), 15c-55c, 7 days. Stage, 5 acts vaude. **Gross:** $18,600. (Average, $15,000)

"BRIGHT LIGHTS" (F. N.)

MICHIGAN—(4,100), 15c-55c, 7 days. Stage, 5 acts vaude. **Gross:** $23,000. (Average, $20,000)

"LITTLE BIG SHOT" (Warners)
"DON'T BET ON BLONDES" (Warners)

STATE—(3,000), 10c-40c, 7 days. **Gross:** $4,400. (Average, $5,000)

"THE DARK ANGEL" (U. A.)

UNITED ARTISTS—(2,070), 15c-55c, 7 days. **Gross:** $14,300. (Average, $10,000)

"LOVES OF A DICTATOR" (G. B.)

LAFAYETTE—(1,200), 10c-40c, 7 days. **Gross:** $2,200. (Average, $2,500)

"TOP HAT" (Radio)

DOWNTOWN—(2,950), 15c-55c, 7 days, 3rd week. **Gross:** $16,400. (Average, $10,000.

"Youth" Gets Only Strong K. C. Gross

Kansas City, Sept. 24.—There was nothing spectacular about local grosses here during the past week. "Accent on Youth," at the Newman did $7,700.

Total first run business was $37,500. Average is $37,000.

Estimated takings:

Week Ending Sept 19:

"ACCENT ON YOUTH" (Para.)

NEWMAN—(1,800), 25c-40c, 7 days. **Gross:** $7,700. (Average, $7,000)

"CALL OF THE WILD" (U. A.)

MIDLAND—(4,000), 15c-25c-40c, 7 days. **Gross:** $11,700. (Average, $11,500)

"TOP HAT" (Radio)

MAINSTREET—(3,100), 25c-40c, 7 days, 2nd week. **Gross:** $8,000. (Average, films only, $8,000)

"THE GIRL FRIEND" (Col.)

TOWER—(2,200), 25c, 7 days. Stage: Earl Lavere, Helen Ware, Harry Jordan, Ivy & Neecie Stevens, Prosper & Maret, Dorothy & Lewrella, Tower Adorables and Orchestra and Jack Carson. **Gross:** $6,400. (Average, $7,000)

Week Ending Sept. 20:

"STEAMBOAT 'ROUND THE BEND" (Fox)

UPTOWN—(2,000), 25c-40c, 7 days, 3rd week. **Gross:** $3,700. (Average, $3,500)

"Call of Wild" Is Indianapolis High

Indianapolis, Sept. 24.—"Call of the Wild" ran away ahead of all the other first runs by chalking up $7,500 at Loew's. This is $3,000 over par.

"Two for Tonight" was a better-than-average draw on a take of $4,500 at the Circle. "Steamboat 'Round the Bend" held up to $4,000, par for a first week, in its third stanza at the Apollo. "Special Agent" took a par $7,000 at the Lyric.

Total first run business was $23,000. Average is $19,500.

Estimated takings for the week ending Sept. 21:

"STEAMBOAT 'ROUND THE BEND" (Fox)

APOLLO—(1,100), 25c-40c, third week. **Gross:** $4,000. (Average, $4,000)

"TWO FOR TONIGHT" (Para.)

CIRCLE—(2,800), 25c-40c, 7 days. **Gross:** $4,500. (Average, $4,000)

"CALL OF THE WILD" (20th Century)

LOEW'S—(3,000), 25c-40c, 7 days. **Gross:** $7,500. (Average, $4,500)

"SPECIAL AGENT" (W. B.)

LYRIC—(2,000), 25c-40c, 7 days. Vaudeville. **Gross:** $7,000. (Average, $7,000)

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"The Last Outpost"

(Paramount)

Hollywood, Sept. 24.—Although the story is unconvincing, beautiful photography and breath-taking scenery lend this picture merit. Cary Grant, a British officer, is saved from death by Claude Rains of the intelligence service in the Mesopotamian sector during the war. Convalescing in a base hospital, Grant falls in love with Gertrude Michaels, a nurse, who had married Rains three years before and had not seen him since. When Grant is reassigned to duty Rains follows to kill him, but is desterred when natives attack, making duty the first consideration. In the ensuing battle Rains is killed and Grant is left free to reunite with Miss Michael.

Louis Gasnier and Charles Barton, who co-directed, have attempted to split the interest equally between the melodramatic incidents and the love story, succeeding best in the action sequences.

Producer E. Lloyd Sheldon has injected much stock footage, some of which inconsistently confuses the locale of the action. Philip MacDonald wrote the screen play from a story by F. Britten Austin.

The picture will please audiences that do not demand accuracy of detail

Production Code Seal No. 1,021. Running time, 72 minutes. "G."

Looking 'Em Over

"Rip Roaring Riley"

(Puritan Pictures)

Routine material of the action sort, this independently-produced picture features Lloyd Hughes, Marion Burns and Grant Withers, while Eddie Gribbon supplies what passes for incidental comedy. In the week-end spot, for the youngsters, and adults who like excitement in their film fare, this should be found fairly satisfactory as the second half of a dual feature program.

Hughes plays a Government agent of the rougher and tougher sort, who can handle any sort of assignment. He is told to "get" Withers, a former army officer who was thrown out of the service and who is working on a secret poison gas formula, with the aid of a professor, and posing as an army officer.

Hughes goes to work and the result is fast and real action until he cleans up the case, calling on an American battleship to save the day on the experimental island. His budding romance with Miss Burns, the professor's daughter, ends as expected.

Production Code Seal No. 787. Running time, 60 minutes. "G."

(Reviews continued on next page)

"Hat" Garners $13,700, 3rd Capital Week

Washington, Sept. 24.—"Top Hat" at RKO-Keith's for its third consecutive week topped the first-week average by $2,900, taking $13,700 in the third stanza. Picture went into its fourth week.

"Steamboat 'Round the Bend" at Loew's Palace took $16,900, or $1,000 over average, and went into its second week. Gross, while good, was not up to expectations.

"The Man Who Knew Too Much" surprised by taking $6,400 at the Belasco, topping average by $4,200. The Belasco since its opening several weeks ago, has been gaining in popularity, so much so that the average here carried ($2,200) is probably below the true figure for the house.

Return engagements also held up well: "Annapolis Farewell" at the Metropolitan, took $5,700 against an average of $4,300, and "China Seas" at Loew's Columbia grossed $4,100 against an average of $3,600.

Other first run houses were below par. The Rialto closed Saturday night after a run of 13 days. A stage is to be built and the house reopened shortly.

Total first run business was $82,200. Average is $79,200.

Estimated takings, exclusive of tax:

Week Ending Sept. 19:

"BRIGHT LIGHTS" (F. N.)

EARLE—(2,218), 25c-77c, 7 days. Stage: Salici Puppets; Foy, Tucker & Johnson Revue; Paul Sydell & Spotty; Radio Aces. **Gross:** $16,500. (Average, $18,400)

"CHINA SEAS" (M-G-M)

LOEW'S COLUMBIA—(1,264), 25c-40c, 7 days (return engagement, second week). **Gross:** $4,100. (Average, first week, $3,600)

"REDHEADS ON PARADE" (Fox)

LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage: Al Trahan & Lady Yukona Cameron; Billy House & Co.; Futuristic Rhythms; Little Jackie Heller. **Gross:** $17,300. (Average, $20,900)

"STEAMBOAT 'ROUND THE BEND" (Fox)

LOEW'S PALACE—(2,370), 35c-77c, 7 days. **Gross:** $16,900. (Average, $15,900)

"ANNAPOLIS FAREWELL" (Para.)

METROPOLITAN—(1,591), 25c-40c, 7 days (return engagement). **Gross:** $5,700. (Average, first week, $4,300)

Week Ending Sept. 20:

"THE MAN WHO KNEW TOO MUCH" (G.B.)

BELASCO—(1,140), 25c-65c, 7 days. **Gross:** $6,400. (Average, $2,200)

Six Days Ending Sept. 21:

"BREWSTER'S MILLIONS" (U.A.)

RIALTO—(1,864), 25c-55c, 6 days. Added: Giuseppe Creatore conducting Rialto Symphony Orchestra. **Gross:** $1,600. (Average, 7 days, $3,300)

Week Ending Sept. 21:

"TOP HAT" (Radio)

RKO-KEITH'S—(1,836), 25c-55c, 7 days, 3rd week. **Gross:** $13,700. (Average, first week, $10,600)

Louis Nizer Back Home

Louis Nizer, executive secretary of the New York Film Board of Trade and a partner in the firm of Phillips & Nizer, returned yesterday on the *Normandie* after a six-week trip to London, Paris, Amsterdam, Brussels and Lucerne, Switzerland. He spent three weeks in London handling legal matters for American and British clients.

While in Lucerne, Nizer acted as one of the three American delegates to the World Jewish Congress which lasted a week. The other two delegates were Federal Judge Julian W. Mack and Rabbi Stephen Wise.

Variety Club

Cincinnati

Cincinnati, Sept. 24.—Approximately 150 barkers and guests descended on the Hillcrest Country Club for the first annual golf tournament, and when it was over it looked as though they had been drilling for oil. Jim Grady, chairman of the golf committee, declared this was not the original intention.

Larry Benton and Joe Oulahan went around the 18 holes in 82, tied for the low gross. They will play off for the club trophy. Al Sugarman had a 163 to his credit at the windup, and apologized for not being in practice. Besides Grady, the committee consisted of Johnny Allen, Billy Bein, Maurice White, F. Wesley Huss, Jr., Alan Moritz, Joe Oulahan, Herman Bernstein, Paul Krieger and H. Bugie.

Al Bergren, a new recruit in the RKO art department, is the latest barker on the roster.

Work is expected to start shortly on remodeling quarters of Tent No. 3 to annex the adjoining room, making a total of three rooms.

Kansas City

Kansas City, Sept. 24.—Harry Taylor, C. A. Schultz and Tommy Thompson, kings for Sept. 23, presented Merle Gill, ballistics expert of the Kansas City police department, who talked on famous firearms from the Civil War down to the present, and illustrated from his own collection of more than 400. Included in the display were guns used by "Pretty Boy" Floyd, Wilbur Underhill, early day peace officers and bandits.

The largest crowd of the season attended.

Among the guests were two presented by Bev Miller—E. H. Scurlock and Al Marshall.

Fred Wolfson, Edgar Stern, Dr. Gillis and Frank Hensler will be royalty Sept. 30, and Frank Lambater, Jack Renfro and Miller, Oct. 7.

Charter Center Theatre

Albany, Sept. 24.—Center Theatre Corp. has been chartered here to take over the operation of the Center in Rockefeller Center. Incorporators are: Andrew Jackson, Rudolph A. Travers and Cyril S. Stanley.

Other incorporations are: Livingston Theatres, Inc., Oneida, by Myron J. Kallet, Sidney J. Kallet and Alexander L. Saul, and Herbert's Homunculi, Inc., Brooklyn, by Reuben B. Shemitz, Paula Rothenberg and Seymour A. Guttman.

Open Cincinnati Empress

Cincinnati, Sept. 24.—The Empress, heretofore exclusively a burlesque house, closed for the summer, has reopened with burlesque and pictures on a grind basis. Robert Simon is manager. Matinee admission is 25 cents, evenings, 25 and 35 cents. New sound equipment has been installed.

Start Vancouver House

Vancouver, Wash., Sept. 24.—After numerous rumors regarding the building of the Kiggins theatre, work has actually been started. Plans call for the construction of a reinforced concrete building of modern architecture at a cost of $60,000. It will seat 800. Evergreen will operate.

Looking 'Em Over

"Passing of the Third Floor Back"

(Gaumont British)

London, Sept. 12.—This is box-office material, subject only to the qualification that the dialogue has a rather pronounced London tang. Founded on the stage play from which Sir Johnston Forbes-Robertson made a fortune, it has the sob appeal and the semi-mystical atmosphere which, right back to the days of "The Miracle Man," has fetched the masses.

The theme is the appearance of a mysterious stranger at a London apartment house where all the meaner vices, typified by a queer assortment of boarders of both sexes, flourish rankly. His influence, pitted against that of the most evil of the boarders, is seen at work in the case of a couple who wish to sell their daughter to a rich husband, of a middleaged female snob, an embittered spinster, and of the maidservant, hard-driven by a greedy mistress. Eventually it triumphs.

Jerome's play went over big because it succeeded in presenting, without infringing British censor rules, a direct conflict between sacred and diabolic forces, and the film has the same appeal. Frank Cellier acts magnificently as the human-devil and Conrad Veidt is also impressive as the Christ-man; all told, it is a good cast. Plot values are good, apart from the strong theme appeal and there is good humorous relief.

Where the difficulty of accent is not a bar, this might be played to good business.

Running time, 90 minutes. "G."

"The Private Secretary"

(Twickenham-British)

London, Sept 13.—Selling values here are Edward Everett Horton and the fact that, in his first British picture, he is seen in a stage farce which, in its day, was almost in the "Charley's Aunt" class as a box-office draw.

The material "dates," its appeal resting on the predicaments of an innocent young clergyman who is persuaded to pose as the nephew of a rich Anglo-Indian while the young man takes the clergyman's post of private secretary to a rich man with a country house and a pretty daughter.

The real nephew wants to disguise from his relative that he is up to his eyes in debt, but, in fact, the gentleman from India likes a young man of spirit and is disgusted with the spineless clergyman.

The adventures of the latter, punctured by the phrase "I don't like London," are marked by rather obvious humor, giving Horton little chance for his usual subtlety, but there is a good travesty of a spiritualistic seance at the end.

It is a case of talking Horton and the famous Hawtrey farce and on these lines it can be sold to audiences which like broad comedy.

Running time, 75 minutes. "G." ALLAN

"Iceland Fishermen"

(DuWorld)

Done wholly in French, an adaptation of the novel by Pierre Loti, "Pecheur D'Islande," this picture is drama in its entirety, picturing, with little relief, the simple, hard life of the hardy fishermen of France who engage in their activity off the bleak coast of Iceland in the north.

Numerous superimposed translations of important bits of dialogue make for ready understanding of the story by one not familiar with the language employed. The exhibitor might well use the film in a tieup with schools from the French language standpoint. As entertainment, although of interest, it is a bit too stark, a bit too drab for general audience enjoyment, despite something of action aboard the fishing boat.

The story has a silent and reserved fisherman falling in love with a girl, just returned from Paris, but refusing her because he thinks himself not good enough for her. Eventually they are married, but he fails to return from his first cruise after their honeymoon.

The film was produced and directed by Pierre Guerlais. Yvette Guilbert, Thomy Bourdelle and Marguerite Weintenberger are featured.

No production code seal. Running time, 67 minutes. "G."

Lennon Signs as Writer

Hollywood, Sept. 24.—Tom Lennon, formerly of the RKO publicity department, has been signed to a term writing contract at that studio, and has moved over to the writers' building. Lennon's first assignment will be on "The Wild West."

Film Row to Dance

Hollywood, Sept. 24.—Film Row will give a dance at the Breakfast Club on Oct. 19. About 400 are expected by Guy Gunderson, head of the entertainment committee. Plans are being laid for about four such dances a year.

Short Subjects

"Circus Days"

(Educational)

Clever animation and a typical circus plot go to make this Terry-Toon an amusing addition to a program. In the cartoon manner, it begins with a parade and with clever invention continues with trained seals, a flying trapeze act in quantity, a trick wrestling match and winds up with a ballet of lions in Hawaiian style. Recommended. Production Code Seal No. 0601. Running time 8 minutes. "G."

"Rodeo Day"

(Educational)

Opening with a newsreel shot of rodeo activity, this short continues on in a slight story vein that is interwoven with cowboy songs of dubious merit. The winner of the bronco busting, a braggart, is thwarted by an impersonation of a "bad man" in marrying the songbird of the piece. The "bad man" forces his pal to marry the girl and on being unmasked winds up the offering with a wise crack. Production Code Seal No. 0519. Running time 11 minutes. "G."

"Morocco Mirage"

(Fox)

The city of Marrakech in Morocco with its semi-civilized inhabitants is the interesting theme of this Magic Carpet. Arresting scenes of Berber life and some fine architectural photography appeal to the eye. Shots of horsemanship and a horserace make a contrast. It concludes with interior scenes in a harem. Recommended. Production Code Seal No. 0449. Running time 10 minutes. "G."

"Penny Wise"

(Educational)

Joe Cook's eccentric lunacies that can be depended on to go over with audiences are here devoted to the operation of a department store. With the store left in his care he reacts to every suggestion and goes it one better. It winds up with a hilarious chase about the store with much "Cookiana" in evidence. Highly recommended. Production Code Seal No. 0569. Running time 17 minutes. "G."

"Night Life in Europe"

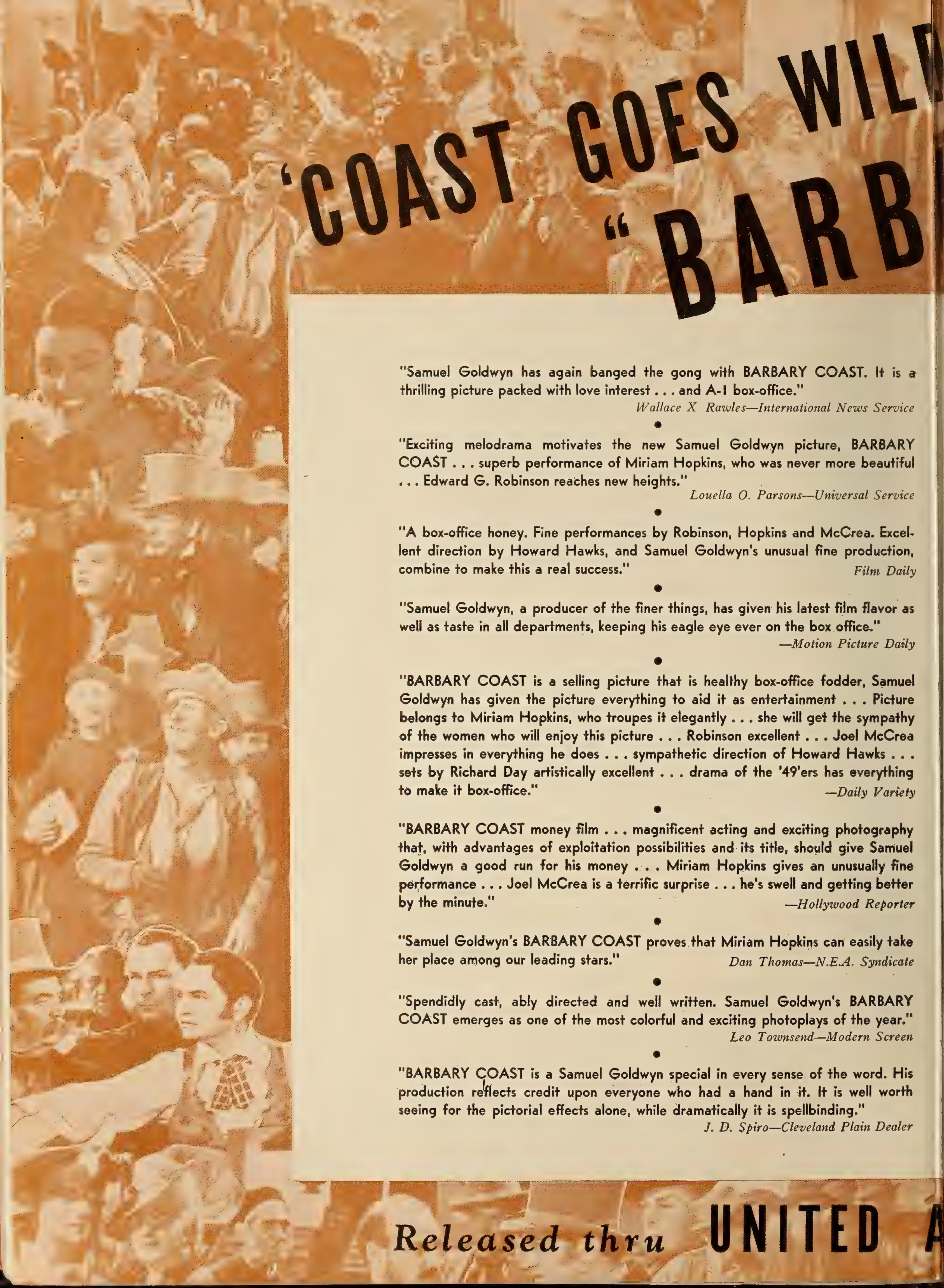
(Fox)

Night life activities on the continent are arranged in this short to build up to a climax in Paris. London, Copenhagen, Hamburg, Berlin, San Remo and Madrid are shown with their offerings in various places of entertainment. Mostly consisting of national dancing, the climax takes place in the real Folies Bergere in Paris with the dancing of the "can-can." Production Code Seal No. 0434. Running time 10 minutes. "G."

"Kiss the Bride"

(Educational)

Expelled from college and out on their own, Tom Patricola and Buster West set up housekeeping to fool West's father into supporting them. For a while the ruse works, then West's sister uncovers Patricola's impersonation but all ends well. The effort is played in the farce manner and should be pleasing where there is a Patricola and West following. Production Code Seal No. 0490. Running time 17 minutes. "G."



'COAST GOES WIL

"BARB

"Samuel Goldwyn has again banged the gong with BARBARY COAST. It is a thrilling picture packed with love interest . . . and A-1 box-office."
Wallace X Rawles—International News Service

•

"Exciting melodrama motivates the new Samuel Goldwyn picture, BARBARY COAST . . . superb performance of Miriam Hopkins, who was never more beautiful . . . Edward G. Robinson reaches new heights."
Louella O. Parsons—Universal Service

•

"A box-office honey. Fine performances by Robinson, Hopkins and McCrea. Excellent direction by Howard Hawks, and Samuel Goldwyn's unusual fine production, combine to make this a real success."
Film Daily

•

"Samuel Goldwyn, a producer of the finer things, has given his latest film flavor as well as taste in all departments, keeping his eagle eye ever on the box office."
—Motion Picture Daily

•

"BARBARY COAST is a selling picture that is healthy box-office fodder, Samuel Goldwyn has given the picture everything to aid it as entertainment . . . Picture belongs to Miriam Hopkins, who troupes it elegantly . . . she will get the sympathy of the women who will enjoy this picture . . . Robinson excellent . . . Joel McCrea impresses in everything he does . . . sympathetic direction of Howard Hawks . . . sets by Richard Day artistically excellent . . . drama of the '49'ers has everything to make it box-office."
—Daily Variety

•

"BARBARY COAST money film . . . magnificent acting and exciting photography that, with advantages of exploitation possibilities and its title, should give Samuel Goldwyn a good run for his money . . . Miriam Hopkins gives an unusually fine performance . . . Joel McCrea is a terrific surprise . . . he's swell and getting better by the minute."
—Hollywood Reporter

•

"Samuel Goldwyn's BARBARY COAST proves that Miriam Hopkins can easily take her place among our leading stars."
Dan Thomas—N.E.A. Syndicate

•

"Spendidly cast, ably directed and well written. Samuel Goldwyn's BARBARY COAST emerges as one of the most colorful and exciting photoplays of the year."
Leo Townsend—Modern Screen

•

"BARBARY COAST is a Samuel Goldwyn special in every sense of the word. His production reflects credit upon everyone who had a hand in it. It is well worth seeing for the pictorial effects alone, while dramatically it is spellbinding."
J. D. Spiro—Cleveland Plain Dealer

Released thru **UNITED A**

over
RY COAST"

"I consider BARBARY COAST the best work Miriam Hopkins has ever done—her appeal is tremendous. Samuel Goldwyn, as usual with his fine productions, has provided her with the cast, story and photography which makes her splendid performance possible."
Jack Smalley—Fawcett Publications

●

"I have never yet seen a Samuel Goldwyn picture that wasn't an outstanding production—and BARBARY COAST is one of the best of them all. It is certain to meet with high public approval."
Leceister Wagner—United Press

●

"Samuel Goldwyn's BARBARY COAST is a terse and beautifully mounted melodrama . . . Miriam Hopkins, Edward G. Robinson and Joel McCrea at their dramatic best against a colorful and exciting background."
—Photoplay Magazine

SAMUEL GOLDWYN
Triumphs Again with

BARBARY COAST

with
MIRIAM HOPKINS
EDW. G. ROBINSON
and **JOEL McCREA**
Directed by **HOWARD HAWKS**
Screenplay by
CHARLES MACARTHUR *and*
BEN HECHT

EVERYBODY

who is anybody will be there . . . .

The occasion: AMPA luncheon to honor ***Martin Quigley*** on his 20th anniversary of service to the motion picture industry.

The time: Wednesday, September 25th, promptly at 12.45 noon.

The place: Jack Dempsey's Restaurant, 50th Street, at 8th Avenue.

Surprise: A Master of Ceremonies you all know and love.

Laughs . . . good-fellowship . . . interesting talk.

EVERYBODY WHO IS ANYBODY WILL BE THERE!

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President to Ask Views on New NRA Rule

Will Begin Upon Return From Western Trip

By BERTRAM F. LINZ

WASHINGTON, Sept. 25.—Opinions as to the desirabilty of new NRA legislation will be sought of business leaders by President Roosevelt upon his return from the western trip on which he starts tomorrow, it was indicated at the White House today.

Reluctant to abandon his plan for continuing the NRA, the President is still hopeful that industry will rally to the support of his suggestion, made just before the adjournment of Congress, that new legislation be written this winter to resuscitate the Government's control of wages and hours of labor.

The reaction to that suggestion, it

(*Continued on page* 2)

Amalgamated, New Producer, Formed

An independent producing company, Amalgamated Prod., Inc., is being formed, with a basic financing of $900,000 for the first six months, to be provided by a group of Wall St. bankers who are backing the enterprise, according to Alfred J. Krellberg, attorney for the sponsors.

The first year schedule calls for 36 features and four serials for distribution through state rights exchanges. Production is expected to start in Hollywood Oct. 15. Features are being budgeted at $50,000 to $60,000, with 12 westerns, six melodramas and six Northwest Mounted films included. Arrangements are being discussed for British distribution, probably through B. I. P. Krellberg said an official announcement will be made in a few days. Executives now connected with film companies will head production.

100 Houses, Aim of Butterfield Chain

The Butterfield circuit, Michigan's mightiest, has set an objective of 100 houses by the end of 1936. Now at a total of 88 in 33 cities and towns in that state, the plan is to rehabilitate some houses and construct new ones.

Colonel W. S. Butterfield yesterday detailed the program, preluding it with a statement that his circuit had been dormant for the last five years because of the depression, but now was ready to step out. New theatres will be built in East Grand Rapids, Midland and Mt. Pleasant.

Leaders of Industry Turn Out in Tribute to Quigley

By J. M. JERAULD

It was an industry turnout, that 20th anniversary Ampa tribute to Martin Quigley at Jack Dempsey's yesterday. Also it was an industry turnaway. After Dempsey's waiters had seated 268 men and women by bringing extra tables, approximately 63 were given places near the doorway to the supper room, and others who couldn't get within hearing distance sat where they could.

Al Lichtman, acting as master of ceremonies, said he would introduce presidents "as individuals, vice-presidents by battalions, and the others would just have to sit." He did, and they did.

Among the presidents he mentioned were: Philip L. Thomson of the Audit Bureau of Circulations, also acting in a "dual capacity as representatives of W. E. and Erpi," he said; Earle Hammons, Educational; H. M. Warner, Warners; Jules E. Brulatour, Ned E. Depinet, Dr. A. H. Giannini, Hal Roach, John Flinn, as second president of Ampa; Gene Buck, Ascap, and, representing presidents, R. H. Cochrane, Jack Cohn, David Bernstein.

Among the speakers were: Will H. Hays, Charles C. Pettijohn, J. Edgar Hoover, Terry Ramsaye, Howard Dietz, and Mr. Quigley. And seated on the dais, in addition to those named above, were: Herman Robbins, Robert H. Cochrane, Dr. A. H. Giannini, David Bernstein, J. Robert Rubin, Sam Dembow, Jr., Phil D. Cochrane, Gordon S. White, Ned E. Depinet, Earle W. Hammons, Jules E. Brulatour, Colvin W. Brown and Jack Connolly. At a second dais immediately below were J. J. McCarthy, S. Charles Einfeld, James R. Grainger, Charles E. McCarthy, William German, Louis Nizer, Arthur A. Lee, W. Ray Johnston, James FitzPatrick and Red Kann.

Responding to eulogies Quigley said that after the Louis-

(*Continued on page* 9)

Martin Quigley and Publications Praised in Sweeping Resolution

The industry, cross-sectioned in a record Ampa turnout of executives—big, little and in between—yesterday by a rising and unanimous vote, passed a resolution of tribute to Martin Quigley, his publications and his "own character and personality."

Prepared in pencil by Will H. Hays on a menu of Jack Dempsey's Restaurant and then read aloud by him, the resolution follows:

We delight in paying tribute to the guest of honor

***Because* Martin Quigley and his publications have been, for two decades, a symbol of what is right and decent in all branches of the industry;**

***Because* during all that time he has devoted his life to aiding, as well as recording, the growth and development of the art and industry;**

***Because* he was among those first to realize the value of motion pictures and vision their influence;**

***Because* he has always directed his efforts that they might be of service to the industry and the public alike;**

***Because* his contributions, his unfailing interest and his sturdy insistence upon the best standards of entertainment and high ideals of public service have been of constant benefit;**

***Because* his service to the industry has gone far beyond the extent to which his duty as the publisher of a trade journal might carry him and have extended to the most far-reaching consequences, unrecorded and frequently unknown except to a few—which is the essence of service of quality;**

***Because* his own character and personality exemplify the splendid things for which he has always stood; and**

***Because* he knows the full meaning of friendship and we are proud to call him friend.**

ITOA Moves To Sue Over Film Delays

Say 1934-35 Features Are Being Held Up

Nettled somewhat over the number of pictures unreleased by distributors on the 1934-35 contracts, members of the I.T.O.A. yesterday empowered Milton C. Weisman, attorney for the organization, to prosecute individual cases against exchanges. The move to take legal action was adopted in the form of a resolution which was agreed to by 100 members attending the regular session of the unit at the Astor. Harry Brandt, president, acted as chairman.

The general complaint of exhibitors was that exchanges are releasing so-called sluff pictures and holding off the good films for distribution this season. One particular case cited is

(*Continued on page* 2)

Circuit-Union Meet May Be Held Today

A meeting scheduled between union and circuit representatives yesterday to continue grading of neighborhood houses and setting a scale for nine Broadway first runs was not held due to various committee members being tied up with other business.

It is possible a session will be called today. Circuit representatives commenting on the reported dissension with the ranks on Monday regarded the incident lightly, declaring "such incidents are bound to happen at meetings of this sort with the boys getting over it without serious consequences."

Randforce yesterday denied it had any intention of breaking away from the circuits to negotiate a scale independently. Representatives of the independent circuit have not attended any of the conferences, but are expected to be called in when a wage pact is ready for approval.

"Here's to Romance" To Be Center Opener

"Here's to Romance," a Twentieth Century-Fox picture, will reopen the Center on Oct. 2 under its new long run policy, it was announced yesterday by Center Theatre Corp. There will be only one showing next Wednesday evening with continuous shows starting Oct. 3.

No stage show policy has been set, but theatre executives continue to mull over a plan of inaugurating a 15 to

(*Continued on page* 2)

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JAMES A. CRON
Advertising Manager

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Wall Street

Trading Irregular on Big Board

	High	Low	Close	Net Change
Columbia	68	68	68	—2
Consolidated	4½	4½	4½	.....
Consolidated, pfd.	27⅜	26¾	26¾	— ⅛
Eastman	157¼	156½	157¼	—1¼
Loew's	44⅝	44	44⅜	+ ⅜
Paramount	11¾	11½	11⅝	+ ⅛
Paramount, 1 pfd.	100½	100¼	100¼	— ¼
Paramount, 2 pfd.	13⅞	13¾	13¾	.....
Pathe Film	6¼	6⅛	6⅛	.....
RKO	5¼	4⅞	4⅞	— ¼
20th Century-Fox	16¾	16½	16¾	+ ⅛
20th Century, pfd	25½	25⅛	24¼	+ ⅛
Warner Bros.	8¼	7¾	7⅞	— ⅛
Warner, pfd.	43½	42⅛	42⅛	— ⅜

Technicolor Gains ¼ on Curb

	High	Low	Close	Net Change
Sonotone	1¾	1¾	1¾	.....
Technicolor	19¾	19⅝	19⅝	+ ¼
Trans-Lux	3¼	3¼	3¼	— ⅛

RKO Bonds Off 2 Points

	High	Low	Close	Net Change
General Theatre 6s '40	15	14½	14½	— ⅜
General Theatre 6s '40 ctf.	14½	14½	14½	.....
Keith B. F. 6s '46	89⅜	89⅜	89⅜	+1⅜
Loew's 6s '41 ww deb rights	104¾	104¾	104¾	+ ⅛
Paramount Pict. 6s '55	97¼	97	97¼	+ ¼
RKO 6s '41 pp.	71½	70	70	—2
Warner Bros. 6s '39 wd	83⅞	83	83¼	+ ¼

(Quotations at close of Sept. 25)

Selznick Goes West

David O. Selznick left for Hollywood yesterday to start on "Little Lord Fauntleroy," his first for United Artists.

President to Ask Views on New NRA

(Continued from page 1)

is admitted in Administration circles, has been far from reassuring, hence the President's decision to ask industry for its views.

Within the next day or two, it is indicated, the President will announce the part to be played by the NRA, Department of Labor and Department of Justice in the negotiation of voluntary trade agreements by the Federal Trade Commission. So far, the commission has been unable to consummate any of these agreements because of uncertainty as to the extent of its authority in those fields which are controlled by other Federal agencies.

So far, it was said today, no industries have actually abandoned the standards of their former codes, although, it was alleged, there has been much "chiseling" in the form of lower wages and longer hours.

ITOA In Move to Sue on Film Delays

(Continued from page 1)

the Gotham complaint against M-G-M. The theatre is alleged to have purchased "China Seas" on last year's contract, but the distributor is said to have made a deal this season for the Dorset. This case is before Supreme Court Justice Edward F. Dore.

At the Allied of New Jersey annual convention in Atlantic City last month a survey by member exhibitors showed that the eight major distributors would not release approximately 61 of the 1934-35 features.

The legal move by the I.T.O.A. will attempt to compel distributors to complete the contracts. All exhibitors having complaints of this nature have been asked to file them with the association for action.

"Here's to Romance" To Be Center Opener

(Continued from page 1)

20-minute concert show between the film programs. This plan may go into effect with the next picture, most likely "The Last Days of Pompeii."

Week day admissions are as follows: from 11 A. M. to 1 P. M., 35 cents; from 1 to 6 P. M., 50 cents; from 6 P. M. to closing, 75 cents. On Saturdays, Sundays and holidays, the first admission is unchanged, the second and third are increased 10 cents during the same hours. All seats in the mezzanine will be reserved at 85 cents from 1 to 6 P. M., and $1.25 from 6 P. M. to closing on all days. Changes of shows will be made on Wednesdays.

Brooklyn Spots Ask First Run Changes

Rearrangement of a number of its second run theatres in Brooklyn to first run position is planned by Randforce, it is understood. Louis Frisch and Sam Rinzler are said to be contacting major circuits which hold seven days' protection over certain of their theatres in an effort to lift the clearance so a day-and-date policy can obtain in certain situations.

Following its product deal with Warners, Century this season reclassified a number of its Brooklyn and Long Island units to first run.

◀ Purely Personal ▶

IRVING MACK of Filmack Trailers; LOU HARRISON, Marshall Square Theatre; ART SCHOENSTADT of the circuit bearing his name; JACK KIRSCH, Twentieth Century Theatre; CHARLES COOPER, the Gold, and JACK RUBIN, the Public—all Chicagoans in for the fight—left for home ground yesterday afternoon.

•

C. W. ALLEN, Jacksonville manager for RKO, is in town working on several product deals with JULES LEVY. He reports business generally good throughout his territory and that the hurricane only slowed things for a short time in the area around Miami.

Quip of the Day

Bob Goldstein says Sam Goldwyn says Christmas and New Year's will have to be pushed back this year.

Goldwyn won't have the new Cantor musical ready.

NEIL AGNEW, SPYROS SKOURAS, EDDIE ALPERSON, JACK J. SULLIVAN, RICK RICKETSON and HAROLD J. FITZGERALD spent the greater part of yesterday working out details of the Paramount-F.W.C. deal.

•

JOE BLUMENFELD, who owns and operates theatres in and around the bay district of San Francisco, is in New York with his bride. The couple arrived by boat.

•

NEAL ASTRIN of the Warner home office is the father of a baby girl born to MRS. ASTRIN at the Jewish hospital. The new ASTRIN will be named AUDREY LOUISE.

•

ED DUPAR, cameraman at the Brooklyn Vitaphone studios, leaves soon for the coast where he will join the Warner studio camera crew.

•

GEORGE RAFT, ROBERT GILLHAM and AL WILKIE spent yesterday afternoon at ADOLPH ZUKOR's farm at New Town, N. Y.

•

SOL DAVIS and his partner, M. LOWENSTEIN of the Republic exchange in Oklahoma City, left for home yesterday after a week here.

•

W. RAY JOHNSTON and H. J. YATES expect to leave for the coast tomorrow.

•

SAM FLAX, Republic franchise holder in Washington, was in town yesterday.

•

OLIVER H. P. GARRETT, playwright and scenarist, sails today on the *Champlain.*

•

RICHARD BARTHELMESS and RICARDO CORTEZ among the coasters who came in for the bout.

•

DAVE EPSTEIN thinks Eastern fight decisions are pediculous.

•

HAL ROACH and family left for the coast via plane yesterday.

•

ERBA and GRAD SEARS, BOB O'DONNELL, JIMMY WINN, CARL LESERMAN, JIMMY GRAINGER, FRED JACKS and EDDIE GOLDEN at Leon and Eddie's. BERT MAYER among the late arrivals in the same hot spot.

•

BERT WHEELER, who is here with ROBERT WOOLSEY, will leave for Hollywood on Saturday.

•

ROY MCCARDELL's short story "High Hats" has been purchased by Educational.

•

KENNETH EARL's original story, "Love on a Bet," has been purchased by Radio.

•

NAT SALAND plans to fly to the coast Oct. 15 for a six weeks' trip.

Epidemic Is False Alarm for Calgary

CALGARY, Sept. 25.—The infantile paralysis epidemic proved to be a false alarm with the result that the local health officials hastened to remove the ban which had been placed on attendance of juveniles at theatres. The restriction was lifted Sept. 21, three weeks after the order had been promulgated.

Calgary was the only community in the Dominion which scared itself into believing that the situation warranted drastic action.

Writers' Guild Hits The Academy's Code

HOLLYWOOD, Sept. 25.—Describing the revised Academy-writer-producer code as an obvious device to bolster up "an impotent organization created and controlled by the producers," the Writers' Guild today fired a verbal broadside at the proposed pact in a statement signed by President Ernest Pascal. In part, the statement described the pact as an effort to trick writers into accepting a few miserable crumbs instead of an honest loaf.

Fight Overlong Shows

LONDON, Sept. 25.—The K. R. S., in a statement today, announced it would take immediate and drastic action against exhibitors who were ignoring their contractual obligation of limiting their programs to three and one-quarter hours.

Sell to Universal

Guaranteed Pictures handling the foreign distribution rights of the Big Boy Williams series has sold the Philippine territory to Universal for the entire group.

Allied Unit to Move

BOSTON, Sept. 25.—Independent Exhibitors of Massachusetts, Inc., the local Allied affiliate, will move soon to 20 Shawmut St.

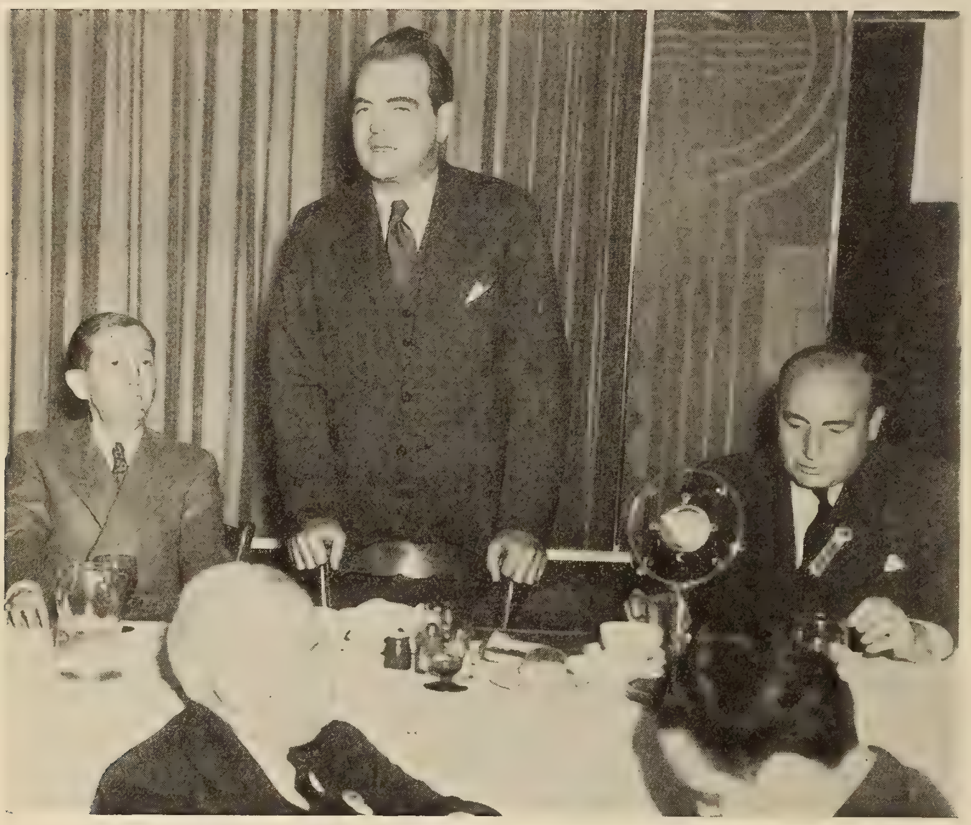
Green Takes Another

NEW PALTZ, N. Y., Sept. 25.—Fred Green, who operates the Colonial Hall here, has taken over the Hudson, Cold Springs, from Arthur Nakashin.

Vilma & Buddy Ebsen
"BROADWAY MELODY OF 1936"
WILLIAM MORRIS OFFICE

THE PICTURE OF THE WEEK

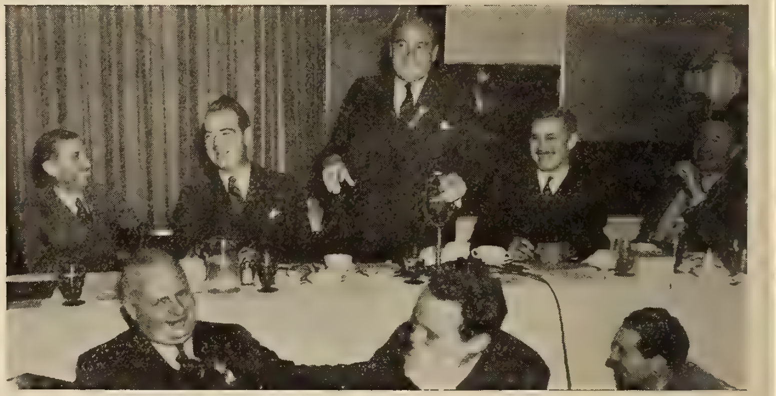
Bringing to the screen the thrilling voice of radio's **EVERETT MARSHALL**, the beauty of **DOLORES DEL RIO**, the hilarious antics of Guy Kibbee, Allen Jenkins, and Hobart Cavanaugh, Warner Bros.' **"I LIVE FOR LOVE"** seems richest in box-office values among the week's new films. Busby Berkeley directed the gaily charming story of the private lives of public characters. Released September 28th.



The Candi
Snaps Ampa
Tribute t

Martin Quigley as he acknowleged industry tribute on his 20th anniversary as a publisher. Will H. Hays is on the left and Al Lichtman on the right.

The foreground group includes J. J. McCarthy, S. Charles Einfeld, Red Kann, James R. Grainger and Charles E. McCarthy. Right in camera's eye is Paul Gulick.



Another Al Lichtman sally clicks. In the background: Will H. Hays, Martin Quigley, Al Lichtman, Gordon S. White and Harry M. Warner. In the foreground: Arthur A. Lee and James FitzPatrick.

Some gentlemen of the dais. Left to right: Harry M. Warner, Howard Dietz, Philip L. Thomson, Ned E. Depinet and Earle W. Hammons, also 20 years in business.

Allied's contingent, left to right: Aaron Saperstein, Abram F. Myers, Charles H. Olive, Alex Schreiber, H. M. Richey and Sidney Samuelson, national as well as Jersey's president.

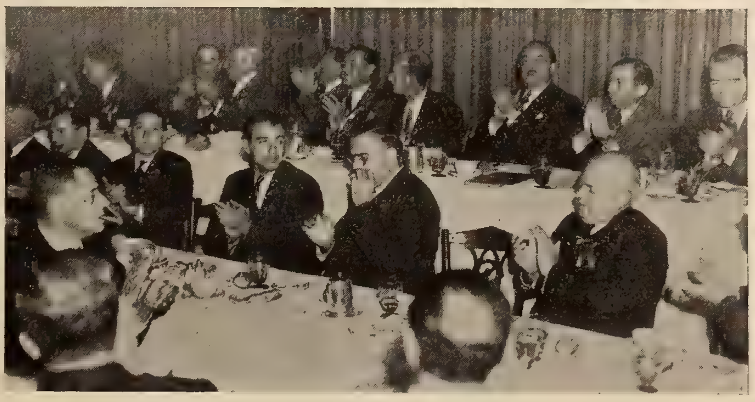
Cameraman Anniversary Martin Quigley

Will H. Hays presenting industry tribute resolution to Martin Quigley. The group includes Phil D. Cochrane, Jack Cohn, Quigley and Al Lichtman.

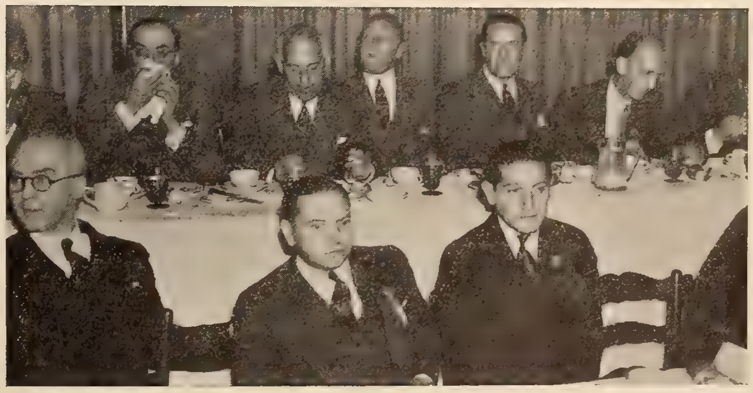
All photos Cosmo-Sileo

Head G-Man camera-trapped. In the background, left to right; J. Edgar Hoover, Charles C. Pettijohn, Herman Robbins, Robert H. Cochrane, Terry Ramsaye and Dr. A. H. Giannini.

Stymied by the camera. In the background, left to right: Jules E. Brulatour, Colvin W. Brown, Jack Connolly, John C. Flinn and Jay Emanuel, regional trade paper publisher.



This is the sort of reception the speakers got. In the foreground: Ben Rosenberg (with cigar), Bill German, Louis Nizer, Ed Finney, W. Ray Johnston and Arthur A. Lee.



Notables at rest. Background figures left to right: Dr. A. H. Giannini, David Bernstein, J. Robert Rubin, Sam Dembow, Jr., Phil D. Cochrane. Serious: Bill German, Louis Nizer.

Veterans of 20 Years and More Sign the Quigley Register

One of the interesting sidelights of the Ampa luncheon to Martin Quigley yesterday was a ceremonial wherein those in the business 20 years or more signed a register which later was presented to the guest of honor as a memento of the occasion. As far as it went and as far as the inscriptions were decipherable, the interesting picture thereby unfolded included these names:

Name	*Date of Entry*	*Connection*
Al Lichtman	1910	Exhibitors' Adv. Co.
Sam Dembow	1914	Fox
Charles L. Casanave	1914	General Film
Jack Connolly	1915	Triangle
A. P. Waxman	1906	Bijou Dream Co.
Jack Fuld	1915	Motion Picture News
Jack Cohn	1908	Imp
Marvin Kirsch	January, 1914	General Film
Julius Singer	February, 1907	Laemmle Film Service, Chicago
Jack Levy	January, 1907	Greater N. Y. Film
G. W. Harttmann	April, 1910	Armour Theatre, N. Kansas City
Frank H. Cessil	January, 1907	Rialto Theatre, St. Joseph, Mo.
W. P. Bernfield	May, 1914	Greater N. Y. Film
Harvey B. Day	August, 1911	George Kleine
A. C. Haymann	May, 1901	Actograph
Erwin Kleeblatt	September, 1912	Intern'l Cinema
D. J. Shea	April, 1907	M. P. World
Tim Leahy	January, 1907	Doing everything
C. B. McDonald	November, 1903	B. F. Keith Circuit
Edward A. Golden	1914	———
George Dembow	1915	Fox
Edward McNamee	1915	Fox
W. R. Ferguson	1910	Olympia Theatres
Don Hancock	May, 1913	Van Beuren Corp.
Walter Vincent	January, 1910	Wilmer & Vincent
Harold F. Rendall	May 1912	Motion Picture News
Bert Ennis	January, 1910	Vitagraph
Allyn Butterfield	October, 1914	Vitagraph
Al Selig	November, 1914	Fox
J. J. McCarthy	November, 1912	"Cabiria"
Harry D. Buckley	September, 1914	Columbia Theatre, St. Louis
Herbert Jaediker	January, 1915	Fox
John C. Flinn	September, 1913	Jesse L. Lasky Co.
Bert B. Perkins	March, 1913	Cleveland Circuit
Rutgers Neilson	August, 1913	———
Eddie White	August, 1915	Kinelecartoon Corp.
Maury Ascher	September, 1914	Sackheim Title Stud.
Leon J. Bamberger	1912	General Film Co.
Southard Brown	1908	Percy L. Waters
Ned E. Depinet	1907	Importd Film Co.
Bert Sanford, Jr.	1911	General Film
Arthur A. Lee	1910	General Film
George J. Schaefer	1914	World Film
Charles Stern	1912	Kessel and Baumann
Paul C. Mooney	1915	Fox
Mrs. Joseph R. Miles	1914	Lloyds' Film
Paul Gulick	1913	Universal
Earle W. Hammons	1915	Educational
Jay Emanuel	1911	Ridge Ave. Theatre, Philadelphia
J. A. Kraker	1914	Allen Bros., Canada
Leo Brecher	1910	Exhibitor
Tom Hamlin	1914	"Amusements," Minneapolis
R. W. Baremore	1914	"Photoplay Review"
Robert H. Cochrane	1906	Universal
David Palfreyman	1914	———
Phil D. Cochrane	1906	Universal
James Clark	1914	Mutual
Irving W. Goodfield	1913	Eclectic Film Co.
Edward M. Fay	September, 1910	Fay's theatres
P. S. Harrison	April, 1907	Exhibitor Art Theatre, Long Beach, Cal.
Ray Gallagher	November, 1910	Vitagraph
Aaron Saperstein	June, 1908	Globe Film, Chgo
Jules E. Brulatour	June, 1904	Lumiere Company
Samuel Rubenstein	June, 1912	Universal
W. J. German	September, 1906	Eastman Kodak
Charles J. Hirliman	October, 1911	Eclair Film Co.
Tom Evans	September, 1909	Powers Photoplays
David J. Chatkin	June, 1907	Anti-Trust Film Co.
Milton H. Feld	January, 1907	Kansas City exhibitor
Harry M. Warner	1903	Warners Features
Sydney Samson	April, 1912	Universal
Harry M. Goetz	July, 1909	Crystal Film Co.
Ben H. Atwell	December, 1913	Apex Film Co.

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Thrill to a tender romance that bloomed in the midst of the toughest town on earth . . . in a melting pot of strange humanity lured by Frisco's storied streets of precious yellow metal . . . a love that was born of the strife, the greed, the tumult . . . of the gaudy glittering gold coast!

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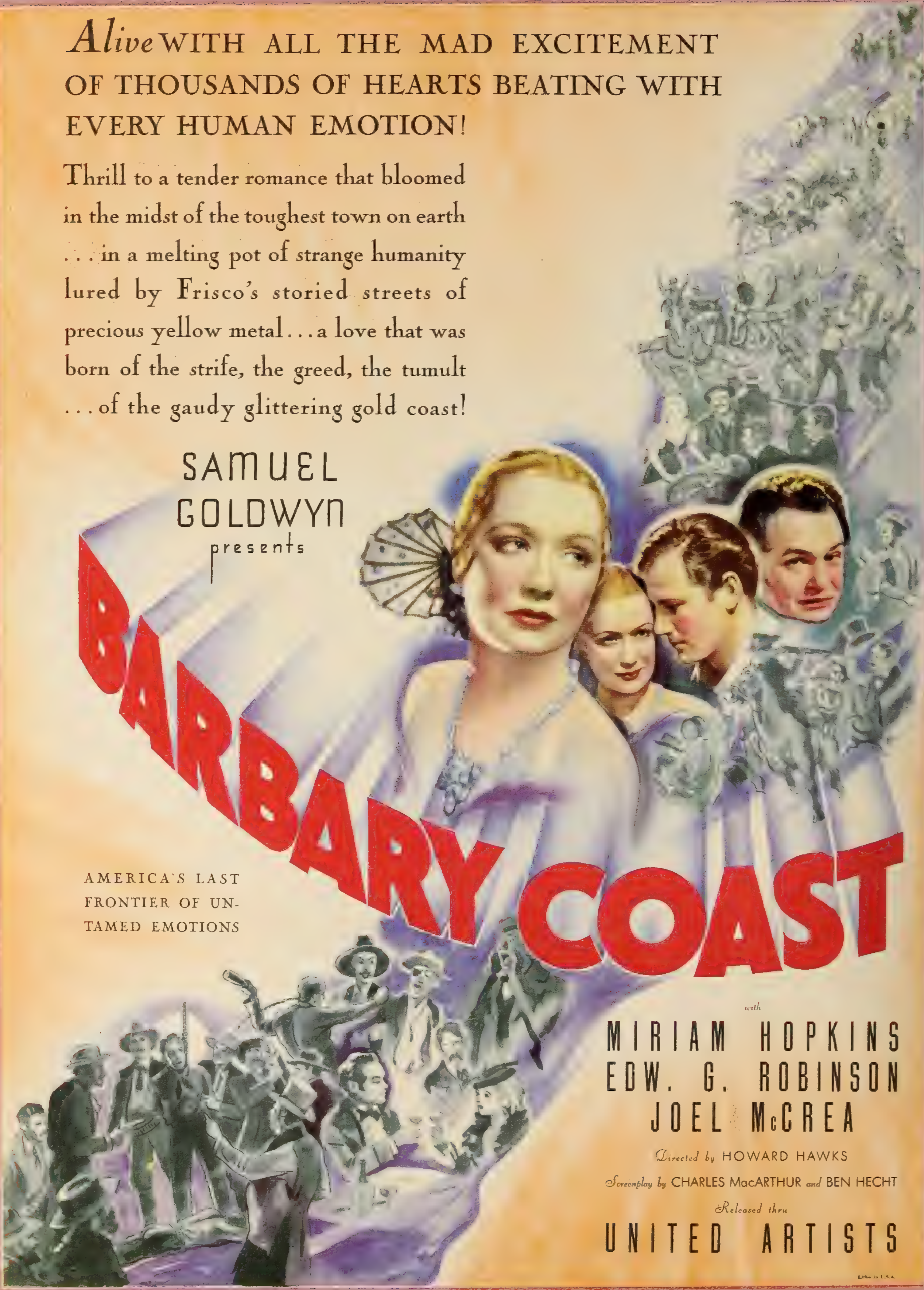
presents



AMERICA'S LAST
FRONTIER OF UN-
TAMED EMOTIONS

with

MIRIAM HOPKINS
EDW. G. ROBINSON
JOEL McCREA

Directed by HOWARD HAWKS

Screenplay by CHARLES MacARTHUR *and* BEN HECHT

Released thru

UNITED ARTISTS

Litho in U.S.A.

The 268

Charles Aaronson, Maury Asher, Sam Abhend, Bert Adler, Dan Aherne, Charles Alicoate, M. Asher, Ben Atwell, Nat Bader, J. E. Baker, Miss M. Ball, Leon Bamberger, R. W. Baremore, Arthur Barton, George Batcheller, Ruth Bayer, S. Belasco, Paul Benjamin, Herb Berg, Joe Berne, W. P. Bernfield, David Bernstein, John Boettiger, Al Bondy, Leo Brady, Leo Brecher, Aileen Brenon, C. W. Brown, Jules Brulatour, H. D. Buckley, Allyn Butterfield.

Charles Casanave, John Cassidy, Frank Cassil, Milton Chamberlin, David J. Chatkin, James A. Clark, P. D. Cochrane, R. H. Cochrane, George Cohan, Sam Cohen, Jack Connolly, L. W. Conroy, James A. Cron and Mrs. Cron, C. Curran, E. P. Curtis, Hal Danson, A. J. Dash, Dave Davidson, Harvey Day, Sr., Phil DeAngelis, George Dembow, Sam Dembow, Jr., Ned E. Depinet, Gregory Dickson, Howard Dietz, John Dowd, W. F. Eberhardt, Arthur Eddy, Charles Einfeld, Bert Ennis, Dave Epstein.

Paul Faber, Robert Faber, Edward M. Fay, Herb Fecke, Harry A. Federman, Milton Feld, Al Finestone, Ed Finney, John C. Flinn, A. T. L. Fox, W. Frank, Daniel Frankle, J. R. Freeman, Jack Fuld, Joe Gallagher, Ray Gallagher, Bruce Gallup, T. W. Gerety, George Gerhard, William German, Dr. A. H. Giannini, Jacobo Glucksman, Harry M. Goetz, J. W. Goodfield, Harry Gold, E. A. Golden, Jack Goldstein, Alex Gottlieb, E. C. Grainger, J. R. Grainger, Monroe Greenthal, Paul Gulick.

Earle W. Hammons, Don Hancock, Tom Hanlon, Maurice Harris, P. S. Harrison, Jack Harrower, G. Hartman, R. K. Hawkinson, Will H. Hays, Frederick L. Herron, Gabriel L. Hess, C. B. Hill, C. J. Hirliman, J. Edgar Hoover, Hal Horne, E. Irwin, J. M. Jerauld, W. Ray Johnston, Red Kann, Belle Kantor, A. W. Kelly, M. Kinzler, M. Kirsch.

Arthur A. Lee, M. Leithman, Charles Leonard, Irving Lesser, Jules Levy, Jack Lewis, Al Lichtman, Wm. R. McBride, Charles E. McCarthy, J. J. McCarthy, Fred McConnell, Charles McDonald, Willard McKay, Elliott McManus, Edward McNamee, Boone Mancall, H. Masters, Bert Mayers, Gertrude Merriam, Theresa Michaels, Mrs. Joseph Miles, R. Mochrie, Paul Mooney, Sr., Walter Moore, James Mulvey, A. F. Myers.

Allen B. Newman, Rutgers Neilson, Louis Nizer, Charles Olive, William Ornstein, Charles B. Paine, David Palfreyman, Jack Partington, C. C. Pettijohn, E. J. Powells, Terry Ramsaye, Max Richards, F. H. Richardson, Rick Ricketson, Joe Rifkin, H. M. Ritchey, Hal Roach, Herman Robbins, Budd Rogers, Ben Rosenberg, Sam Rubenstein, J. Robert Rubin, Sidney Samuelson, Sidney Samson, Bert Sanford, Aaron Saperstein, Fred Schaefer, George J. Schaefer, Hortense Schorr, Si Seadler, Gradwell Sears, Al Selig, Jack Shapiro, Dennis Shea, Clayton Sheehan, E. Silverstone, Jules Singer, Robert Smeltzer, Andy Smith, Scott Smith, Jr., Sam Spring, M. Starr, A. Steen, T. Sullivan.

A. Taft, P. L. Thomson, B. O. Tidwell, Ted Toddy, George W. Trendle, Walter Trumbull, M. Van Praag, Walter Vincent, A-Mike Vogel, William Waldholz, H. M. Warner, Mary Warner, Milton Weiss, Gordon White, Earl Wingart.

Leaders of Industry Turn Out in Tribute to Quigley

(*Continued from page 1*)

Baer fight the night before he had not been "properly sympathetic toward the recipient of many left jabs to the head," but declared that at the moment his mood had changed. He hoped, he said, that his audience would not feel that he was not duly appreciative and would forgive him if he seemed a "bit groggy."

Gordon White started the ceremonies by saying that if Ampa had any more guests as popular as Quigley the gathering would have to be held in Madison Square Garden. At that moment the waiters were still trying to figure out how to get around among the tightly packed tables without leaping over any of them.

"We are most happy," he said, "to pay a high tribute to a man who has contributed so much over so long a period to the industry. We, above all others, should appreciate what Martin Quigley has done."

Lichtman Draws Laughs

Lichtman drew a laugh by blinking in the direction of a spotlight and remarking:

"I cannot congratulate the association on its selection of a place to hold this gathering. To me it is a dark cellar. Maybe Dempsey wants to keep us in the dark, so we can't inspect the food. It reminds me of the fight last night. I couldn't see the ring, so I scrambled down to the press seats and convinced them that I should represent *Racing Form,* because I was its oldest subscriber. I sat in Baer's corner.

"Usually," he continued, "when we want to pay honor to someone within the industry, we bring along an outsider to testify as to his good character. I present Philip L. Thomson, president of the Audit Bureau of Circulations."

Thomson immediately cleared up the "outsider" reference by declaring that he was there in a "dual capacity as representative of the A.B.C. and of Western Electric and Erpi." He extended his own and the congratulations of 1,500 publishers to a man "who is not afraid to have everyone know the facts of his business."

"What did I tell you?" Lichtman questioned lightly when Thomson had finished. "Now I will introduce another speaker who also is a stooge. He was the first guest of honor of Ampa. He works for Quigley. We gave him a farewell dinner when we heard he was going to Chicago, so he would have to make good on his departure, but he came back in a short time. I present Terry Ramsaye."

Dietz Pays Respects

"Lichtman has been waiting for 20 years to take that crack at me," Ramsaye asserted.

"There has been considerable talk about work that has been done," he went on; "I did most of it. The history of the industry has been dotted with luncheons, dating back to the time when Edison finished his first 30 years in it." Ramsaye finished so suddenly Lichtman was caught by surprise.

"He fooled me," he said ruefully, as he arose to introduce the next speaker.

"The next speaker," he went on, "is of the customer type. Between writing plays and paying visits to the M-G-M offices he is quite busy. I don't need to go any further—Howard Dietz."

"I have very little to say," Dietz began, "but that shouldn't prevent any of the other speakers from proceeding at length.

"Al told you about the fight, but he didn't tell you about his dream afterwards. He dreamt that he was Louis and that Sam Goldwyn was Baer."

Turning to the long record of Quigley's connection with the industry, he said:

"He started back in the days when Louella Parsons was trying to win a spelling bee on the *Morning Telegraph.* It seems ages ago, but seriously, I am delighted to pay my respects to Mr. Quigley. A man who can go through this madhouse for 20 years, can still keep the friendship of every man in the industry, can still keep a smile, has done something. I consider it a real achievement."

Scroll Presented

Pettijohn complained, when presented, that Dietz had stolen what he had intended to say about the man "who could still smile." After congratulating Quigley on his record he said he would like to "introduce the man who had made it possible for Warners to have a hit." The man proved to be J. Edgar Hoover, head of the U. S. Secret Service.

Hoover said he was one of Quigley's admirers, even though he had met him only a few moments before "because I had faith in what Pettijohn had told me about him."

Hoover became serious in congratulating the industry upon creating a "greater public respect for law enforcement officers through its cycle of G-Men pictures."

Lichtman at this point presented a scroll to Quigley signed by all the men present who had been in the industry 20 years or more. He added he had signed it "with real love and admiration" and knew that the others had done so as well. He then introduced Will H. Hays.

"Very seriously, but very inadequately," he began, "I want to pay my tribute to a man who has done a great service to this industry.

"We cannot cover a period of 20 years in 20 minutes. Twenty years in the life of this business is an epoch. There has been no single individual in this industry whose personal contribution to it has been so valuable. His work represents 20 years of heart beats, 20 years of right mental processes. I know of none who has given so much unselfish service.

Hays Reads Resolution

"The industry is engaged in a challenge to make its exploitation reach a plane befitting its product. It has reached a plane not hitherto believed possible, and Quigley has been an important aid in bringing this about."

With some display of emotion, Hays read a resolution expressing the sentiments of the gathering. He asked that it be adopted by rising vote.

Quigley was the last speaker.

"I will not attempt to give you a real expression of my appreciation," he said. "For 20 years I have been giving expression to what I have believed were the responsibilities of the business and what I have felt were its opportunities, and I know you are familiar with my views.

"An industry gets the kind of trade press it deserves. When I entered this industry I believed that the mass character of its entertainment imposed upon it certain responsibilities. I did not believe it was just another form of entertainment, or a carnival show brought under a permanent roof. I believed then, and I know now, that the motion picture is one of the greatest influences of modern life.

"Everything that I have been able to do for the advancement of these ideas and these ideals has been possible because the industry was willing to have it that way.

"There is a constitutional guarantee of freedom of the press, as you know, but with the trade press this guarantee is theoretical, rather than practical. Its freedom is due to the willingness of the leading factors in the industry to have it that way. At no time during the 20 years that I have been a publisher has any factor in the industry undertaken to bring pressure to turn me along lines intended to serve a selfish purpose.

"I hope for continuing opportunities to give expression to the kind of service I wish to perform."

Via Wire

ADOLPH ZUKOR, chairman of the board, Paramount—"My felicitations. I regret circumstances prevent me from joining the throng to honor you."

M. H. AYLESWORTH, president of RKO— "I am greatly disappointed that urgent business keeps me from attending the luncheon tribute to my friend Martin Quigley. His constructive influence and untiring efforts in behalf and in support of the motion picture industry not only . . . in the United States but throughout the world leaves no doubt . . . as to his fine position as a great leader in our industry. . . . Martin Quigley is fearless, constructive and at all times a leader and never a 'yes' man. . . ."

FELIX F. FEIST, general sales manager, MGM—"Hoped until the last moment that I would be able to get over to join in the festivities. . . . Be sure I am with you in spirit and subscribe most sincerely to the tribute that you so justly deserve."

CLYDE ECKHARDT, district manager, Fox, Chicago—"For 20 years I have enjoyed the Quigley Publications particularly for their progressiveness and the important position and influence they occupy in the motion picture industry. For this you are to be congratulated. . . . It is my great hope the Quigley Publications will enjoy the same importance the next 20 years as they do today and that our past friendship will continue unending."

JACK ALICOATE, publisher of *The Film Daily*—"Had hoped and expected to be at your party. Find now at last minute it is today instead of regular Ampa Thursday. . . . Cheerio, pip-pip and all best wishes for a grand party."

ELIAS S. SUGARMAN, *The Billboard*—"Accept my heartiest congratulations on the occasion of the twentieth anniversary celebration of your connection with the film industry."

Dismiss Lucky Case In Brooklyn Court

Another court complaint against Lucky has been dismissed in Magistrate's Court, Brooklyn. This time it is the Rivoli, Brooklyn, operated by Dave Weinstock.

The case was heard about two weeks ago when decision was reserved in order to give the district attorney and the legal bureau of the Police Department time to submit briefs. Bernard Barr, representing the Rivoli, also submitted papers. After a study of the briefs, the case was marked off the calendar in favor of the defendant.

Continue Rochester Game

Rochester, Sept. 25.—Pending filing of briefs, the Liberty, North Side Schine house, is free to operate its disputed Screeno game every Friday night under an injunction restraining police from interfering.

The stunt was dubbed a violation of the lottery laws by Deputy Corporation Counsel Charles B. Forsyth. Supreme Court Justice William F. Love issued a restraining order against police pending decision on the game's legality and Justice Floyd W. Annabel subsequently reserved decision pending filing of briefs.

Allied Union Loses On Injunction Plea

Allied M. P. Operators' Union yesterday was denied a preliminary injunction against Estate Operators, controlling the Garfield, Avon and 16th St., Brooklyn, by Supreme Court Justice Frank C. Adel. The union tried to stop employment of other operators until its action against the circuit comes to trial.

In denying the stay, Justice Adel said:

"This action does not appear necessarily to involve a labor dispute as contemplated by section 876 A of the Civil Practice Act, but it is an action for breach of contract between an unincorporated association and a corporation for which there might very properly be an adequate remedy at law in the way of money damages. Another compelling reason for the denial of the release asked for is that the contract sued under was not executed by the defendant, but by a third party under an alleged power of attorney."

Warners Plan 1,800 Seater in Paterson

Warners will build a new 1,800-seat theatre in Paterson, N. J. Negotiations for construction work have been closed and building will be started within the next week or so. The circuit now operates the Fabian, Garden, Regent and Rivoli in Paterson, but on June 1 next will drop the Garden from the list. Harry Brandt, president of the I.T.O.A., has made a deal with the owner of the Garden and will assume operation on June 1.

The new theatre will probably be ready by the time Warners cross off the Garden from its circuit list. The American and Cameo in Newark were recently turned back to Al Gottesman by Warners.

"Ship Cafe" New Title

Hollywood, Sept. 25—"Ship Cafe" has been definitely set by Paramount as the title for the Carl Brisson picture known as "The Bouncer."

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Little America"

(*Paramount*)

Hollywood, Sept. 25.—Adventurous souls, exponents of courage and youth reaching for the unattainable will find a good deal of thrill and education in Byrd's second Antarctic expedition with sound.

As a pictorial record of one of the world's great feats of exploration, its newsreel quality and "March of Time" flavor, serve to maintain interest that assumes bigness by virtue of its modesty.

Well publicized via newspapers and pictures before, during and after the expedition, audiences should be ready for this film which so admirably depicts valor and guts in so simple a manner.

The film is complete from the start of the trip to the return from the Pole. It shows intimate human interest incidents revealing daring, danger and humor, bringing in men, airplanes, huskies, penguins, whales and seals. A marching song in torchlight against the snow of men going to the rescue of Byrd is a highlight of the film.

Admiral Byrd is a good screen personality, at moments resembling John Barrymore. His lonely vigil of seven months at the Pole brings patrons close to his immortal deed.

The narration written by Charles J. V. Murphy, radio man on the trip, is tense, factual and novel. The photography conveying peril with beauty is by John L. Herrmann and Carl O. Peterson. Gayne Whitman is the narrator. The production supervised by Dario Faralla and edited by Ewing Scott, who himself once filmed a North Pole production, "Igloo," is a noteworthy achievement. Properly publicized, the picture should be self-selling with foreign appeal particularly good.

Production Code Seal No. 1,270. Running time, 57 minutes. "G."

Theatres Nosedive On Fight Broadcast

Theatre business Tuesday night took a complete nosedive throughout the country, major and independent theatre heads stated yesterday after a checkup on box-office receipts.

Reason for the sudden drop in grosses is directly attributed to the Louis-Baer fight, which, it was said, kept theatre-goers home listening to the radio account of the fracas. One major circuit reported that last Tuesday night's receipts were the lowest in the last 52 Tuesdays.

However, business picked up yesterday, particularly at local theatres where the fight pictures were being screened.

Decision Reserved On Stay for Gotham

Supreme Court Justice Edward F. Dore yesterday reserved decision on a motion made by Weisman, Quinn, Allen & Spett, representing the Gotham, for an injunction against M-G-M to restrain the distributor from releasing "China Seas" to the Dorset ahead of the Gotham.

Attorneys for both sides argued the case and submitted papers. A decision is expected today or tomorrow. The picture's date has been set at Sept. 28.

Offer "Time" Pamphlets

RKO Distributing Co. has prepared two pamphlets for distribution through theatres to teachers and students in connection with the "March of Time." One, the *Teachers' Manual,* contains suggestions for classroom discussion on the contents of each issue of the newsreel, and the other, *Photo Reporter,* for the students, contains background information on each issue of the reel.

"Dream" Opening Is Sold for a Benefit

The entire seating capacity of the Hollywood for the world premiere, Oct. 9, of "A Midsummer Night's Dream" has been purchased by the English Speaking Union of New York which will re-sell the tickets at $11 top for benefit purposes. Harry M. Warner commenting on the sale, said: "The fact that the English Speaking Union will sponsor the world premiere in New York of "A Midsummer Night's Dream" is one of the greatest tributes that possibly could be paid to Max Reinhardt and his production of Shakespeare's comedy."

Shea Books Warner 100%

Warners have closed a deal with the M. A. Shea Circuit for 100% booking of the new lineup. Robert Mochrie closed the deal with A. J. Kearny of the Shea circuit.

Chicago Is Proud of Its Singles—Coston

Chicago exhibitors are proud of the fact that the town is still on a single feature basis, James Coston, Warner operating head in the Windy City, stated yesterday while here to attend the Louis-Baer fight. He added the public does not want duals and theatre owners have educated patrons along single feature lines.

Theatre business in Chicago is the best since 1929 and theatres play to more people than since the stock market crash. Admissions are not as high now as they were then, he said.

"U" Signs Tilden

Hollywood, Sept. 25.—Universal has signed William ("Big Bill") Tilden, tennis ace, for a featured role in "The Amateur Racquet." Other tennis stars may be added to the cast later.

Short Subjects

"Baer-Louis Fight"

(*Super Sports Attractions*)

Well photographed and edited in an expert manner this picture in its recording of the fight leaves nothing to be desired. Slow motion shots and highlights from ringside angles give it plenty of realism. There is no accompanying dialogue to divert audiences and actual sound recording maintains the excitement. No production code seal. Running time, 20 mins.

Allied Leaders Fail To Confer on Photos

A meeting of Allied leaders scheduled for yesterday to discuss the American Edugraphic plan for distribution of historic photos failed to materialize, due to departure of most of the men before the session was called. Al Steffes left by plane for Minneapolis after the fight on Tuesday night, while Aaron Saperstein left yesterday for Chicago by the same route. H. M. Richey departed for Detroit by plane in the afternoon and Fred Herrington got away early for Pittsburgh by train. A. K. Howard of Boston cleared out in the afternoon, leaving Abram F. Myers, general counsel, to confer with Sidney Samuelson the greater part of the afternoon. Samuelson would not discuss his session with Myers, who left last night for Washington.

Richey plans to return in about a month. Samuelson, Myers, Saperstein and Richey attended the 20th Anniversary luncheon for Martin Quigley yesterday at Dempsey's.

Joan Lowell to Scan Van Beuren Accounts

Justice Charles B. McLaughlin in the Manhattan Supreme Court granted an order yesterday to Joan Lowell for a partial examination before trial of the officers of Van Beuren Corp. in connection with her suit for an accounting of the profits of "Adventure Girl."

Justice McLaughlin ruled as follows: "The examination is limited to finding out whether the Van Beuren Corp. kept a record of income and outgo, as to this contract; whether that record shows a profit, the quantum of profit is not to be ascertained on this examination, that is for the accounting. Ascertain the facts of a profit and then stop."

The defendants have filed a counter suit against Miss Lowell for $300,000.

Mickey Mouse on Air

Mickey Mouse's seventh birthday will be marked over the radio by the broadcasting of two programs in his honor.

Bide Dudley will devote his entire period on Saturday to the rodent comedian over WOR. On the Cheerio program of the NBC network on that day, a dramatic resume of Mickey's career and a discussion of his outstanding films will be aired.

Para. Shows Set Oct. 4

The Paramount is definitely set to adopt a stage show policy Oct. 4, it was decided yesterday. The picture and acts to participate in the stage entertainment will be set today.

PAID ADMISSIONS LAST WEEK

231,897

First run Broadway houses

116,724

Better than 50% went to the Roxy

"MORE THAN A HOLDOVER . . . IT'S A PUSHOVER FOR ANY EXHIBITOR" Howard S. Cullman, Trustee, Roxy

ROBERT DONAT · MADELEINE CARROLL

in

"THE 39 STEPS"

TOPS
'EM ALL
GB

Directed by Alfred Hitchcock · *Physical Distribution* · Fox Exchanges · Canada, Regal Films, Ltd.

IT

FOR

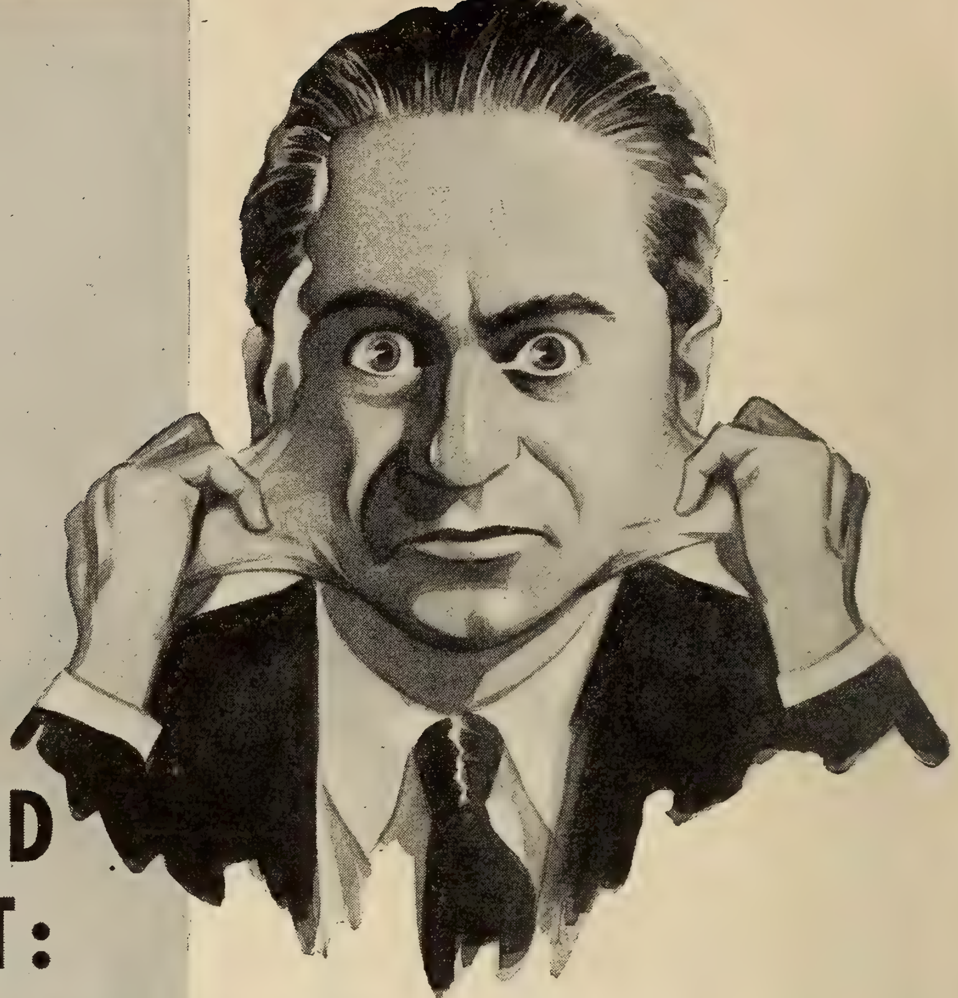
MARTIN QUIGLEY

SPEAKS ITSELF

TWENTIETH ANNIVERSARY EDITION

MOTION PICTURE HERALD

This Week



RED KANN HAS A WORD FOR IT:

You have heard of pictures which gave you goose pimples — pictures which made you gasp — pictures which thrilled you to the very marrow of your bones. But never before in your life have you ever heard any picture described as Red Kann describes Universal's outrageously sensational two-reeler called "CAMERA THRILLS".

HE SAYS IT IS A "SKIN-RAISER"

A "skin-raiser" is a thing you can cash in on. Any time you can show your hard-boiled patrons something to raise their skins, you've got something! If Universal has made a picture which can raise Red Kann's skin one-millionth of an inch, Universal has done the impossible.

UNIVERSAL'S *mammoth* TWO-REELER

"CAMERA THRILLS"

IS SO GOOD THAT IT IS IMPOSSIBLE

******BUT EVERY INCH OF IT IS TRUE!**

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 75 NEW YORK, FRIDAY, SEPTEMBER 27, 1935 TEN CENTS

ITOA Decides On Suit Over Short Forcing

Weisman Is Authorized To Start Actions

Suit against local exchanges for alleged forcing of shorts will be filed by Milton C. Weisman of Weisman Quinn, Allen & Spett, attorneys for the I.T.O.A., within the next two weeks, it is learned.

Several members of the organization have registered complaints with the unit's executive committee during the past few months. At the last meeting of the association at the Astor, it was brought out that Weisman is now preparing the papers and that definite legal action will be brought in a fortnight.

Complaints were also made at this session in connection with RKO, which is said to have sold "Top Hat" on last season's program and is reported to be selling it again on the 1935-36 releases. A case against M-G-M involving "China Seas" is before the New York Supreme Court for decision, which is expected today or tomorrow. The Gotham, which bought the picture last year, is not getting the picture, which has already

(*Continued on page 7*)

Circuits and Union Resume Talks Today

Circuit and union representatives negotiating the local wage scale did not meet yesterday, as expected, the session being put over until 11:30 o'clock this morning. Today's conclave will be the first since last Monday and another will not be held until sometime next week, due to the Jewish New Year, which starts tonight.

Efforts to merge Local 306 with Allied M. P. Operators and Empire State are proceeding at a slow pace. Century and Springer & Cocalis, the two independent circuits which have 10-year contracts with Empire, are mulling over the merger plans, but are reluctant to approve the amalgamation

(*Continued on page 7*)

No Decision Yet by K. R. S. On Booking

London, Sept. 26.—No statement on what its decision is likely to be will be made by the K. R. S. on the Gaumont-Hyams deal as well as further activities of the Odeon circuit until the adjourned meeting is held in two weeks. The question to be determined is whether or not these situations violate the distributors' stand on booking combines.

Two Para. Partnerships Signed For Nine Months; Expect Others

Paramount partnership arrangements with the Wilby & Kincey and Lucas & Jenkins circuits yesterday were extended from Sept. 28 to July 1, 1936, a period of nine months instead of 90 days, which was the original plan.

Several other joint operating deals will be set today, probably for the same nine-month extension.

Wilby & Kincey operate a number of theatres in Tennessee, South Carolina and Alabama, while the Lucas & Jenkins circuit confines its operations to Georgia.

Expected to be set today are temporary contracts with Louis Dent of Salt Lake City, George W. Trendle of Detroit and Robert J. O'Donnell of Dallas.

Vaudeville Circuit Is Federation's Aim

Use of a circuit of vaudeville shows to operate in competition with film theatres, as a means of virtually forcing the use of vaudeville in film houses, is the plan of the American Federation of Actors, according to Ralph Whitehead, executive secretary. The A. F. A. Wednesday night at the St. James Theatre adopted a resolution requesting a conference with President Roosevelt to set before him a plan to restore vaudeville to the theatre. The resolution will go forward to the President in a few days.

Government aid is necessary at the moment for the establishment of the vaudeville circuit the A. F. A. has in

(*Continued on page 7*)

Delay on 2,000-ft. Reels Agreed Upon

Delay in the adoption of 2,000-foot reels was decided upon at a meeting of distributors' representatives and others yesterday at the Hays office.

The committee voted to ask the Academy Research Council to postpone the industry-wide date originally set for Jan. 1 to April 1, 1936.

J. S. MacLeod of M-G-M represented distributors, and others present were Homer Tasker, president of the S.M.P.E.; Gordon S. Mitchell, member of the Academy Research Council, and Arthur S. Dickinson of the M.P.P.D.A.

Korda Has Dietrich For One, He States

By BRUCE ALLAN

London, Sept. 26.—Alexander Korda, just in from New York, stated today London Films had signed Marlene Dietrich for one picture to be made here in April. This automatically places release through U. A.

King Vidor, Harry D'Arrast and William K. Howard, directors all, have affixed signatures to deals with Korda, who added he was hopeful Frank Lloyd would bring his own unit to the Denham studios which London Films is building. A deal is on for Edmund Goulding to direct Merle Oberon's next.

Korda said 20 pictures will be made

(*Continued on page 7*)

Film Men Arriving For St. Louis Suit

Many of the principals subpoenaed by the Government in the equity and criminal actions involving the Ambassador, Missouri and Grand Central theatres in St. Louis have arrived or will reach the Missouri city today.

A Warner contingent left New York Wednesday, and last night a number of RKO officials departed. Louis Phillips, Paramount attorney, arrived there yesterday. Spyros Skouras and William Powers are expecting to leave over the week-end as well as Jack Partington and Irving Lesser of Fanchon & Marco.

Mexican Inquiry to Delay American Move to Quit

Mexico City, Sept. 26.—An agreement has been reached between the Finance Ministry and American distributors to postpone their threatened withdrawal from this market from Sept. 30 to Oct. 15, pending an investigation of the entire tax situation by a mixed committee of nine, three representing the Ministry and one each from the six groups in the industry. These groups are small exhibitors, American distributors, independents, and Mexican and foreign producers. A probe will be made of all phases of the Americans' complaints against high import duties, and Finance Minister Eduardo Suarez is optimistic over the possible outcome.

Seven Groups Are Reported Seeking Roxy

Five Already Have Plans Before Bondholders

Seven different groups are reported after the Roxy, five of which already have submitted reorganization plans to the bondholders' committee. The other two have served notice on the committee that they intend to file plans as soon as the Federal Court is ready to consider proposals for taking the theatre out of bankruptcy.

Included in the five which are said to have submitted rehabilitation proposals are Herbert Lubin and S. L. (Roxy) Rothafel, A. C. Blumenthal, Sydney Cohen and Howard S. Cullman, Haring & Blumenthal and Si Fabian. The two groups planning to file plans are Fanchon & Marco and the Brandt Brothers.

F. & M. have been operating the Roxy for the past two and a half years under a management agreement with Cullman, trustee for the theatre. This group took over the house when it was grossing around $5,800 a week. Now, the house averages $40,000 a week.

Lubin was one of the original pro-

(*Continued on page 7*)

Paramount Names Studio Executives

Hollywood, Sept. 26.—With Watterson Rothacker's election as vice-president of Paramount Productions, Inc., the local studio personnel has been augmented. George L. Bagnall, former Fox treasurer, has been appointed Paramount studio treasurer with future headquarters here. G. A. Rasdall, formerly with the Bell Telephone Co., has been named head of the newly created personnel department.

Bagnall's election will not affect the position of Studio Comptroller A. C. Martin, according to the studio. In

(*Continued on page 7*)

RKO Gets Criterion In Los Angeles Pool

Los Angeles, Sept. 26.—RKO last night took over the Criterion here and has pooled it with the Hillstreet and Pantages. The Criterion deal is understood to be for a number of years.

Simultaneously with the acquisition of the local house, RKO on Wednesday assumed operation of the Embassy, San Francisco, having closed a deal with Herman Cohen. All houses will be under supervision of Cliff Work, supervisor of the RKO western group.

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Wall Street

Fractional Losses on Big Board

	High	Low	Close	Net Change
Columbia	68¼	67	67¼	— ¾
Consolidated	4¼	4¼	4¼	— ¼
Consolidated, pfd.	16½	16⅛	16½	— ¼
Eastman	156¼	156	156	—1¼
Loew's, Inc.	44⅛	43½	44	— ⅜
Loew's, pfd	107⅛	106½	107⅛	+1¾
Paramount	11½	11⅛	11⅜	— ¼
Paramount, 1 pfd.	100¼	99⅝	99¾	— ½
Paramount, 2 pfd.	13¾	13⅜	13⅝	— ⅛
Pathe Film	6⅜	5⅞	6¼	+ ⅛
RKO	5	4½	4¾	— ⅛
20th Century-Fox.	16½	16½	16½	— ¼
20th Century, pfd.	25	24¾	24⅞	— ⅜
Warner Bros. ..	7¾	7¼	7½	— ⅜
Warner, pfd	42⅛	40¼	40¼	—1⅞

Little Change on Curb

	High	Low	Close	Net Change
National Theatre	5/16	5/16	5/16	.....
Sonotone	1⅞	1⅝	1⅞	+ ⅛
Technicolor	19¼	19⅛	19⅛	— ½
Trans-Lux	3⅛	3⅛	3⅛	— ⅛

Little Activity on Bonds

	High	Low	Close	Net Change
General Theatre 6s '40	14½	14½	14½	.....
General Theatre 6s '40 ctf.......	14½	14½	14½	.....
Loew's 6s '41 ww deb rights.	105	104⅝	104⅝	— ⅛
Paramount Picts. 6s '55...........	97¼	96	96¼	—1
RKO 6s '41 pp..	70	70	70	.....
Warner Bros. 6s '39 wd	83½	82	83	— ¼

(Quotations at close of Sept. 26)

Purely Personal

Mrs. Frank Borzage was hostess at a cocktail party in her apartment at the Warwick yesterday. Among her guests were Sheila Barrett, Donald Novis, Vivienne Segal, Mabel Wayne, Frank Parker, the Mark Hellingers, Evelyn Herbert, Robert Halliday, Neville Fleeson, Bert Wheeler and Gertrude Vanderbilt.

•

Bland Johaneson of the *Mirror* gave a luncheon at Pietro's in honor of Dorothy Christie, a former schoolmate. Among those present were Kate Cameron and Wanda Hale of the *News*, Eileen Creelman of the *Sun*, Marguerite Tazelaar of the *Herald-Tribune* and Irene Thirer of the *Post*.

•

John D. Clark, William Kupper and William Sussman met with Harry Buxbaum, Joe Lee and Morris Sanders at the New York Fox exchange to discuss the Third S. R. Kent sales drive. The exchange, incidentally, is installing several new vaults.

•

R. C. Sherriff and Paul Robeson, both under contract to Universal, arrived here yesterday on the *Empress of Britain*. Sherriff will confer with Carl Laemmle, Jr., on a story called "Dracula's Daughter" and Robeson will report for a role in "Show Boat."

•

George Daws, former press agent for Samuel Goldwyn in the east and later associated with Hal Horne on *Mickey Mouse Magazine*, yesterday joined Warners, where he will handle special assignments on "A Midsummer Night's Dream."

•

Densmore A. Ross, vice-president and director of branch operations of Ross Federal Service, is on a 10,000-mile tour of inspection during which he expects to visit 19 offices.

•

Tom Bailey, Fox district manager in Boston, was in town yesterday for home office conferences. Ditto, Edgar Moss, Philadelphia district head.

•

James Melton, having completed his role in Warners' "Stars Over Broadway," leaves Hollywood Saturday to resume radio work here.

•

Dr. A. H. Giannini hit it on schedule and left for Los Angeles Wednesday afternoon, as planned.

•

John Harris and his party, up for the fight, returned to Pittsburgh yesterday.

•

Bob Benjamin returned from Boston yesterday via airplane. It was a one-day trip.

•

Jimmy Savo, with a long term contract in his pocket, leaves for the Hal Roach studios Saturday.

•

Jimmy Cron is back from his Hollywood trip.

•

Adam Adams is back from a European vacation.

5,000 and Up

Expansion of the Butterfield circuit will continue until the chain is represented in every Michigan town of 5,000 population and over.

In addition to new theatres definitely set for East Grand Rapids, Midland and Mt. Pleasant, one is under consideration for Marshall. As part of the remodeling program, $15,000 will be spent on the Lyric at Alpena and $20,000 on the Dawn at Hillsdale.

Writers' Guild to Map Course on Pact

Hollywood, Sept. 26.—The executive board of the Screen Writers' Guild will go into session momentarily to map a course of action precipitated by the proposed Academy-writer-producer code.

"What writers want and intend getting is a Guild shop, not a bunch of empty promises, pacts contributed by producers and destined to be abrogated at their slightest inconvenience. No writer who has any respect for himself or hope for his own future in the industry will condone this effort on the part of a mere handful of producer-minded writers to stifle the efforts of 800 Guild members," says Ernest Pascal.

Although the Academy failed to comment on the Pascal statement in the absence of any definite criticism of various terms of the proposed pact, its heads pointed out many of the Guild's membership are unemployed while their writer members are all working.

Warners Say 2,085 "Dream" Seats Sold

To date 2,085 seats have been sold for advance showings of "A Midsummer Night's Dream," according to Warners. The opening performance has been bought by the English Speaking Union of New York.

Plans for the exhibition of the Shakespeare comedy were discussed at a meeting of territorial managers presided over by Albert Warner at the home office. It will have special engagements in the south, midwest and Pacific territories for limited roadshow playing time in the latter part of October and the beginning of November. With the details set, various managers left for their respective posts.

U. A., M-G-M Win 3 Cases on Default

United Artists and M-G-M won three cases before the New York Film Board arbitration committee yesterday when the defendants failed to put in an appearance.

The U. A. cases were against the New United, Brooklyn, for $280 on alleged breach of contract, and against the Park, Stapleton, S. I., for $50 on the same complaint. The M-G-M case was against the Casino, Richmond Hill, for $27.09, allegedly due on a contract.

Berlin Editor Here

Ernst Jaeger, editor of *Film Kurier*, prominent German trade paper, arrived on the *Europa* from Germany yesterday and leaves for Hollywood in a few days.

Warners Sued Over Scenes in "Dance"

A suit for $1,000,000 damages was filed in Manhattan Supreme Court yesterday by Edward Hutchison against Warner Bros. Pictures, Inc., and Vitagraph, Inc. Hutchison charges that he was libeled by the defendants in a picture entitled "Go Into Your Dance."

In the complaint, in which Hutchison seeks $500,000 from each defendant, he states that he is a producer, and that in July, 1933, he originated the Casino De Paree. Hutchison next sets forth that scenes in "Go Into Your Dance" "by the similarity and identity of names and appearances of characters and location the public is led to believe that the production portrays the individuals who produced Casino de Paree." Hutchison further alleges that "Go Into Your Dance" refers to him as a "big shot in rackets and a man who, maliciously, wantonly and feloniously employs gunmen who shoot down in cold blood and murder those who violate business agreements with him." The plaintiff also cites various scenes in which the character is portrayed and in which he alleges Hutchison is defamed.

Gillmore Finds Gain For Stage on Coast

Hollywood, Sept. 26.—West coast legitimate theatres are picking up and prospects are good for the winter season, Frank Gillmore, head of Equity, told members here upon returning from San Francisco.

Gillmore reported that the three-week rehearsal period is now in effect, with senior members receiving $20 per week and junior members $15 for a maximum of four weeks of rehearsal before going on regular salary.

Krimsky Heads East On Releasing Deals

Hollywood, Sept. 26.—John Krimsky is on his way to New York by automobile to set distribution on three pictures which he plans. United Artists is reported locally as a release.

Krimsky also expects to get final word from the Hays association on a production code seal for "Maedchen in Uniform." It has been refused by the western office.

Devine Knocked in Sea

Hollywood, Sept. 26.—Andy Devine was hit by a boom and thrown overboard from a yacht while working with the Paramount unit filming scenes for "Coronado" off San Diego. Johnny Downs, a member of the cast, leaped after Devine and pulled him from the water and he was revived by Stanley Goldsmith, another member of the cast.

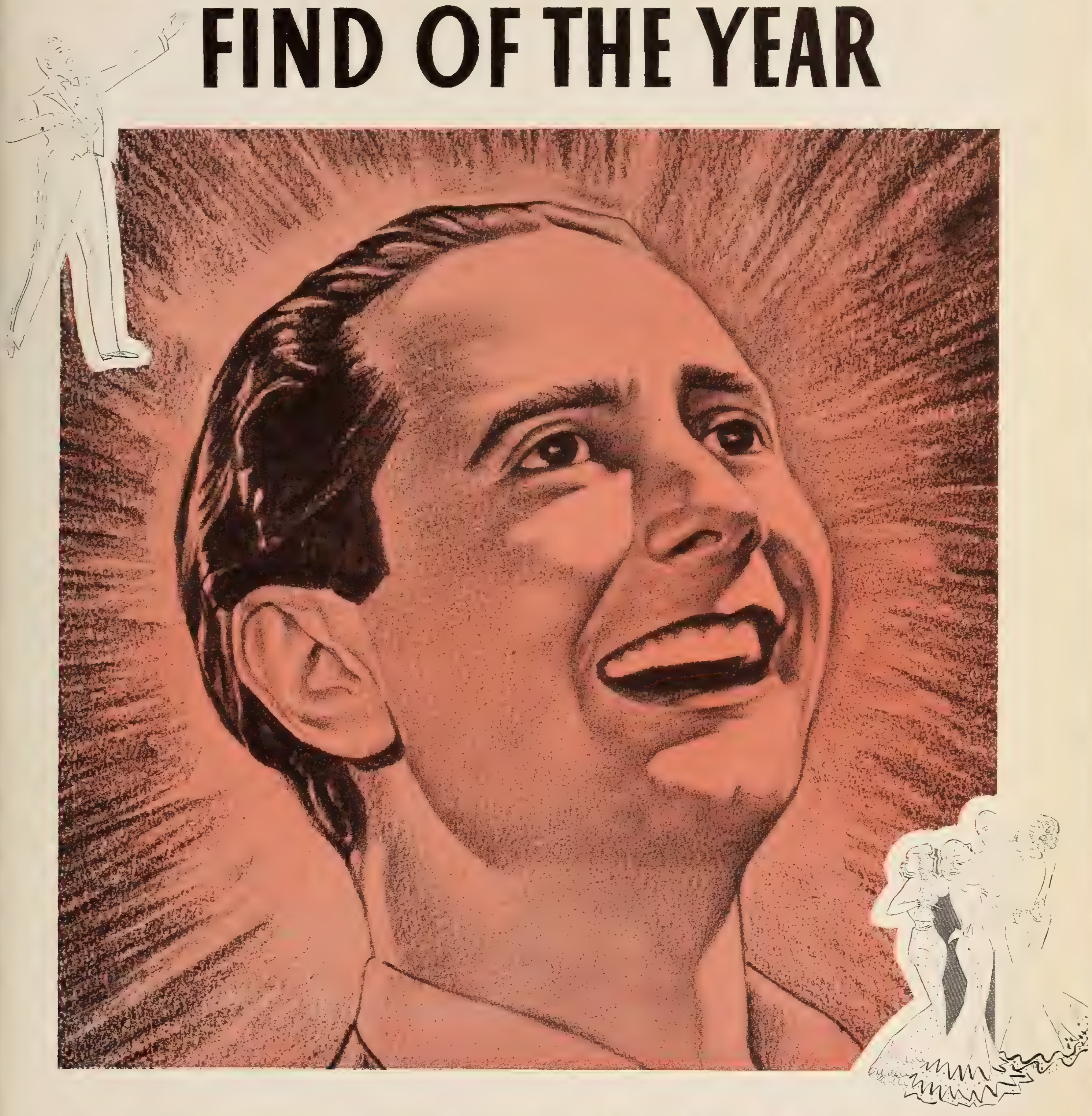
S. & C. Set Beacon Deal

Springer & Cocalis have signed a new three-year lease with the bondholders' committee on the Beacon. The circuit has been operating the house for the past two years. Sydney Cohen is a member of the bondholders' group.

Deal Finally Signed

Chicago, Sept. 26.—The Essaness-M-G-M deal has been signed, bringing to a close all prior difficulties between the circuit and the distributor on preferred playing time and percentage.

THE SINGING ROMANTIC FIND OF THE YEAR



NINO MARTINI

THE MUSICAL ROMANCE THAT BRINGS

A new star flashes! A new romantic personality enthralls the nation's millions. A voice of immortal power and beauty storms their emotions. READ!

"Will cause a reign as golden at the box-office as Grace Moore's 'One Night of Love'."
—*Hollywood Reporter*

"Martini's vocal ability seldom if ever equalled on the screen. Will knock audiences silly!"
—*Variety Daily*

Here's to

"Martini's singing will surpass anything the studios have given us yet!"—*Los Angeles Record*

"A box-office smash! Nino Martini triumphs! The house rang with handclapping and 'Bravos'."
—*Los Angeles Times*

"Nino Martini won an ovation. There were bursts of applause, a thunderous salute, loud bravos."
—*Hollywood Citizen News*

NEW GLORY TO THE SCREEN!

Romance

A JESSE L. LASKY PRODUCTION

with

NINO MARTINI

GENEVIEVE TOBIN

ANITA LOUISE

MARIA GAMBARELLI

Mme. Ernestine

SCHUMANN-HEINK

REGINALD DENNY

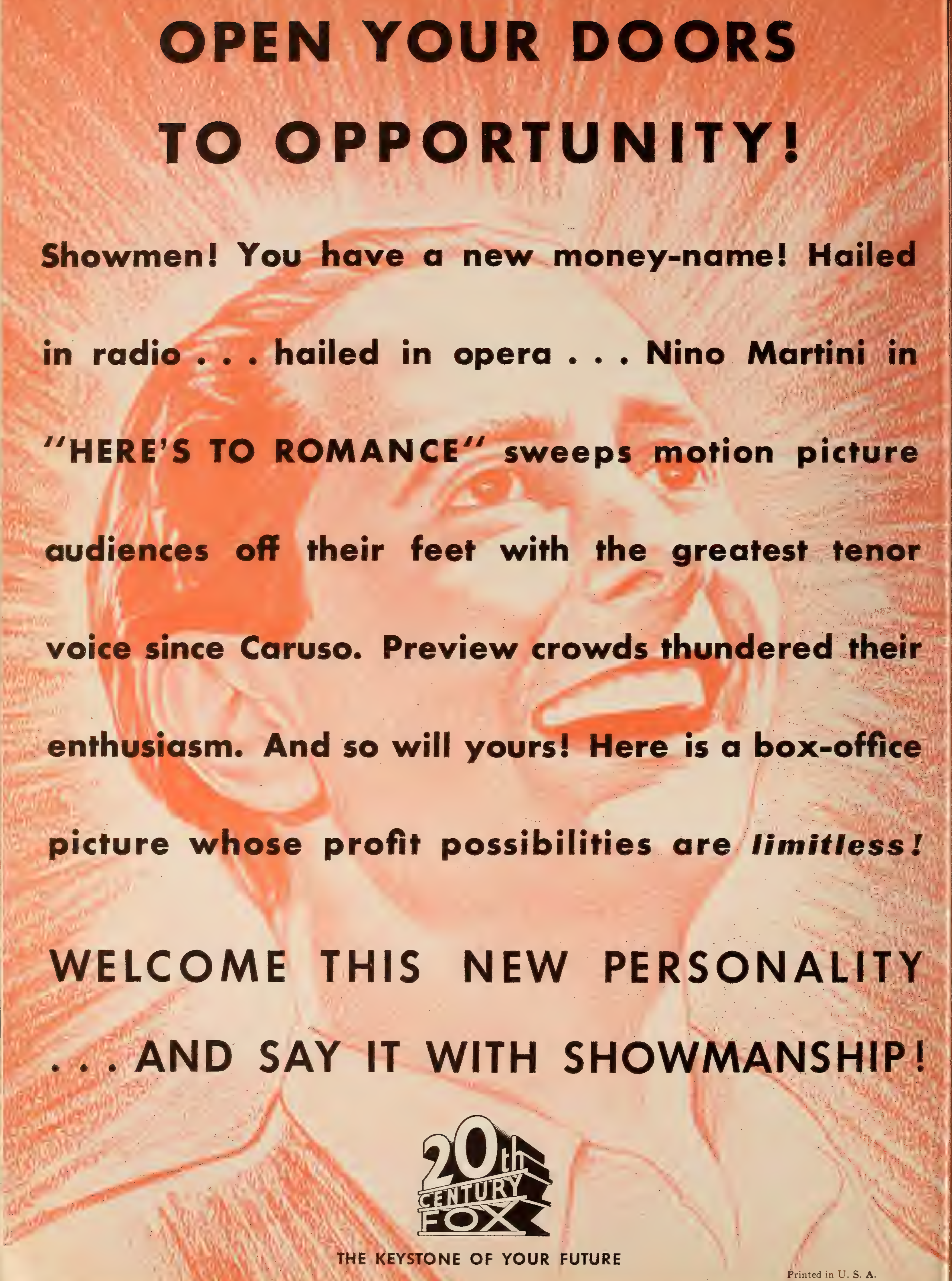
VICENTE ESCUDERO

Directed by Alfred E. Green. Screen play by Ernest Pascal and Arthur Richman. Original story by Ernest Pascal and Sonya Levien.

A FOX PICTURE

20th CENTURY FOX

THE KEYSTONE OF YOUR FUTURE



OPEN YOUR DOORS TO OPPORTUNITY!

Showmen! You have a new money-name! Hailed in radio . . . hailed in opera . . . Nino Martini in "HERE'S TO ROMANCE" sweeps motion picture audiences off their feet with the greatest tenor voice since Caruso. Preview crowds thundered their enthusiasm. And so will yours! Here is a box-office picture whose profit possibilities are *limitless!*

WELCOME THIS NEW PERSONALITY . . . AND SAY IT WITH SHOWMANSHIP!

20th CENTURY FOX

THE KEYSTONE OF YOUR FUTURE

Printed in U. S. A.

Seven Groups Are Reported Seeking Roxy

(*Continued from page 1*)

moters of the Roxy and Rothafel was the first operator and resigned shortly before the corporation went into receivership. He joined RKO when the Music Hall was planned for Radio City.

Blumenthal has been instrumental in the reorganization of Fox Metropolitan. He is said to have been interested in bringing Joseph M. Schenck into the circuit. Schenck is president of Metropolitan Playhouses, which has replaced Fox Met.

Cohen is an adviser on the bondholders' committee of the Roxy while Cullman has been both receiver and trustee for the theatre during the last two years.

Haring & Blumenthal, real estate concern, at one time operated a large circuit in Greater New York. This company recently leased a number of its New Jersey theatres to Warners and now operates the French Casino on Broadway. The Utica, Brooklyn, and the Crescent, Bronx, are two of its local theatres leased to independents.

Fabian "Further Away"

Fabian operates the Strand, Paramount and Fox in Brooklyn in addition to a number of theatres upstate. His father was the original founder of the Fabian circuit, whose stronghold was in New Jersey. When queried about his interest in the Roxy, Fabian said he had been negotiating on and off for the past two years and he believed he was now "further away than when he started with the bondholders."

Brandt Brothers have a circuit of about 45 theatres in Greater New York. Harry Brandt is president of the I.T.O.A. and at one time had a bid in to reorganize Fox Met.

Consummation of a deal with any one of the seven groups is seen as distant, it is stated. Bondholders are said to be insisting on 100 cents on the dollar and none of the reported plans submitted provides for such an arrangement, it is said.

On Dec. 15, the second semi-annual auditors' report on the Roxy is due to be filed with Federal Judge Francis G. Caffey. It is possible that at that time a suggestion to consider one of the reorganization proposals may be broached.

Paramount Names Studio Executives

(*Continued from page 1*)

the new reorganization setup Mel Shauer will assume special duties formerly assigned to Irvin Talbot in the music department, probably only temporarily. Rasdall will have supervision of all studio employment except talent, reporting directly to Keith Glennan, in charge of studio maintenance. John E. Otterson will return to New York in two weeks, accompanied by Herbert Wilcox, who has been conducting a studio survey.

Trans-Lux Board Meets

Trans-Lux board of directors yesterday held a routine monthly meeting, it was stated after the session.

Schwartz Sues NSS And Display on Pact

Suit for $500,000 was filed yesterday in Manhattan Supreme Court by Saul Rogers in behalf of Master Arts Products, Inc., and Isadore Schwartz against National Screen Service and the American Display Corp. A preliminary injunction is sought to prevent competition of these two firms with Master Arts.

Summonses in the suit were served yesterday on Herman Robbins and Sam Dembow, Jr., of N. S. S. and on Charles L. Casanave, head of American Display.

Schwartz alleges that several years ago he sold Advance Trailer Corp., then engaged in the trailer and general advertising and accessories business, to National Screen, and that National Screen took over the trailer end of the business and organized Master Arts to continue the advertising branch of the enterprise. He was engaged as general manager under a five-year contract at $600 per week, he alleges, and agreed to stay out of the advertising and accessories business himself.

Two years later, he says, he bought Master Arts for $30,000 and gave up his contract, at the same time signing a contract to prevent National Screen from engaging in the advertising and accessories business. Since then, he asserts, National Screen has financed American Display.

Herman Robbins declined to comment on the suit yesterday, pending study of the papers and conferences with his lawyers. Casanave likewise declined to comment until he familiarizes himself with the action.

Vaudeville Circuit Is Federation's Aim

(*Continued from page 1*)

mind, Whitehead declared. If that aid is not forthcoming, effort will be made to proceed with the plan without assistance, relying on help now being solicited from the outside.

"We have no intention of burning down any motion picture theatres," said Whitehead, "but desire to accomplish our aim in a constructive fashion." Competition is the method planned. Whitehead said there is hope that independent film theatre operators, many of whom have communicated with him, may assist the establishment of the circuit on a pooling arrangement. They have expressed a willingness to play vaudeville if they can get it at a reasonable price, he said.

Charter Screen Ad Co.

Screen Broadcast Corp. has been formed to work with advertising agencies and theatres on advertising films running from 60 to 90 feet. A. E. Fair is president. Distributors associated with the venture include M. P. Advertising Service Co., New Orleans; United Film Ad Service, Inc., Kansas City; Al W. Smith Film Service, Minneapolis; Screen Broadcasts, Inc., Dallas; M. P. Advertising Service, Cleveland, and A. W. Cauger Service Co., Inc., Independence, Mo.

Jewish Holidays Here

Sundown tonight ushers in Rosh Hashona, which continues Saturday and Sunday. On Oct. 7 the Jews will observe Yom Kippur by fasting during the day.

ITOA Decides On Suit Over Short Forcing

(*Continued from page 1*)

been dated for the Dorset, a competitive house.

Fox and Warners were also criticized for alleged non-deliveries. Members of the I.T.O.A. adopted a resolution empowering Weisman to file suits against the exchanges to force them to deliver pictures promised on last year's schedule. It is said by the exhibitors that exchanges are releasing the higher allocations in contracts and withholding the lower bracket films, in addition to taking certain pictures off the contracts and re-selling them in new pacts.

Conn. Group Wants Film

NEW HAVEN, Sept. 26.—Shortage of prints in the territory and inclusion of "Top Hat" in last year's contracts were the main topics of discussion at the first fall meeting of the Connecticut M. P. T. O.

Exhibitors complained that they had been forced at the eleventh hour to "bicycle" pictures because of the continued print shortage. Previous demands to increase prints have gone unheeded.

Claiming that only two of the three Astaires contracted for had been delivered in the past season, the exhibitor members resolved to take a firm stand that "Top Hat" be included or be delivered under last year's contracts.

In the absence of Dr. J. B. Fishman, Adolph G. Johnson, vice-president, presided.

Ohio ITO Seeks "Hat"

COLUMBUS, Sept. 26.—Members of the Ohio I.T.O., who bought the full block of RKO 1934-35 product, and who, through the medium of the sales book, were led to believe that three Fred Astaire-Ginger Rogers features, "Roberta," "The Gay Divorcee" and "The World by the Tail," would be delivered, are being urged to notify their RKO exchange by registered letter that they expect to play "Top Hat."

Circuits and Unions Resume Talks Today

(*Continued from page 1*)

unless certain concessions are made, it is understood.

Springer & Cocalis some time ago were successful in obtaining a court order against Empire merging with another union. Century's contract, signed two years ago, has a clause which prohibits the union from linking with any other. While the two circuits have not turned deaf ears to a merger at this time, it is said no approval will be given unless satisfactory terms can be arranged with similar provisions in present pacts.

Schenck to Europe

HOLLYWOOD, Sept. 26.—Joseph M. Schenck leaves for New York in a few days and from there to Europe, where, it is understood, he will handle details attendant upon the change of the Fox name to Twentieth Century-Fox.

Theatre Groups Ask $45,000 from Steuer

An application on behalf of Knickerbocker Theatres, Inc., and the Clinton-Apollo Theatre Corp. for an order requiring attorney Max D. Steuer to turn over to them $45,000 was made in the Manhattan Supreme Court yesterday. The petition further explained that there are two checks for $25,000 and $20,000, respectively, in the possession of Steuer, and the attorneys for the theatre interests asked Justice Edward S. Dore to determine the amount of compensation to which Steuer is entitled for his services heretofore.

The application explains that on July 3, 1935, Steuer appeared before a board of arbitration which decided that the Clinton-Apollo Theatre Corp. was entitled to a $25,000 judgment and Knickerbocker Theatres, Inc., was entitled to a $20,000 judgment against the Greater New York Vaudeville Theatre Corp., RKO subsidiary. The awards were made as the result of a violation of agreements on leases. The petitioners further assert that Steuer has failed to turn over to them the two checks, claiming that he is entitled to a fee far in excess of the money held by him. Steuer has already been paid a $5,000 retainer, according to the petition.

In opposing the application Steuer averred that the agreed upon price of his services was $150,000 and that he is entitled to the entire $45,000 plus a balance of $105,000. Steuer says he appeared personally in 18 hearings in connection with matters turned over to him by the syndicate which operates nine theatres on the lower East Side. He requested that the court make the following persons parties to the proceedings: Benjamin Sherman, Charles Steiner, Louis Schneider, Bernard Fliashnick and Louis B. Appleton. Justice Dore reserved decision on the applications.

Korda Has Dietrich For One, He States

(*Continued from page 1*)

at Denham in its first year for American release. Seven or eight will come from London Films and others from United Artists owner-members or producers like Mary Pickford, Samuel Goldwyn and David O. Selznick. He revealed that Charles Chaplin is considering a picture here as well and that Miss Oberon will make two a year, one at Denham and the second for Goldwyn in Hollywood.

Douglas Fairbanks, Sir Connop Guthrie and Maurice Silverstone were among those at the press reception.

Universal in Warner Deal

Universal has closed with the Warner circuit in Philadelphia for the complete lineup for 1935-36. It includes all theatres in the Philadelphia district, and completes the arrangements calling for Universal product in all Warner houses over the country. Ted Schlanger and Lester Kreiger represented Warners and Sig Wittman and Joe Engel represented Universal.

"Salute" Starts Strong

ST. LOUIS, Sept. 26.—"Red Salute," Reliance-U-A release, is doing splendid business at the Ambassador. In its sixth day the picture did more than $180 better than opening day.

'Girl Friend,' Bowes Troupe Cincy Leader

Cncinnati, Sept. 26.—A house record since RKO took over operation of the Shubert was established last week by "The Girl Friend," plus Major Bowes' No. 4 amateur unit on the stage, the combination garnering $16,000, over average by $4,000.

The RKO Lyric went $3,000 over normal on a $9,500 take for the second downtown week of "Top Hat," with the matinee tariff tilted to 42 cents for the run. This rates a third week. "Steamboat 'Round the Bend" took $3,600 on the third week at the RKO Grand, up $600. It goes another week. "Diamond Jim" broke even at the RKO Palace with $10,000, despite heavy exploitation and newspaper tie-ups. A revival showing of "Front Page" brought the independent Strand $2,400, compared with a $1,500 average. Returns at the other spots were satisfactory, but not outstanding.

Total first run business was $63,650. Average is $60,200.

Estimated takings:

Week Ending Sept. 19:

"FRONT PAGE" (U. A.)
STRAND—(1,300), 15c-25c, 7 days. Revival. **Gross:** $2,400. (Average, $1,500)

Week Ending Sept. 20:

"ACCENT ON YOUTH" (Para.)
RKO ALBEE—(3,300), 35c-42c, 7 days. **Gross:** $9,300. (Average, $12,000)

"DIAMOND JIM" (Univ.)
RKO PALACE—(2,700), 35c-42c, 7 days. **Gross:** $10,000. (Average, $10,000)

"THE GIRL FRIEND" (Col.)
RKO SHUBERT—(2,150), 35c-55c, 7 days. Stage: Major Bowes' Amateur Unit. **Gross:** $16,000. (Average, $12,000)

"ANNA KARENINA" (M-G-M)
RKO CAPITOL—(2,000), 35c-42c, 7 days, 2nd week. **Gross:** $5,200. (Average, $6,500)

"TOP HAT" (Radio)
RKO LYRIC—(1,400), 35c-42c, 7 days, 2nd week. **Gross:** $9,500. (Average, $6,500.)

"STEAMBOAT 'ROUND THE BEND" (Fox)
RKO GRAND—(1,200), 25c-30c-40c, 7 days, 3rd week. **Gross:** $3,600. (Average, $3,000.) Held over.

"PORT OF LOST DREAMS" (Majestic)
RKO FAMILY—(1,000), 15c-25c, 3 days. **Gross:** $900. (Average, $1,250)

"DRESSED TO THRILL" (Fox)
RKO FAMILY—(1,000), 15c-25c, 4 days. **Gross:** $950. (Average, $1,200)

"GOOSE AND THE GANDER" (F. N.)
KEITH'S—(1,500), 30c-40c, 7 days. **Gross:** $5,800. (Average, $6,500)

"In the Money" Is Fair in Oklahoma

Oklahoma City, Sept. 26.—Takes were off among the first runs last week with "We're In the Money" the only attraction to go over par. It took a fair $2,200.

"Bright Lights," "Every Night at Eight," "Don't Bet on Blondes" and "Jalna" were all weak.

Total first run business was $11,100. Average is $13,500.

Estimated takings for the week ending Sept. 21:

"BRIGHT LIGHTS" (F. N.)
CRITERION—(1,700), 10c-26c-36c-55c, 7 days. **Gross:** $3,300. (Average, $5,000)

"EVERY NIGHT AT EIGHT" (Para.)
MIDWEST — (1,500), 10c-26c-36c-56c, 7 days. **Gross:** $3,800. (Average, $4,000)

"WE'RE IN THE MONEY" (W. B.)
CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $2,200. (Average, $2,000)

"DON'T BET ON BLONDES" (W. B.)
LIBERTY—(1,500), 10c-15c-26c-36c, 4 days. **Gross:** $1,400. (Average week, $2,500)

"JALNA" (Radio)
LIBERTY—(1,500), 10c-15c-26c-36c, 3 days. **Gross:** $400.

"Call" Hits $13,250 Top In St. Louis

St. Louis, Sept. 26.—"Call of the Wild" was the big first run draw of the week here, passing par by $4,250 for a take of $13,250 at Loew's State.

"Two for Tonight" and "This Woman Is Mine," a dual, pulled a good $8,750 at the Shubert-Rialto, topping normal by $2,250.

"Alice Adams" and "Smart Girl," also a dual, garnered a good $9,500, up by $1,000, at the Orpheum. "Farmer Takes a Wife" and "Welcome Home," day and dated at the Ambassador and Fox, were weak at the former and somewhat better than fair at the latter.

Total first run business was $59,725. Average is $53,800.

Estimated takings for the week ending Sept. 19:

"FARMER TAKES A WIFE" (Fox)
"WELCOME HOME" (Fox)
AMBASSADOR — (3,018), 25c-35c-55c. **Gross:** $8,800. (Average, $10,000)

"FARMER TAKES A WIFE" (Fox)
"WELCOME HOME" (Fox)
FOX—(5,038), 25c-35c-55c. **Gross:** $12,100. (Average, $12,000)

"CALL OF THE WILD" (U. A.)
LOEW'S STATE — (3,162), 25c-35c-55c. **Gross:** $13,250. (Average, $9,000)

"RED HEADS ON PARADE" (Fox)
"MOTIVE FOR REVENGE" (Majestic)
MISSOURI—(3,514), 25c-40c. **Gross:** $7,325. (Average, $8,000)

"ALICE ADAMS" (Radio)
"SMART GIRL" (Para.)
ORPHEUM—(2,950), 25c-35c-55c. **Gross:** $9,500. (Average, $8,500)

"TWO FOR TONIGHT" (Para.)
"THIS WOMAN IS MINE" (Para.)
SHUBERT-RIALTO—(1,725), 25c-35c-55c. **Gross:** $8,750. (Average, $6,500)

"Dark Angel" Tops Montreal on a Dual

Montreal, Sept. 26.—"Dark Angel heading a dual bill with "Rainbow Over Broadway," garnered the most profitable gross of the week here, $10,500, at the Princess. This topped normal by $4,500.

It was a good week all along the line. "Escapade" reached $12,000, up by $1,000, at the Palace. "Oil for the Lamps of China," with "We're in the Money" on a dual at Loew's, hit $13,000, over the line by $2,500, and "Every Night at Eight" and "Men Without Names" at the Capitol took a par $9,500.

Total first run business was $48,500. Average is $40,500.

Estimated takings for the week ending Sept. 21:

"EVERY NIGHT AT EIGHT" (Para.)
"MEN WITHOUT NAMES" (Para.)
CAPITOL — (2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $9,500. (Average, $9,500)

"FAMILLE NOMBREUSE" (French)
IMPERIAL—(1,914), 20c-29c-34c, 7 days. Gross: $4,000. (Average, $3,500)

"OIL FOR THE LAMPS OF CHINA" (F.N.)

"WE'RE IN THE MONEY" (W.B.)
LOEW'S—(3,115), 30c-34c-40c-50c-60c, 7 days. Stage: "Show Boat Revue." **Gross:** $13,000. (Average, $10,500)

"ESCAPADE" (M-G-M)
PALACE—(2,600), 25c-35c-40c-50c-65c, 7 days. Added: "Going on 2." **Gross:** $12,000. (Average, $11,000)

"DARK ANGEL" (U.A.)

"RAINBOW OVER BROADWAY" (Chesterfield)
PRINCESS—(2,272), 30c-35c-50c-65c, 7 days. **Gross:** $10,500. (Average, $6,000)

Three-way Tieup

Columbus, Sept. 26.—In a three-way tieup between Loew's Broad, the *Columbus Dispatch* and the Deshler-Wallick, all couples, widows or widowers of Irish extraction who have been married 40 years or longer, were invited to attend tea at the hotel, followed by a matinee showing of "The Irish in Us," current at the Broad.

Approximately 50 persons qualified as guests.

Seven Houses Again Are Playing Lucky

Seven theatres in the Consolidated Amusements circuit have reinstated Lucky games and two others will adopt the policy today after a lay-off of several weeks due to activities of the police in connection with the games.

The Jerome, Avalon and Fleetwood in the Bronx resumed Lucky this week. Wednesday the Oxford, Tuxedo, Mosholu and U. S. began to interest patrons in the number contest. Today the Ogden and Mt. Eden will resume the practice.

All the houses will play the games twice a week. In some houses Tuesday and Thursday will be the days and in others Wednesdays and Fridays.

Bank Night wll be tested legally in the Bronx soon when a case comes up in magistrate's court against Harman Yaffa's Majestic. Attorneys for Bank Night are defending the theatre.

Bank Night in Iowa Court

Des Moines, Sept. 26.—Bank night is expected to be argued orally before the Iowa Supreme Court the week of Oct. 15, following the filing of the case of G. P. Hundling, Newton theatre owner, here last week. Hundling contends the supreme court should reverse his conviction in connection with a Bank Night enterprise, as persons seeking the prize offered at his theatre did not have to buy an admission.

KAO-Warner Deal O.'K'd

Warners four-year national product deal with KAO was approved yesterday at the quarterly meeting of the circuit's board of directors. Other routine matters also were discussed. Herbert Bayard Swope, chairman of the board, presided. He recently announced that the circuit had purchased Warner product, but yesterday's board action was for official ratification of the deal.

"Steamboat" Gets $60,000

"Steamboat 'Round the Bend" wound up its week run at the Music Hall Wednesday night with a tally of around $60,000. The fifth week of "The Crusades" at the Criterion ended with about $6,000. This theatre is having trouble with Local 306 pickets since dispossessing this union's operators.

Short Features Louis

"Inside the Ropes," a short recently completed by Van Beuren to be released by Radio, features the new sensation in the boxing world, Joe Louis.

"Hat" Holds Hot 4th Week Pace on Coast

Los Angeles, Sept. 26.—"Top Hat" continued its record breaking pace through its fourth week at the Pantages, piling up $7,300, which was $4,100 above a first week normal. At the Hillstreet, also in a fourth week, it took $7,500, within $500 of a first week average.

"Broadway Melody of 1936" got off to a flying start at the Chinese on a take of $13,500. At the same time it reached a normal $14,000 at Loew's State. "Red Heads on Parade" and "The Clairvoyant" were strong at $4,200 in the United Artists.

Total first run business was $86,200. Average is $88,450.

Estimated takings for the week ending Sept. 25:

"BROADWAY MELODY OF 1936" (M-G-M)
CHINESE—(2,500), 30c-55c, 7 days. **Gross:** $13,500. (Average, $12,500)

"THE GAY DECEPTION" (Fox)
4 STAR—(900), 30c-55c, 7 days. 2nd week. **Gross:** $3,500. (Average, $3,250)

"TOP HAT" (Radio)
HILLSTREET—(2,700), 25c-40c, 7 days. 4th week. **Gross:** $7,500. (Average, $8,000)

"BROADWAY MELODY OF 1936" (M-G-M)
LOEW'S STATE—(2,500), 30c-55c, 7 days. **Gross:** $14,000. (Average, $14,000)

"THE BIG BROADCAST OF 1936" (Para.)
PARAMOUNT—(3,595), 30c-55c, 7 days. 2nd week. Stage: F. & M. revue, Rube Wolf. **Gross:** $17,300. (Average, $18,000)

"RED HEADS ON PARADE" (Fox)
"THE CLAIRVOYANT" (G. B.)
UNITED ARTISTS—(2,100), 25c-40c, 7 days, 2nd week. **Gross:** $4,200. (Average, $3,500)

"BRIGHT LIGHTS" (F. N.)
WARNER BROS. (HOLLYWOOD) — (3,000), 25c-40c, 7 days. **Gross:** $9,800. (Average, $14,000)

"BRIGHT LIGHTS" (F. N.)
WARNER BROS. (DOWNTOWN) — (3,400), 25c-40c, 7 days. **Gross:** $9,100. (Average, $12,000)

"TOP HAT" (Radio)
PANTAGES—(3,000), 25c-40c, 7 days, 4th week. **Gross:** $7,300. (Average, $3,200)

"Top Hat" $13,000 Smash in Houston

Houston, Sept. 26.—Opening an evening early and playing two extra shows, "Top Hat" was tops this week, knocking off slightly less than double par with $13,000. It was held.

Clark Gable, a favorite son, in "The Call of the Wild," had them standing in lines at Loew's State for the first three days, and finished the seven days with $12,000, which is $5,000 above average.

"Two for Tonight," at the Metropolitan, failed to get started, grossing only $6,500, or $500 under par.

Total first run business was $36,500. Average is $26,000.

Estimated takings for the week ending Sept. 19:

"CALL OF THE WILD" (M-G-M)
LOEW'S STATE—(2,750), 25c-40c, 7 days. **Gross:** $12,000. (Average, $7,000)

"TWO FOR TONIGHT" (Para.)
METROPOLITAN — (2,600), 25c-50c, 7 days. **Gross:** $6,500. (Average, $7,000)

"TOP HAT" (Radio)
MAJESTIC — (2,250), 25c-50c, 7 days. **Gross:** $13,000. (Average, $7,000)

"GOING HIGHBROW" (W. B.)
KIRBY—(1,450), 15c-35c, 4 days. **Gross:** $3,500. (Average, $3,500)

"CRIME WITHOUT PASSION" (Para.)
KIRBY—(1,450), 15c-35c, 3 days. **Gross:** $1,450. (Average, $1,500)

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 38. NO. 76 NEW YORK, SATURDAY, SEPTEMBER 28, 1935 TEN CENTS

Studios Move Anew to Stop Set Visitors

Sales Forces Asked to Help Reduce Letters

Due to delays in production caused by non-professionals on sets at various studios, distributors are again reminding their sales forces to urge exhibitors, friends and relatives to think twice before sending visitors to the studios.

Studios this summer reported the greatest number of visitors since sound was adopted, many of them traveling to the coast to visit the World's Fair in San Diego where a Hollywood exhibition is one of the sights. The producers estimate the time lost by professionals because of visitors is a costly favor which has reached a point where something must be done about it.

In the latest issue of *The Distributor,* an M-G-M house organ, seven reasons are given for the latest warning. They are:

1. The studios are work shops where the highest-paid artists and technicians in the world are engaged in

(*Continued on page 3*)

M-G-M-Twickenham Deal Is Called Off

Negotiations between M-G-M and Twickenham Studios whereby the former would release all of the latter's product in England have been called off, according to Arthur Loew, head of M-G-M's foreign activities. Loew said: "We couldn't agree on terms."

London, Sept. 27.—M-G-M has been negotiating with Twickenham Studios to release the latter's product in England. Under the deal Julius Hagen would close down Twickenham Distributors, Ltd.

Hagen is understood to have demanded that M-G-M guarantee him release of at least six pictures in the United States.

Kuykendall, KMTA Board Will Confer

Kansas City, Sept. 27.—Members of the board of directors of the K. M. T. A. will meet Oct. 11 with Ed Kuykendall to discuss general problems facing exhibitors.

The meeting will be open to all members of the association, although no formal notification will be sent them. Because Variety Club is having its Carnival Oct. 11 and 12, some out-of-town members are expected to be here.

Mexico Film Row Tangled By a Strike

Two-week Film Supply Reported on Hand

By JAMES LOCKHART

Mexico City, Sept. 27.—Troubles of American distributors are piling up. A little more than a day after they had reached an agreement with the Government to postpone withdrawal from this market until Oct. 15 to permit study of the tax situation by a mixed committee all the white collar workers have gone on strike.

The strike became effective at noon today after a long period of negotiations conducted with the assistance of the Federal Labor Dept. The workers demand pay increases of from 10 to 25 per cent from Columbia, M-G-M, Paramount, RKO, Twentieth Century-Fox, Universal and Warners.

Red and black union banners are being paraded and pickets are out.

Theatres, it is said, have about a two-week supply of American film with hardly enough native product to keep them going long.

NBC-Warners Set "Dream" Broadcast

NBC and Warners are to cooperate on a broadcast for "A Midsummer Night's Dream" next Saturday over a national hookup. The program will begin at midnight and run for an hour.

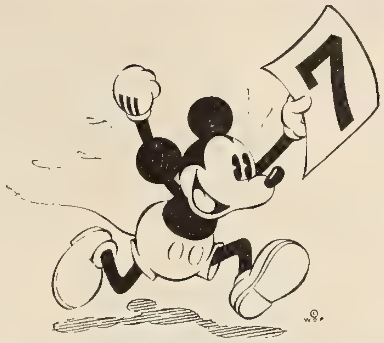
Off-stage incidents in the filming of the picture will be described. Max Reinhardt will speak from the New York studios of WEAF, and Jack L. Warner and most of the cast will talk from the coast.

The broadcast takes place five days before the opening of the picture on Oct. 9 in New York, London, Vienna, Amsterdam, Paris, Manila and Sydney.

Virginia Law Bars Baer-Louis Battle

Richmond, Sept. 27.—Baer-Louis fight pictures will be barred in this state under a state law prohibiting showings of bouts between white and colored men. Even private showings will be prohibited, according to R. C. L. Moncure, member of the censor board.

Considerable local feeling has already been stirred up by the celebration which negroes staged the night of the fight.



Walt Disney's best friend today celebrates his seventh anniversary. Theatres up and down the land, the occasion being what it is, will run lots of Mickeys and plenty of Sillies in the next seven days all for the purpose of keeping Mickey in cheese and Walt in ink.

Witnesses Called Again to St. Louis

A number of witnesses subpoenaed by the Government in its injunction proceedings against Paramount, Warners and RKO in St. Louis, several weeks ago, were summoned yesterday to appear in the Federal Court of the Missouri city to testify in connection with the criminal action scheduled for trial on Monday.

Harry C. Arthur, who operates the Ambassador, Missouri and Grand Central in St. Louis, left by plane yesterday for Missouri. His brother, Milton B., also took a plane from Los Angeles.

Guild to Put Pact Before Labor Board

Hollywood, Sept. 27.—The Screen Writers' Guild will appeal to the National Labor Relations Board against the Academy revised pact following action taken at a meeting of the guild's executive board last night.

The guild will mail a critical analysis of the pact's terms to members. Guild members charge the pact violates several sections of the Wagner Law.

General feeling at the Academy is that the Wagner Law has no bearing on the writer-producer agreement.

Hearing on Fox Met Stock Sale Delayed

Judge Martin T. Manton in the U. S. Circuit Court of Appeals yesterday postponed until Oct. 8 a preliminary hearing on arguments whether 50 per cent of the stock of Metropolitan Playhouses should be purchased by Fox Theatres for $275,000 or whether the stock should be sold to Joseph M. Schenck, president of Metropolitan Playhouses.

The postponement was necessary be-

(*Continued on page 3*)

Little Chance Seen Now for Industry Pact

The Collective Bargaining Order Held a Bar

By CLARENCE LINZ

Washington, Sept. 27.—Requirements that all voluntary trade agreements negotiated by the Federal Trade Commission must contain provisions similar to Section 7(A) of the Recovery Act, guaranteeing to employes the right to collective bargaining, are seen in Washington as further reducing the chances of adoption of such an agreement by the film industry.

This condition to the adoption of agreements was imposed last night in an executive order issued by President Roosevelt as he prepared to entrain for the West, in which it was also provided that trade pacts shall be surveyed by the NRA and given the approval of a new official to be known as Coordinator for Industrial Cooperation, to which position he appointed Major George L. Berry, former NRA

(*Continued on page 3*)

Para. Theatre Deals Held Until Today

No new Paramount management deals were either extended or signed yesterday, as expected. The Louis Dent pact in Salt Lake City will most likely be set today by Frank Freeman. S. A. Lynch will probably get together with A. H. Blank of Des Moines today as well.

John E. Otterson, president of Paramount, is personally handling the Hoblitzelle deal on the coast. E. V. Richards of the Saenger circuit also is on the coast to confer with Otterson.

Decision will be made today whether or not to drop the Hamm & Charles circuit in Minneapolis. Indications last night were that this group would be dropped.

Report Roach Will Make Only Features

Hollywood, Sept. 27. — Unconfirmed rumors here have it that Hal Roach will discontinue production of short subjects to concentrate on features. The producer is due from New York tomorrow.

Felix Feist, general sales manager of M-G-M, could not be reached yesterday for comment on the Hal Roach reports. Roach left for the coast Wednesday after seeing his daughter off for Europe.

MOTION PICTURE
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(Registered U. S. Patent Office)

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MARTIN QUIGLEY
Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

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Wall Street

Trading Irregular on Big Board

	High	Low	Close	Net Change
Columbia	67⅝	66	66	—1¼
Consolidated	4½	4½	4½	+ ¼
Consolidated, pfd.	16½	16½	16½	.....
Eastman	156½	155½	155½	— ½
Loew's, Inc.	44⅜	43½	44⅜	+ ⅜
Paramount	11½	11¼	11⅜	.....
Paramount, 1 pfd.	98¾	98¾	98¾	—1
Paramount, 2 pfd.	13⅝	13½	13⅝	.....
Pathe Film	6⅛	6	6	— ¼
RKO	4¾	4⅝	4¾	.....
20th Century-Fox	17⅛	16¾	17⅛	+ ⅝
20th Century, pfd	26	24⅞	26	+1⅛
Warner Bros.	7¾	7½	7½	.....

Curb Issues Gain Slightly

	High	Low	Close	Net Change
Sonotone	2	1¾	2	+ ⅛
Technicolor	19¼	19¼	19¼	+ ⅛

Paramount Bonds Gain ¾

	High	Low	Close	Net Change
General Theatre 6s '40	14¾	14½	14½	.....
General Theatre 6s '40 ctf	14	14	14	— ½
Loew's 6s '41 ww deb rights	104¾	104⅝	104¾	+ ⅛
Paramount Picts.	97	96½	97	+ ¾
RKO 6s '41 pp.	69¾	69¾	69¾	— ¼
Warner Bros. 6s '39 wd	83⅛	82¾	83	.....

(Quotations at close of Sept. 27)

Bond Down with "Flu"

PHILADELPHIA, Sept. 27.—Clayton Bond, chief film buyer for Warner theatres, is at the Hahneman Hospital suffering from the "flu." His condition, however, shows steady improvement.

Purely Personal

E. C. GRAINGER, LESLIE E. THOMPSON, MORT SINGER, BORIS MORROS, BOB WEITMAN, LEON NETTER, ARTHUR MAYER, SI FABIAN, SAM RINZLER, ED DAVIDOW, GUS EDWARDS, JOE PLUNKETT, PAT REIS, SIDNEY and LEO JUSTIN, at the Astor; MONROE ISEN, J. H. HOFFBERG, JOE MOSKOWITZ, BOB GOLDSTEIN, FRANK MASTROLY, TRUMAN TALLEY, JAMES A. FITZPATRICK and A. P. WAXMAN, at the Tavern; ARTHUR W. KELLY, HARRY GOLD, HASKELL MASTERS and CHARLES STERN at Lindy's, during yesterday's lunch period.

•

W. RAY JOHNSTON, Republic president, left for Hollywood by plane yesterday, planning to stop at Kansas City en route. On his return, in about three weeks, he will stop at Dallas, New Orleans, Atlanta and Washington.

Quip of the Day

Editor M. P.'s DAILY:

Reading how Ali Gaga thinks I gave up my theatre in lieu-lu of cash on Bank Night, I'm sitting down to tell Ali, straight from the tonsils, without ga-ga, that if he can come out here and lift my theatre, on account of the mortgage, he can have it, too.

Besides, I don't play Bank Night—I haven't got a bank. Besides, I don't give away cash. Reason ditto. Besides all this, Ali's 100% right as usual, nebbich.

Mox Shobbus.

P. S. Is Ali Gaga a full grown person, or just an executive?

ENST JAEGER, editor of *Film Kurier,* Berlin, leaves for Hollywood tomorrow where he will remain two weeks, later to return to New York for an additional 10 days.

•

FRED QUIMBY is due back from the coast Monday. He left the coast several days ago, but made several stopovers en route.

•

IAN HUNTER, Warner contract player, was interviewed last night over Station WMCA on "A Midsummer Night's Dream."

•

ABE LEVY, formerly with LOUIS GELLER in New Jersey, has opened the Warburton, Yonkers, on his own.

•

LILY PONS is due in New York Monday. She has just finished work on Radio's "I Dream Too Much."

•

NEAL EAST, Paramount Seattle branch manager, has been added to Governor Lafoon's Colonel staff.

•

BERNARD NEWMAN, costume designer for Radio, arrives by plane today on a business trip.

•

AL CHRISTIE yesterday finished shooting on a new ERNEST TRUEX comedy for Educational.

•

MILT KUSELL returned yesterday afternoon after a few days upstate.

•

MORT SINGER flew to Chicago last night for the Jewish holidays.

•

HOWARD PARKER is back from a trip to the Quaker City.

LEW LEHR will be host to the Fox Movietone News gang on a bluefish expedition off Cape May today. TRUMAN H. TALLEY, despite a fractured rib acquired on LOWELL THOMAS's farm near Pawling, N. Y., is in the party, as are ED THORGERSON, ED REEK, HARRY LAURENSEN, JACK KUHNE, BEN and BILL LOWEREE and PROSPER BURANELLI.

•

ANN PENNINGTON recently signed by M-G-M for "The Great Ziegfeld," will play the part of herself. REGINALD OWEN is another actor signed to appear in the same production.

•

JOAN CRAWFORD and FRANCHOT TONE arrive from the coast Monday. TONE will stop off at Harmon and visit his folks before coming into the city.

•

ANITA LOUISE arrives in New York Monday. She will stay on for the premiere of "A Midsummer Night's Dream."

•

PETER COPELAND, head of Copeland Displays, Inc., has closed a deal to install two special lobby exhibits in the Roxy.

•

LUCIEN HUBBARD passed through New York the other day en route to Hollywood from South America.

•

BEN GOETZ arrived yesterday on the *Empress of Britain* via Quebec and leaves for Hollywood today by plane.

•

J. H. HOFFBERG and his family left yesterday for Atlantic City where he will spend the week-end.

•

WALTER HUSTON leaves England today. He is due here on Oct. 3.

•

. . . Denver

ROSS BLUCK, office manager for RKO exchange, on vacation and spending most of it at his home in the mountains.

LON T. FIDLER, Distinctive Screen Attractions head, spent a few days in Dallas, southern terminus of a business trip.

JOE ASHBY is back on the job as manager of the RKO exchange following recuperation from an operation.

•

. . . London

R. GITTOES-DAVIS, director of publicity for Paramount, has resigned to take a similar position with Columbia.

GERALD FAIRLIE is story writing for Twentieth Century-Fox British.

JESSE L. LASKY lunched by Fox prior to the trade screening of "Here's to Romance."

BEVERLY BAXTER, director of public relations for Gaumont-British on the *Empress of Britain* for Canada and the States.

SIDNEY R. KENT and ROBERT T. KANE back in town from Scotland.

ALEXANDER KORDA and MURRAY SILVERSTONE in on the *Berengaria.*

•

. . . Portland

MARK CORY of Radio again takes highest honors for the week, playing five first runs with Radio pictures out of the 11.

VETE STEWART of Warners says if he has to choose a new model it must be a Buick. There must be an undercover tieup somewhere.

Coast Pool Ties Up Big Pictures' Runs

LOS ANGELES, Sept. 27.—The new pooling arrangement which RKO and Universal have made for the Pantages and Hillstreet is tying up their product because of the extended runs. "Top Hat," which inaugurated the arrangement, has played for four weeks.

Universal's "Fighting Youth," scheduled to follow, will probably play only one week, but it is believed that "Alice Adams," set to follow it, will have a longer engagement. This means that "Diamond Jim Brady" will not get started until mid-October, and will consequently be held up on subsequent runs until November.

"Fighting Youth" is being rushed in ahead of "Diamond Jim" so that it may play its subsequent run dates before the football season is over.

Company executives are now considering using the Orpheum as a slough house so that these pictures may be generally released at earlier dates.

Pettengill to Talk To Michigan Allied

DETROIT, Sept. 27.—Representative Samuel B. Pettengill, sponsor of the anti-block booking bill, will be the principal speaker at the Allied of Michigan annual convention here at the Leland Oct. 21-23. H. M. Richey, general manager of the Allied unit, is inviting leaders of various civic and welfare groups to hear Pettengill.

National Allied leaders will also attend the three-day session. The local unit's board of directors will meet Oct. 22 to decide on the new executive lineup which will be voted on the last day of the meeting. Also to be discussed will be an American Edugraphic Corp. tieup with Allied on historic photographs, a plan to induce children to attend theatres. About 150 are expected to attend.

Boston Gangster Threat

BOSTON, Sept. 27.—Gangster violence made itself felt here today when a bomb threat was leveled at the New England Film Exchange, Inc., operated by Mark Jeffrey, and a window in his office was smashed. He was warned over the telephone not to "run those Louis-Baer fight pictures." A police guard has been placed around the film district. Jeffrey named a Boston sportsman and an ex-bootlegger from New York as behind the threats. He said the New York man had threatened him in the Hotel Victoria, New York.

Buxbaum Kin Dies

Samuel Tigner, father of Mrs. H. H. Buxbaum, whose husband is Fox New York exchange manager, died yesterday. The funeral will be held Monday at 10 o'clock at the Stephen Merritt Funeral Chapel, 104 W. 73rd St.

Rites for Mrs. Daily

HOLLYWOOD, Sept. 27.—Funeral services were held today for Mrs. Clara Daily, mother of Jack Daily, Walter Wanger's publicity chief. Mrs. Daily died Tuesday evening after a short illness.

Allied Men Plan Dance

PORTLAND, Sept. 27.—Northwest Allied will hold its third annual Bowery Movie Ball, Oct. 25.

MOTION PICTURE
DAILY

Second Stockholder Starts Warner Suit

A second stockholders' action alleging mismanagement and squandering of funds was filed yesterday in the Manhattan Supreme Court by Joseph Weintraub against Warner Bros. Pictures, Inc. Also named as defendants were the three Warner brothers, Harry, Albert and Jack; Harold Bareford, Waddill Catchings, Stanleigh Friedman, Sam E. Morris, Henry Rudkin, Abel Carey Thomas, Morris Wolf and Renraw, Inc.

The Weintraub petition asked for an accounting, the removal of the directors and for an appointment of receivers. In his petition he charges that the defendants as directors had under their control the total assets of Warner Bros. Pictures, Inc., including the subsidiaries, of more than $225,000,000 in 1930 and more than $180,000,000 in 1932.

Charges Mismanagement

"The defendants committed willful acts of mismanagement and waste as a result of which the corporate defendant suffered great loss of money," according to Weintraub's complaint. He further charges that "Renraw Inc. was organized as a conduit through which the funds of the corporate defendant might be drawn into the pockets of the individual defendants. As a means of accomplishing this purpose another agreement was entered into with Renraw, on Sept. 1, 1928, by which the services of the Warners were engaged by the corporate defendant at an excessive salary and pursuant thereto a large block of stock of approximately a market value of $15,000,000 was delivered to the defendant Warners. All this was done without any real consideration whatever."

Weintraub also charged that the defendants made over $10,000,000 in pooling operations. He further attacked a number of transactions similar to those previously enumerated in a like action brought by Adolph Greenberg, another stockholder. Weintraub's petition also states that "by these improper acts the individual defendants converted an $18,000,000 profit in 1929 to a loss of almost $2,000,000 in 1932."

Makes Three Motions

Counsel for Weintraub made three motions before Justice Edward F. Dore to strike out the various defenses set up by the defendants. In their answer the defendants denied all of the allegations of Weintraub's complaint and further explained that all agreements entered into were proper and legal and made with the unanimous ratification of the majority of the stockholders.

On this motion and on a similar motion made on behalf of Greenberg to strike out some of the defenses, Justice Dore reserved decision.

It was impossible to get a statement on the action from Warners last night.

Hearing on Fox Met Stock Sale Delayed

(*Continued from page* 1)

cause the stockholders' protective committee of Fox Theatres did not send notices to all creditors, many of whom were absent from the hearing yesterday. It is understood Schenck has offered $150,000 for the outstanding interest in the circuit. He is due from the coast next week to confer with his attorneys on the matter.

Studios Move Anew to Stop Set Visitors

(*Continued from page* 1)

serious activities which demand their undivided attention. The presence of strangers at best is bound to interfere with work and generally annoy those with whom they have contact.

2. If all the persons who are sent were admitted, very little work could be accomplished.

3. Legitimate refusals of applications, even with careful explanations, often occasion resentment, even to the extent of threats being made to urge local exhibitors not to play M-G-M pictures.

4. Handling matters of this sort imposes unfairly on the time and good nature of those at Los Angeles to whom letters of introduction are addressed.

5. Except infrequently, those who are admitted cannot be taken onto sets where work is in progress and hence cannot witness actual filming.

6. Most of the present difficulties, probably on account of the San Diego exposition, have to do with persons who have no connection with the industry but who are given letters of introduction by personal friends or relative within the organization.

7. In many of these instances, giving such letters merely puts up to the recipient the necessity for making explanations which should have been made at the outset as the reason for not writing a requested letter.

Hanson Raises His Circuit Total to 9

TORONTO, Sept. 27.—The number of houses in the new circuit of Hanson Theatres, Ltd., jumped to nine with the acquisition of four from Moorehead & Filman, independent circuit. All the houses are in Ontario, located at London, Barrie, Orilla and Ottawa. The remodeled Tivoli at St. Thomas has reopened as the Granada, also a unit in the Hanson circuit.

Golden Plans Trip

Edward ("Doc") Golden, general sales manager of Republic, leaves for a swing around eastern exchanges Sunday night. He will be gone about six weeks and include 15 exchanges as far west as Des Moines and as far south as Washington.

To Buy Sound Equipment

HOLLYWOOD, Sept. 27.—G. F. Harris, president of Philippine Films, with headquarters in Manila, is here to purchase sound equipment. He plans production in the Tagalog dialect.

Maloney Now a Colonel

PITTSBURGH, Sept. 27.—It's Col. John J. Maloney now. The manager of the M-G-M exchange has received his commission from Gov. Ruby Lafoon of Kentucky.

"Preview" for "Angel"

PORTLAND, Sept. 27.—"Dark Angel" is to be given a "preview" here at $1.10 top, instead of a formal opening. The house is a sellout, according to Jack Kloepper of U. A.

Bank Night Wins In Boston Action

BOSTON, Sept. 27.—A consent decree was handed down today by Federal Judge Hugh McLellan forever enjoining James Kennedy, owner of Gold Mine, from distributing that or any other premium scheme. The case was brought by Bank Night early this summer for alleged copyright infringement and heard before Special Master Arthur Stevenson.

Kennedy told the court that further defense would be a waste of time and admitted Bank Night has a valid copyright, which Gold Mine infringed. Kennedy also waived all right of appeal. George Ryan was attorney for Bank Night. Bank Night, with a far greater investment, bought out Kennedy, when the latter appeared favored to win the suit. Bank Night is handled here by Roy Heffener, former Fox sales manager.

Screeno Setup Shifted

CHICAGO, Sept. 27.—A change in the Screeno setup here has been made by J. S. Markstein, general manager.

All local distribution of Screeno will be handled through Markstein's office. Previously B. N. Judell was the Chicago distributor with Fred R. Martin handling the sales.

Martin now joins Markstein's office and will handle the 160 local accounts from this office.

R. R. Davis has been named as Havana distributor by Markstein.

Eddie Safier has taken over country sales of Bank Night in Illinois. He will spend most of his time downstate.

Beano Spreads to Church

WORCESTER, Sept. 27.—Chance games started by theatres have spread to a church on a tremendous scale. A Beano drawing sponsored by the Church of Our Lady of the Angels held last night drew a crowd of more than 15,000 persons with a $10,000 first award.

Five hundred thousand tickets at 50 cents each are said to have been sold in New England, with some sales reported in Ireland and France.

Du World Gets Court Order on Censor Ban

ALBANY, Sept. 27.—Du World Pictures, Inc., has obtained from Supreme Court Justice Ellis J. Staley an order for a writ of certiorari to review the action of the censors in refusing to license the showing of "Spring Showers," a picture which was produced in Hungary.

Pat Reis Is Married

Pat Reis, secretary to Howard Dietz, early yesterday morning became the bride of Carl Kubrin. They were married at City Hall. In the afternoon Dietz staged a wedding feast for the couple in his office with all publicity, advertising and exploitation employes attending. Miss Reis, as she wishes to be known, will continue with M-G-M.

McNamara to Roxbury

BOSTON, Sept. 27.—J. W. McNamara has been named as manager of the Egleston, Roxbury, by Walter B. Littlefield.

Little Chance Seen Now for Industry Pact

(*Continued from page* 1)

official. Berry is president of the Printing Pressmen's Union.

The new coordinator will have almost complete control of what remains of the NRA, having been instructed to coordinate and report to the President on matters relating to appointment, employment, discharge, compensation and duties of officers and employes of the organization. In addition, he is to call conferences of business men and labor and consumer representatives to consider means of accelerating industrial recovery, eliminating unemployment and maintaining labor and business standards.

M-G-M Delays "Seas" Due to Gotham Suit

M-G-M has agreed to postponed release of "China Seas" to the Dorset until Sept. 30 due to an action pending before Supreme Court Justice Edward F. Dore in which the Gotham claims to have bought the picture which the distributor will not release to it.

The Gotham claims to have purchased the film on last year's contract and cannot get delivery while, it is said, the Dorset signed for the picture on a 1935-36 contract and is getting it ahead of the Gotham. Weisman, Quinn, Allen & Spett are representing the Gotham.

Circuits and Union Again Delay Meeting

Representatives of the major circuits and Local 306 yesterday again put off a scheduled meeting until Monday for discussions of a local wage scale. The only session held this week was Sept. 23. Practically all of the circuit men had convened at Charles C. Moskowitz's office at Loew's when they were notified that the meeting was not to be held.

Setting up of a scale for the nine Broadway houses will be the principal topic of the session Monday.

Union Hitch Delays Shows at Paramount

Due to a hitch in negotiations with the musicians' union, stage shows will not go into the Paramount next Friday, as originally planned. The earliest possible date in view is Oct. 18, provided a deal between Boris Morros, managing director of the house, and the musicians is completed.

Start "Cyrano" Soon

LONDON, Sept. 27.—Production of "Cyrano de Bergerac," in which Charles Laughton will be starred, is scheduled to start within a fortnight, according to Alexander Korda. Penelope Dudley-Ward will have the feminine lead and Lee Garmes will direct.

Para. Gets "Ethiopia"

Paramount has acquired distribution rights to "Wings Over Ethiopia," feature length film made in that country. It was made by L. Wechsler, German cameraman and director.

A REAL FIND

LITERALLY, the news about Eastman Super X spread like wildfire. Never has a film "caught on" faster, or been more widely adopted in so short a time. The reason: Super X is a real find for the cinema world. Introducing new standards of speed and photographic quality, coupled with rare versatility, it represents a major advance in raw-film research . . . a true contribution to the art of the motion picture. Eastman Kodak Co., Rochester, N.Y. (J. E. Brulatour, Inc., Distributors, New York, Chicago, Hollywood.)

EASTMAN *SUPER X*

PANCHROMATIC NEGATIVE

The Leading Daily Newspaper of the Motion Picture Industry

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New Producer With Allied Backing Near

Formation Understood to Be In Final Stages

Formation of a new independent producing company to be sponsored by Allied is understood nearing the final stages. Several meetings have been held during the last week by Allied leaders in this connection.

Abram F. Myers, general counsel, made a special trip from Washington to discuss the plan with Sidney Samuelson and other interests. Neither will talk about the new company other than to say that an important announcement will be made shortly.

During the Allied of New Jersey convention in Atlantic City last month, a number of the national organization's leaders gathered secretly at the Ritz Carlton to go over various details in connection with the production plans.

At one of the open sessions during the Allied shore convention, Myers decried reported mergers between major companies and told exhibitors to encourage new production and engage in the making of production as a defensive measure.

About two years ago, Allied had a deal practically set with an independent producing company, but the plan fizzled when the promised support failed to materialize. However, this time the organization's leaders are more optimistic.

Nathanson Details British Lion Move

Toronto, Sept. 29.—Details of N. L. Nathanson's connection with the reorganization of British Lion Films have been made public here. Nathanson and Major Andrew Holt of London, son of Sir Herbert Holt, Montreal financier, who is associated with Nathanson, become directors of British Lion.

A contract has been signed for dis-

(*Continued on page 7*)

"Broadway Melody" Pulls Big $50,400

"The Broadway Melody of 1936" in its first eight days at the Capitol garnered a tuneful $50,400, indicating that the musical will go a three-week stretch at the Broadway house. Eleanor Powell, who appears in one of the leading roles, also has a prominent part in "At Home Abroad," current at the Winter Garden which is directly

(*Continued on page 7*)

Paramount Drops 75 Theatres In Minnesota from Its Setup

Paramount has dropped the Hamm & Charles group of approximately 75 theatres in Minnesota from its national circuit, it was stated Saturday by Y. Frank Freeman. This is the first of the Paramount partnerships to be discontinued. The Minnesota circuit was in receivership until last June when a 90-day arrangement was effected with Paramount. William Hamm had been the receiver.

Temporary extension of management arrangements with George W. Trendle and A. H. Blank has been made for one month. Other deals are being worked out by S. A. Lynch, who is handling the Blank circuit, and Freeman, who is working on another term deal with Trendle.

John E. Otterson is expected back from the coast in about two weeks. While in Hollywood he has been working on the Interstate and Saenger deals.

The Olympia circuit in New England is the only Paramount affiliate now in receivership, it was stated. It will take several weeks to reorganize this group.

Code Seals at New Top, 283 In Four Weeks

Hollywood, Sept. 29.—Production code approvals hit a high mark between Aug. 20 and Sept. 20—232 features and 51 shorts. Most of the certificates, however, were for reissued films not heretofore approved.

Since the establishment of the code seal system July 15, 1934, the local office has approved 840 features and 550 shorts.

The titles and releasing companies for pictures approved follow:

BEAUMONT
(Features)
"Trail's End," "Gunners and Guns."

BERKE
(Feature)
"The Last of the Clintons."

CELEBRITY
(Short)
"Three Bears."

CHESTERFIELD
(Feature)
"Synthetic Lady."

COLUMBIA
(Features)
Reissues: "Ladies of Leisure," "Criminal

(*Continued on page 9*)

Fox Acquires Four In Mountain Areas

Fox Intermountain has acquired the International Amusement Co., consisting of three houses, and also has taken over the State at Boulder, Col., from Silver State Theatre Co. The trio purchased from International are the Ogden and Hiawatha, Denver suburban theatres, and the Liberty Bell at Leadville, Col. The additions make a new total of 63 for the circuit,

(*Continued on page 7*)

Essaness Deal Stops Loew's Chicago Move

Loew's invasion of the theatre operating field in Chicago has completely faded as a result of the deal consummated with the Essaness circuit whereby the Sheridan, recently taken over by Loew's from an independent exhibitor, and the proposed Oak Park will be operated by Essaness. The independent circuit also has signed for M-G-M product.

Under terms of the deal, Essaness immediately takes over the Sheridan under a long-term lease and will operate the Oak Park when the theatre is completed next year. The Oak Park lease is for 20 years. It will seat 1,600. Loew's has let the building contract to Avery Brundage Co., which starts construction in about a week.

Decision to enter the Windy City theatre field was made by Loew's some months ago when M-G-M and a number of independent circuits reached an impasse on product terms. The independents banded together in a stand

(*Continued on page 7*)

Ohio ITO Is Urging Independent Booking

Cleveland, Sept. 29.—Ohio exhibitors are asked to share their playing time with independent producers by the I.T.O.

"It is absolutely essential for the future welfare of the independent exhibitor that the independent producer be kept in business and this can only be accomplished by giving him some share of your playing time," says a recent bulletin from the Ohio I.T.O.

Film Leaders In St. Louis For Big Trial

Anti-Trust Cases to Get Underway There Today

By BILL ORNSTEIN

St. Louis, Sept. 29.—With all principal witnesses summoned by the Government on hand tonight, most of them at the Coronado, Special Assistant Attorney General Russell Hardy will be ready to proceed Monday with the criminal anti-trust trial of a number of Warner, RKO and Paramount executives and their companies.

That this trial will go on as scheduled before Federal Judge George H. Moore was indicated last Thursday when a number of Government witnesses in the equity proceedings, scheduled for Oct. 1, were again subpoenaed for the criminal action docketed for Monday. In addition, Hardy, during the two-hour hearing on the preliminary injunction on Sept. 10, insisted that the trial date on indictments

(*Continued on page 7*)

Skouras-RKO-Fox Hearing Postponed

Hearing on an action filed recently by Skouras Theatres to enjoin RKO's 81st St. from playing Fox product day and date with the Nemo and Riverside will not be held today as scheduled, but will probably be set tomorrow or Wednesday. The action is slated for the Supreme Court before Justice Albert Cohen with Nathan Burkan representing Skouras, Goldwater & Flynn, RKO; and Felix Jenkins, Fox.

On Sept. 19, Supreme Court Justice Hofstadter granted Skouras a temporary injunction against the defendants, setting the hearing for today. The RKO house has played "Dante's Inferno" simultaneously with the Skouras houses.

In his complaint, Skouras alleges he has a 10-year franchise with Fox which provides for seven days' clearance over the 81st St.

Bank Night Stay Is Denied in Cleveland

Cleveland, Sept. 29.—The Court of Appeals yesterday unanimously upheld the Common Pleas Court decision denying to Meyer Fischer of the Fountain, plaintiff, an injunction seeking to stop Bank Night at the Haltnorth on the grounds of unfair competition. The court declared that the plaintiff failed to show any invasion of property rights entitling him to an injunction.

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Wall Street

Inactivity Marks Big Board

	High	Low	Close	Net Change
Columbia	67	67	67	+1
Consolidated Film	4½	4½	4½	.....
Loew's Inc.	44⅜	44	44⅜	.....
Loews Inc., pfd.	106⅛	106	106	—1⅛
Paramount	11⅜	11⅛	11¼	— ⅛
Paramount 1 pfd.	98¾	98¾	98¾	.....
Paramount 2 pfd.	13⅝	13½	13⅝	.....
Pathe Film	6⅛	6	6⅛	+ ⅛
RKO	4¾	4⅝	4⅝	— ⅛
20th Century Fox.	16⅞	16¾	16¾	— ⅜
20th Century pfd.	25⅝	25½	25½	— ½
Warner Bros.	7⅝	7½	7⅝	+ ⅛

Sonotone Up ⅛ on Curb

	High	Low	Close	Net Change
Sonotone	2⅛	2	2⅛	+ ⅛
Technicolor	19¼	19	19	— ¼
Trans Lux	3⅛	3⅛	3⅛	.....

Little Activity on Bonds

	High	Low	Close	Net Change
Keith B. F. 6s '46	89	89	89	— ⅜
Paramount Pict. 6s '55	97	97	97	.....
RKO 6s '41 pp.	70	70	70	+ ¼
Warner Bros. 6s '39 wd.	83	83	83	.....

(Quotations at close of Sept. 28.)

Chicago Allied to Ask "Hat" Delivery

CHICAGO, Sept. 29.—Allied has decided to fight RKO over contracts for "Top Hat" by insisting that the picture be delivered on 1934-35 pacts.

Insiders' Outlook

By RED KANN

ROBERT LORD, well known along Hollywood's broad boulevards as a scenarist, has much to say about double features in *Script,* Bob Wagner's publication on the coast. Some excerpts:

> "Time was when you went to the movies for entertainment. Now, thanks to the prevalence of the double feature, you go for a weekend. . . . You used to arrive at eight, you came to see and be home at ten feeling refreshed. Now you arrive at six-thirty, miss the first part of the picture you came to see and stagger home to collapse from exhaustion somewhat shortly before midnight . . .
>
> "Furthermore, the era of the double feature has a very decided and injurious effect on those of us who produce motion pictures. Since we know that many more pictures are required . . . and since it is a platitude of economics that the value of any object varies inversely with its abundance, our standards of production tend to become increasingly lax. Quality is no longer the prime consideration. Quantity alone is important. There is no longer much incentive to make a few fine pictures. . . .
>
> "We have driven audiences to such lengths of boredom and fatigue that they fail to respond to the occasional picture really worthy of enthusiasm. . . .
>
> ". . . theatre managers . . . shrug their shoulders and mutter something about . . . competition. Unless the producers, distributors and exhibitors have a miraculous rush of brains to the head (a most unlikely phenomenon) I am afraid that the condition will become much worse before it gets better.
>
> ". . . I look forward to the day when the neighborhood theatre marquee will display the following legend: 'See Our Quadruple Feature Program and Have Your Tonsils Taken Out—All for 15 Cents'."

▼

Much of the truth is in this and some which we think not. Lord remarks the public used to leave the single feature show and return home by 10 "feeling refreshed." That depended entirely on what the public saw.

He adds doubles are hurting production ingenuity and tending to make standards lax. The desk telephone probably will be busy when this gets around, but about this observation of his there can be no argument.

"Quality is no longer the prime consideration. Quantity alone is important. There is no longer much incentive to make a few fine pictures."

It is entirely understandable how he arrives at this melancholy point of view and, with little urging, we would gladly weep on his other shoulder, but matters have not quite reached such a gloomy pass. Shining forth, his ideas and his policy unshaken, is Irving Thalberg, for instance, whose attitude, if not his comment, indicates he frowns on double features. Yet his conviction is that important pictures will cut their swath and continue to get their proper percentage. Double features or triple features—the latter not remote—notwithstanding, merit, like water, has a habit of finding its level.

"We have driven audiences to such lengths of boredom and fatique that they fail to respond to the occasional picture really worthy of enthusiasm."

Audiences may be bored and they may be fatigued, but neither can or will make them fail to give quality its proper, enthusiastic return. . . .

▼ ▼

The provocative Walter Wanger, who recently signed Humphrey Cobb about whom more at another time, discusses "What Is Box-office" in *Commentator,* an institutional plugger for the Small-Landau agency in Hollywood.

> "Box-office.—Is it the picture that the exhibitor pays the most for? Is it the picture the public pay the most for? Or is it the one people enjoy most?" queries Wanger. "Just because there are three stars in a picture and it is billboarded from coast to coast does not mean that that picture is a hit. . . . The company distributing it feels, of course, that they must get that money out of it. So they put it in a high allocation, take the best time, set up a tremendous ballyhoo. And even if it breaks records, does it mean box-office—when the audience that saw it might have enjoyed 'The Three Little Monkeys' far better?
>
> "The figures in the trade papers do not necessarily mean a hit. Nor do the figures at the box-office. Because they are not honestly arrived at. I don't mean there is any purposeful distortion of figures. But they are far from scientific. And each company rationalizes. Producers themselves fall under the mesmerism of 'wanting to believe' that the picture in which they have invested a fortune is a hit. After that, it is very easy to read statistics, to prove anything. That is what I mean by saying that box-office figures are unscientific."

▼

If Wanger does not rely upon box-office returns to evaluate his own production success or failure, what sort of bookkeeping tells him if he is still in business? This space waits, with breath somewhat bated, for the answer. . . .

▼

At another point, the producer remarks:

> "Every company knows how to advertise and sell a 'China Seas,' 'Lives of a Bengal Lancer,' or a 'Ruggles of Red Gap'. But how to get the maximum out of 'The Informer' or 'Private Worlds' or 'Black Fury'—well, that's another problem."

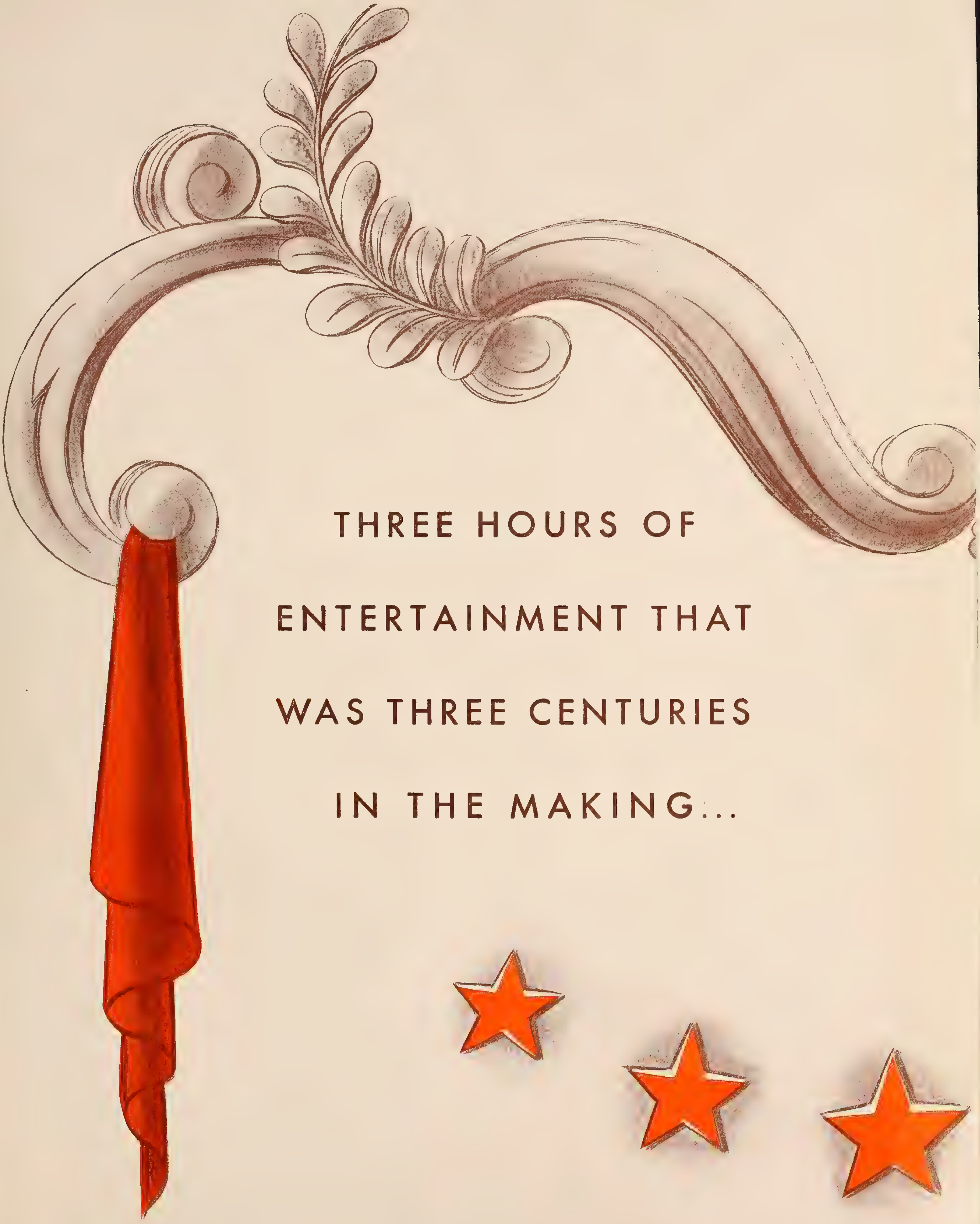
And another problem it is. Stabs have been made in this direction, notably the move engineered by RKO which spent almost $10,000 in New York dailies to supplement the sometimes described "announcement" copy of the Music Hall for the engagement there of "The Informer." Because advertising and its results, directly computed, are largely intangible, no one, today and after all these weeks, knows if Radio's campaign hurt or helped the picture. The Music Hall, its territory invaded, naturally asserted that it had harmed. While what follows does not answer Wanger, the fact is that the answer to unusual and different product like "The Informer" has a habit of resting with the buyers of tickets. The attraction was accorded rave reviews and two kinds of advertising campaigns. Yet it gave the theatre a very unsatisfactory, subnormal gross.

▼ ▼

The chances are very good, indeed, that the 2,000-foot reel, championed by the Academy's Research Council, will become industry practice, although we remind you and ourselves again of the futility which generally lurks in forecasts. What opposition persists continues to persist largely from Universal. A proponent of the plan asserts that from 98 to 99 per cent of theatres in this country already are equipped with 2,000-foot magazines; that less than one hundred are not and that the same percentages apply to overseas markets. The reason for setting back the date of industry-wide adoption, if eventually it is voted, from January 1 to April 1 ties in with the lack of time confronting manufacturers of cans to turn them out in sufficient numbers. . .

▼ ▼

Battered about sorely and well nigh flattened out completely by its financial Joe Louises, First Division has come through its toughest internal battle and is in the lists with 30 pictures for the new season. They feel better in that organization now, as obviously they would, and are prepared for their best in the competitive battle for contracts, first, and playdates, next. Harry Thomas, who long ago learned how to smile when circumstances might have dictated something else, now has sufficient reason. . .



THREE HOURS OF
ENTERTAINMENT THAT
WAS THREE CENTURIES
IN THE MAKING...

WARNER

pre

MAX REI

first motion pic

"A MIDSUMMER

from the classic comedy by

WILLIAM SHAKESPEARE

The P

JAMES CAGNEY JOE E. BROWN

OLIVIA DE HAVILLAND JEAN MUIR

ROSS ALEXANDER VERREE TEASDA

MICKEY ROONEY HOBART CA

Augmented by many hundreds of others in spectacular balle

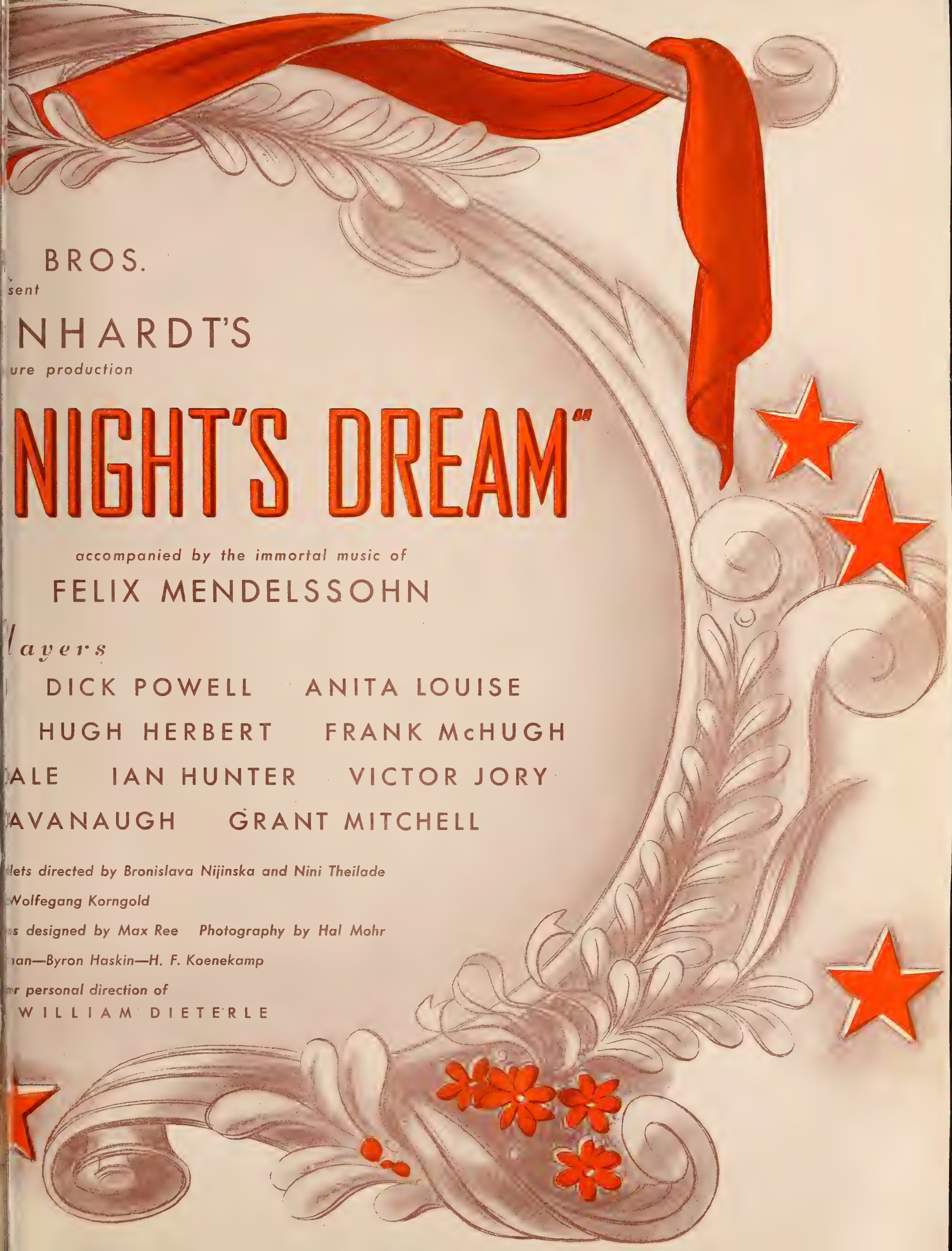
The music arranged by Erich W

The one thousand, two hundred and eighty-four costume

Special photographic effects by Fred Jackma

The entire production under

MAX REINHARDT *and* W



BROS.

sent

NHARDT'S

ure production

NIGHT'S DREAM"

accompanied by the immortal music of

FELIX MENDELSSOHN

layers

DICK POWELL   ANITA LOUISE

HUGH HERBERT   FRANK McHUGH

ALE   IAN HUNTER   VICTOR JORY

AVANAUGH   GRANT MITCHELL

llets directed by Bronislava Nijinska and Nini Theilade

Wolfegang Korngold

es designed by Max Ree   Photography by Hal Mohr

nan—Byron Haskin—H. F. Koenekamp

r personal direction of

WILLIAM DIETERLE

INTERNATIONAL ROAD-SHOW
PREMIERES IN LONDON, PARIS, VIENNA, SYDNEY,
AND IN NEW YORK AT THE HOLLYWOOD THEATRE

October 9th

Approval of applications for road-show contracts only in other situations will depend primarily upon proper guarantees of a presentation in keeping with the quality of this production, and must conform to Warner Bros.' stipulations as to limitation of run and of daily performances, admission scale, advance ticket sale, and clearance.

Essaness Deal Stops Loew's Chicago Move

(*Continued from page* 1)

pat attitude against the distributor's percentage terms.

This season M-G-M instituted a flexible selling policy to meet local conditions. Details were given sales forces at the various regional meetings, following which several minor deals were closed with independents in Chicago. Loew's did not veer from its stand to go ahead with its Windy City invasion and the more important independent circuits continued to hold out. Robert Lynch of Philadelphia, Louis K. Sidney, Joe Vogel, Col. E. A. Schiller, David Bernstein and numerous other Loew and M-G-M officials visited Chicago, determined to go ahead with the theatre building program. At one time, the circuit figured on a total of 20 theatres in that city. The Oak Park site was the first acquired. The Sheridan was then taken over and a number of other deals were pending when a truce was declared.

Allied has been opposed to the Loew invasion moves and became active in a campaign to block building of the Oak Park structure. Sidney Samuelson, president of Allied, also took part in conferences with M-G-M executives in an effort to avert the Loew invasion.

Last week, Leo Spitz, Emil Stern and Edward Silverman were in town on the Loew, M-G-M and Essaness pact signed in New York.

Cleveland's First Runs in Union Deal

Cleveland, Sept. 29.—First runs have concluded wage agreements with all unions. An increase of seven and one-half per cent has been granted to operators in a two-year agreement. Stage hands accepted a $5 per week increase for one year. The musicians' scale remains the same as last year with no guaranteed playing time, with a reduction of $5 per man per week in the event that they are employed 40 weeks during the year.

Subsequent runs had previously closed with the operators on a seven- and one-half per cent basis.

Nathanson Details British Lion Move

(*Continued from page* 1)

tribution of British Lion product through Republic in the United States and through Regal Films, Ltd., in Canada, which Nathanson controls.

It is understood that Nathanson's interests are investing $750,000 of new capital in British Lion which will produce six features in 12 months and distribute some 14 other British films.

Nathanson said the move had no connection with Famous Players Canadian other than that he happens to be president of this company.

Have Big "Mouse" Show

Columbus, Sept. 29.—Loew's Ohio played a special morning show of Mickey Mouse subjects and Silly Symphonies Saturday for Mickey's seventh birthday.

◂ Purely Personal ▸

Mitchell Lkupt, Harry Shiffman and Charles Moses had a date to battle it out on the golf links at Progress Country Club yesterday. No dope yet on who scored low and who took the booby prize.

•

John O'Connor's son today celebrates his first six months of life. He'll be presented a number of snapshots enlarged for the occasion.

•

Mort Singer gets back from a Chicago weekend today to attend a circuit and Local 306 conference on the local wage scale.

•

Pat Reis, who was married last Friday, isn't taking a honeymoon at present, but is planning big things for the summer.

•

Dorothy Spero, assistant G. B. booker at the New York exchange, says she scores in the 80's in her golf game.

•

Claude Ezell left yesterday for Canada and is due back today or tomorrow.

•

Y. Frank Freeman plans to make a tour of Paramount theatres in the next few months.

•

Fred Quimby gets back from Hollywood today after making a few stopovers en route.

•

James A. FitzPatrick plans to leave for the coast shortly to work on the interiors of "David Livingstone."

•

Jack D. Trop is dieting and likes it. He takes a sandwich, a glass of milk and a nice long walk for lunch.

•

Sidney R. Kent is due back from Europe about Oct. 9.

•

. . . Cincinnati

Herman S. Bernfeld, film critic on the *Cincinnati Enquirer,* is back at his desk after doing Broadway for the past fortnight.

Harry Rice is here doing advance work on "The Red Salute" for United Artists.

Phil. Semmelroth of the circuit bearing his name at Dayton was a recent Film Row visitor.

C. A. McDonald, head of the McDonald circuit, has returned from a fishing trip in Michigan.

Steinhof Sees Cuts In Color Film Cost

Hollywood, Sept. 29.—Color films will not be much more expensive than black and white and in the near future all commercial films will be made in color, in the opinion of Dr. Eugene G. Steinhof, color expert, who has just left after spending four weeks here.

Dr. Steinhof has been a scenic designer in Europe and has lectured on color in architecture at Carnegie Institute.

He has developed a new makeup for players, and intends to use it in the first film for which he is color director. He may return to Hollywood in two months.

Just Like That!

Hollywood, Sept. 29. — It was just before the Baer-Louis fight, and Richard Arlen's trainer, Charles McGuigan, was showing how Louis was going to hit.

"Like this!" said McGuigan. And the next thing Arlen knew they were patching his forehead.

"Oh yeah?" said Arlen, "if that is the case, take my money off Baer and put it on Louis."

Sol Lesser is shooting "The Calling of Dan Matthews" around him until the cut heals enough to be plastered with makeup.

Fox Acquires Four In Mountain Areas

(*Continued from page* 1)

and in addition to the acquisitions, Intermountain is building a new $150,000 theatre in Boulder on the site of the Curran.

Four other houses which have been dark for the past five years will be reopened within the next few weeks. Sound equipment is being installed and alterations are also being made. The quartet are the Elks, La Junta, and Isis, Trinidad, Col.; the Rio, Las Cruces, and Plaza, Las Vegas, New Mexico.

Discussing business conditions in his territory, Rick Ricketson, operating head of Fox Intermountain who was in New York on product deals and a five-year contract, said that things are picking up, all theatres are open and the price trend is upward with increases of five and 10 cents.

Dual bills are gaining ground in the Rocky Mountain area, Ricketson asserts, with more theatres veering toward this policy than ever before. He plans to return to Denver in about a week.

"Broadway Melody" Pulls Big $50,400

(*Continued from page* 1)

opposite the Loew house. The Palace came out of the red last week, due principally to the Baer-Louis fight pictures which started Wednesday. With "Page Miss Glory" and vaudeville, the tally was $12,700 for the seven days.

"Dark Angel" at the Rivoli wound up with $21,500 in the last nine days of a 23-day run. The second week of "The Big Broadcast of 1936" at the Paramount ended with about $22,000. "39 Steps" at the Roxy during its second week got $33,000. The Strand, with "Special Agent," tallied about $26,000 for the first stanza.

The Center will reopen Wednesday night with "Here's to Romance." Vaudeville was dropped at the Palace Thursday night. Decision on whether to reinstate the policy after a two-week showing of "Top Hat" will be made by RKO officials some time this week. The Fox, Brooklyn, also dropped stage shows for duals Friday.

RKO Holding Downtown

RKO is not giving up the Downtown, Detroit, which it reopened on Sept. 1, it was stated at the company's headquarters yesterday in denial to a story published elsewhere that the circuit was stepping out of operation.

Film Leaders In St. Louis For Big Trial

(*Continued from page* 1)

should not be moved up because of any postponement of equity proceedings.

Hardy has indicated several times he is ready to go ahead with the criminal action. So has Paramount. Warners has been non-committal, except for a brief statement made Sept. 10 by a local attorney, Samuel B. Jeffries, who, in court, said Abel Carey Thomas, general counsel, may not be able to attend the Sept. 30 hearing. Jeffries stated that Thomas had recently suffered a stroke and, although he has been recuperating nicely, he could not forecast the future condition of the Warner legal head. He added he hoped Thomas would be well enough to be on hand.

See Four-Week Trial

Jacob M. Lashly, local RKO attorney, recently asked the court to direct the Dept. of Justice and Hardy to furnish more facts in the bill of particulars. Judge Moore overruled Lashly's motion on Sept. 22 after Hardy had objected to supplying additional data.

Spyros Skouras, who has had to have medical attention for the past three weeks, due to an infected toe, is here hobbling around with a cane. He had sought permission to be excused, but is understood to have been turned down.

Former Senator James A. Reed has been here for a number of days conferring with Warner attorneys from New York. It was due to the death of Reed's sister that the preliminary injunction date was set back.

Indications are that the two trials will take from four to six weeks. Jeffries on Sept. 10 told Judge Moore that he expected the trials to take that long in view of the fact that every witness will be put on the stand.

Expect No Time Loss

Among those who are here for the federal hearings are George J. Schaefer, Neil Agnew, Austin C. Keough, Louis Phillips, Ned E. Depinet, Jules Levy, Cresson E. Smith, Robert W. Perkins, Harry C. Arthur, Irving Lesser, Milton Arthur, Jack Partington, Gordon Youngman, I. Levinson, Bruce Bromley, Ernest L. Wilkinson and John S. Leahy.

No loss of time between trials is expected. Judge Moore indicated in the court 19 days ago that as soon as one of the hearings is completed the other will go on. The order set on the calendar has the criminal action slated for tomorrow with the preliminary injunction for Oct. 1. If for some reason an adjournment is sought and granted tomorrow, the equity proceedings may start in the afternoon, or on Tuesday, as scheduled. If the criminal trial goes on as scheduled it will take several weeks before the preliminary injunction testimony will get under way.

THYRA SAMTER WINSLOW
"SHE MARRIED HER BOSS"
WILLIAM MORRIS OFFICE

Japan Plans Shorts Series For Education

By TETSUYA MORI

TOKYO, Sept. 5.—Government control of film production is to be extended to the making of shorts for educational purposes and for delineation of various phases of Japanese life. The first shorts will be designed to insure clean elections.

One, finished early in August, is a three-reeler called "This One Vote," and it was made with the cooperation of the Photo Chemical Laboratories. It will be used between now and next May, when an election is to be held for the House of Representatives.

Educational, Foreign and Communications offices are cooperating in film control.

One-reelers planned by the Foreign Office include: "The Present Day Japan," "Children's Japan," "Women of Japan," "Japan for Students' Life," "Japan, the Nation of Sport," "Japan Rural Life," "Japan for Amusement," "National Defense of Japan," "Japan in Sciences and Arts" and "Japanese Features."

The Communications Office has just decided to turn out a big feature with spectacles to be called "Toppa Muden" ("On Wings of Wireless").

The Home Office recently took the initiative in enlisting the cooperation of producers and distributors in insuring clean elections. A Cinema Control Commission has been organized to handle this work. Election reform slogans will be inserted, and at the beginning of each reel the Rising Sun, the national emblem, will be shown. These additions also apply to foreign films and newsreels.

* * *

Newsreel interest is gaining. Management of the Nippon Gekijo, one of the largest theatres, has applied for permission to establish a newsreel theatre in the basement.

Leading newspapers, *Asahi, Yomiuri* and *Hochi,* are going in for production of reels. *Asahi* is experimenting with color reels, in cooperation with *Kodan-sha,* a story magazine. *Yomiuri* contemplates the production of animal pictures.

A huge building to seat 2,000 is being erected as a newsreel theatre near Hibiya Park, Tokyo.

Estabrook on "Kim"

HOLLYWOOD, Sept. 29.—M-G-M has again borrowed Howard Estabrook from Twentieth Century-Fox, to whom he is under contract, for an important assignment. Louis D. Lighton, Metro's new associate producer, today secured permission from Darryl Zanuck to assign Estabrook the screenplay and dialogue for Rudyard Kipling's "Kim," in which Freddie Bartholomew and Lionel Barrymore head the cast.

Raise "Stars" Budget

HOLLYWOOD, Sept. 29.—After viewing a rough cut of "Stars Over Broadway," Warners decided the picture was good enough to call for an increase in the budget. As a result Director William Keighley has been given another week to add scenes.

U. S. Technicians Popular in Mexico

MEXICO CITY, Sept. 25.—Proof that Americans who come to this country to work in the production branch of the industry are both wanted and popular was demonstrated the other day by a delegation of native techcnicians, players and others which waited upon the Minister of the Interior in behalf of Ross Fisher, cameraman, who was having trouble with the migration department over a complaint somebody had made that he had entered Mexico in an irregular manner.

The delegation told the minister that Fisher is an asset to the Mexican industry and deplored the fact that the migration officials had taken so seriously the kick of some fellow who had a grudge against the American. The minister saw the point. Fisher was cleared and the migration people apologized for having bothered him. He was told that he can stay in this country as long as he cares to. The delegation gave Fisher an ovation when he was cleared.

* * *

This city has the unique spectacle of a new 2,594-seat de luxe house without an operator. It is the Cine Ermita, built by the Mier and Pesado Foundation, a charitable organization, in connection with an apartment house development at Tacubaya, a suburb. The builders are advertising a "very attractive proposition."

* * *

Another Mexican folklore picture has been made. It is to be called "Patzcuaro, the Dream Lake." It was made by Producciones Argos, S. A., and is designed for the export as well as domestic markets.

Move on to Revamp ITO in Kansas City

KANSAS CITY, Sept. 29.—Some independents are feeling out sentiment with an eye toward reorganization of the I.T.O., following the recent resignation of Jay Means, president, and the previous resignations of Emanuel Rolsky, vice-president; Ed Hartmann, secretary, and Charles Potter, treasurer.

Difficulty in securing a quorum at the last two meetings has prompted consideration of a change in bylaws.

Arrousez Loses Suit

LOS ANGELES, Sept. 29.—Superior Judge L. H. Smith rendered a decision of non-suit in the complaint of Frank P. Arrousez against Cinema Studio Supply Corp. Charging fraud and deceit, Arrousez, inventor, brought the action against the company to recover rights to the "Laco" patents which are used in studio lighting. By the decision, Cinema Studio Supply now becomes sole owner of the patents.

RKO Closes Dutch Deal

Phil Reisman and Harry Leasim have signed a contract with Remaco Filmbedrijf of Amsterdam, for the distribution of the 1935-36 line-up of RKO features and shorts throughout Holland and the Dutch East Indies. Joost Smit negotiated the deal for Remaco.

Joe Stout Is a Father

CHICAGO, Sept. 29.—Joe Stout, booker for B. & K. theatre, is the proud father of a son, born last week.

U. S. Pictures Hold Lead in Argentina

WASHINGTON, Sept. 29. — Despite the efforts of European producers to improve their position in the Argentine, American films have maintained their dominant position in that country, according to a report to the U. S. Dept. of Commerce from Assistant Trade Commissioner D. G. Clark in Buenos Aires.

The average Argentinian, Clark points out, has become accustomed to films produced in the United States. The domestic industry has attempted to cater to the local demand, he says, but the fact remains that popular first runs are almost invariably American.

Notwithstanding the strong position of American films, the report states, there is a feeling among theatre-goers that the market is large enough to absorb more pictures in the Spanish language. This feeling does not take the form of any antagonism against sound pictures in English, but is evidenced by the welcome which has been accorded the few American-made Spanish films which have been shown.

It is estimated that approximately 1,300 theatres are operating in Argentina, the largest number being concentrated in and around Buenos Aires. There are 182 houses in the Federal capital and in the Federal district suburbs, 90 per cent of which are wired for sound. It is estimated that total receipts of theatres in the Federal capital during 1934 amounted to approximately 12,000,000 paper pesos (about $3,600,000).

Stagehands Get New Contract at Tulsa

KANSAS CITY, Sept. 29.—Felix Snow, I. A. T. S. E. divisional representative here, has negotiated for renewal of the stage hands' contract with Tulsa, Okla., theatres for one year.

The new contract involves no changes, except in the case of Talbot's Orpheum, Ritz, Rialto, and Majestic. Differences between Talbot and the union were settled when Talbot agreed to use both his stagehands, who do maintenance work for all four houses, full time. He had been using one man full time at $40 and one half time at $20.

The operators' contract already had been settled. It provided for an increase in the wage scale.

New contracts also have been negotiated with Fox Midwest at Springfield, Mo. These call for a 10 per cent raise.

Virginia Censors Busy

RICHMOND, Sept. 29. — Virginia's censors hit a new July and August high for activity. Fees were $650 above any previous record. Deletions have been few.

Warner Men to Golf

The Warner Club will hold a golf tournament at the Riverdale Country Club on Oct. 5. It will be a handicap affair and limited to members of the organization.

Charter Yiddish Theatre

ALBANY, Sept. 29. — The Yiddish Theatre Ensemble, Inc., has been chartered here by Madeleine B. Stern, Israel G. Ornstein and Nettie Dubin.

Voters Settle Need for New British House

By BRUCE ALLAN

LONDON, Sept. 20.—For the first time, in support of a case that a new theatre was meeting public demand, a British exhibitor presented to the licensing authorities the results of a postcard referendum of residents in the neighborhood showing 436 votes in favor and 121 against. This happened at Senenoaks, where owners of existing houses opposed the application on the ground that the district was adequately seated.

* * *

Herbert Wilcox has begun direction of "Street Singer's Romance" at B. & D. studios. This is the first effort of Herbert Wilcox Prod., Ltd., for release by the C. M. Woolf company, General Film Distributors, Ltd. Anna Neagle and Arthur Tracy are starred.

* * *

Jesse L. Lasky stated here that one of the five pictures planned by Pickford-Lasky in its first year will be produced in London. It will be a musical, starring Nino Martini, and Lasky will personally supervise production at the London Films studio at Denham.

* * *

The British Film Institute will act as an advisory committee to the Board of Education on matters connected with the admission of educational films free of duty, and will have the power of certifying films for such free entry, after examination.

* * *

Proposals that the approaching command variety performance, attended by the King and Queen, shall be broadcast are causing alarm in the trade. Last year the radio of this performance dried up the box-offices in every place of amusement in the country.

Variety Artists' Federation, which takes the receipts of the show for charity, last year received £500 from the B.B.C. for broadcasting rights. The C.E.A. this year is seriously considering the suggestion, turned down on the last occasion, that it shall offer £1,000 to the V.A.F. funds on a "no broadcast" condition.

Fitzgerald Goes West

Harold J. Fitzgerald, operating head of Wisconsin Amusement Enterprises, left for Milwaukee on Saturday night after clearing up certain disputed points in a five-year contract with National Theatres. Rick Ricketson, head of the Fox Intermountain group, leaves tonight for Denver. He has reached an agreement with National executives on several clauses with attorneys now drafting the pact.

Ricketson will sign his agreement in Denver while Fitzgerald may be back in about three or four weeks to affix his signature.

British Pass 142 Films

WASHINGTON, Sept. 29.—The British Censor Board passed for exhibition during August 46 films over 3,000 feet, and 96 under that figure, according to figures released by the U. S. Dept. of Commerce. The total of 142 pictures exceeds the August, 1934, total by one.

"Hat" Holds Chicago Lead In 2nd Week

CHICAGO, Sept. 29.—"Top Hat" continued its merry pace at near record levels in its second week at the Palace, with Eddie Peabody and a revue on the stage. The $25,500 gross was above the line by $6,500.

"The Big Broadcast of 1935" was also in the money at the Roosevelt, getting $16,000, up by $5,000. Things were pretty dull elsewhere, although "The Dark Angel" held up to $15,500 in its second week at the United Artists.

Total first run business was $124,500. Average is $115,500.

Estimated takings:

Week Ending Sept. 26:

"SHE MARRIED HER BOSS" (Col.)
CHICAGO—(4,000), 35c-50c-68c, 7 days, 2nd week. Stage: Dave Apollon and Revue. **Gross:** $29,500. (Average, $32,000)

"CALM YOURSELF" (M-G-M)
ORIENTAL — (3,490), 25c-40c, 7 days. Stage: Corrine and Mark Fisher Revue. **Gross:** $14,500. (Average, $15,000)

"TOP HAT" (Radio)
PALACE—(2,509), 25c-35c-50c, 3rd week, 7 days. Stage: Eddie Peabody and Revue. **Gross:** $25,500. (Average, $19,000.

"DARK ANGEL" (U.A.)
UNITED ARTISTS—(1,700), 30c-40c-60c, 7 days, 2nd week. **Gross:** $15,500. (Average, $17,000)

"GOOSE AND THE GANDER" (W.B.)
GARRICK — (900), 25c-35c-50c, 7 days. **Gross:** $6,000. (Average, $5,500)

Week Ending Sept. 27:

"REDHEADS ON PARADE" (Fox)
APOLLO—(1,400), 25c-35c-50c, 7 days. **Gross:** $4,000. (Average, $4,500)

"BIG BROADCAST OF 1935" (Para.)
ROOSEVELT—(1,591), 30c-40c-60c, 7 days. **Gross:** $16,000. (Average, $11,000)

"FRONT PAGE WOMAN" (W.B.)
STATE-LAKE — (2,776), 20c-30c-35c, 7 days. Stage: Verne Buck and Vaudeville Revue. **Gross:** $12,000. (Average, $13,000)

Film and Vallee Cleveland Smash

CLEVELAND, Sept. 29.—Although 500,000 people attended the seventh annual Eucharistic Congress during its four-day session and thousands more stayed close to their radios to hear the Louis-Baer fight, local first runs went $18,000 over par.

Rudy Vallee and His Connecticut Yankees on the RKO Palace stage with "The Goose and the Gander" on the screen played to $24,500. This is $9,500 over the $15,000 average.

"Top Hat" closed its second week at Warners' Hippodrome with $4,500 above par, grossing $12,500. It moved into the Allen for a third week.

"Dark Angel" opened big at Loew's State with $13,000, over by $3,000.

Total first run business was $58,700. Average is $40,000.

Estimated take for the week ending Sept. 27:

"THE BLACK ROOM" (Col.)
ALLEN — (3,300), 30c-35c-42c, 7 days. **Gross:** $3,500. (Average, $3,000)

"TOP HAT" (Radio)
WARNER'S HIPPOROME—(3,800), 30c-35c-42c, 2nd week, 7 days. **Gross:** $12,500. (Average, $8,000)

"THE GOOSE AND THE GANDER" (F.N.)
RKO PALACE—(3,100), 30c-42c-60c, 7 days. Stage: Rudy Vallee and his Connecticut Yankees. **Gross:** $24,500. (Average, $15,000)

"DARK ANGEL" (U.A.)
LOEW'S STATE—(3,400), 30c-35c-42c, 7 days. **Gross:** $13,000. (Average, $10,000)

"BONNIE SCOTLAND" (M-G-M)
LOEW'S STILLMAN—(1,900), 25c-35c, 7 days. **Gross:** $5,200, (Average, $4,000)

Code Seals at New Top, 283 In Four Weeks

(*Continued from page 1*)

Code," "Platinum Blonde," "Lady for a Day," "Dirigible," "Ten Cents a Dance," "Africa Speaks," "Flight."
New films: "Heir to Trouble," "Guard That Girl."

(*Shorts*)

"Laughing with J. P. Medbury in Ethiopia," "Screen Snapshots No. 1," "Star Gazing."

FIRST DIVISION

(*Feature*)

"Frontier Justice."

FOX

(*Features*)

Reissues: "Paddy," "Chan's Greatest Case," "My Weakness," "Walls of Gold," "My Lips Betray," "Jimmy and Sally," "Smoky," "Mr. Skitch," "I Am Suzanne," "Frontier Marshal," "I Believed in You," "Three on a Honeymoon," "Bottoms Up," "All Men Are Enemies," "Stand Up and Cheer," "Now I'll Tell," "Zoo in Budapest," "Rough Romance," "The Devil With Women," "Temple Tower," "The Golden West," "Lone Star Ranger," "Too Busy to Work," "Smoke Lightning," "Adorable," "Life in the Raw," "Shanghai Madness," "Society Girl," "Bachelor Affairs," "Skyline," "Lightnin'," "Doctor Bull," "Berkeley Square," "I Was a Spy," "As Husbands Go," "Orient Express," "Sleeper's East," "State Fair," "Pilgrimage," "Carolina."
New films: "Chan in Shanghai," "This is the Life," "Beauty's Daughter," "Music is Magic," "Bad Boy."

(*Shorts*)

"Flicker Fever," "Just Another Murder."

MASCOT

(*Feature*)

"Streamline Express."

M-G-M

(*Features*)

Reissues: "Billy the Kid," "Prizefighter and the Lady," "The Thin Man," "Tarzan and His Mate," "Men in White," "Dancing Lady."
New films: "Here Comes the Band," "Broadway Melody of 1936," "April Blossoms."

(*Shorts*)

"Football Team-work," "Two Hearts in Wax Time," "Gymnastics," "Hot Money."

PARAMOUNT

(*Features*)

Reissues: "The Old-Fashioned Way," "Shoot the Works," "The Great Flirtation," "Many Happy Returns," "Little Miss Marker," "30 Day Princess," "Private Scandal," "Double Door," "The Witching Hour," "We're Not Dressing," "Melody in Spring," "You're Telling Me," "Death Takes a Holiday," "Six of a Kind," "The Last Roundup," "Alice in Wonderland," "Lone Cowboy," "Thundering Herd," "Duck Soup," "Cradle Song," "White Woman," "Hell and High Water," "The Way to Love," "Tillie and Gus," "Too Much Harmony," "Golden Harvest," "To the Last Man," "Torch Singer," "One Sunday Afternoon," "Big Executive," "Three Cornered Moon," "College Humor," "Madame Butterfly," "Movie Crazy," "Night of June 13th," "70,000 Witnesses," "The Miracle Man," "Broken Lullaby," "Shanghai Express," "Touchdown," "Huckleberry Finn," "Skippy," "Morocco," "Tom Sawyer," "The Spoilers," "Grumpy," "The Texan," "Sarah and Son," "Seven Days Leave," "Welcome Danger," "Mysterious Mr. Fu Manchu," "Innocents of Paris," "Ladies of the Big House," "Disgraced," "Rich Man's Folly," "Supernatural," "Under the Tonto Rim," "Mysterious Rider," "Heritage of the Desert," "Wild Horse Mesa," "If I Had a Million," "Sunset Pass."
New films: "Little America," "Annapolis Farewell," "The Last Outpost," "Virginia Judge," "Two Fisted."

(*Short*)

"Spring Night."

R-K-O

(*Features*)

Reissues: "Cross Fire," "Cheyenne Kid," "Chance at Heaven," "Before Dawn," "Spitfire," "Renegades of the West," "Murder on the Blackboard," "The Right to Romance," "Son of Kong," "Long Lost Father," "Little Women," "Let's Try Again," "Keep 'Em Rolling," "If I Were Free," "Man of Two Worlds," "The Lost Patrol," "Midshipman Jack," "The Most Dangerous Game," "Where Sinners Meet," "Strictly Dynamite," "Stingaree," "Tomorrow at Seven," "13 Women," "Man Hunt," "Ghost Valley," "Come on, Danger," "Bring 'Em Back Alive," "Blind Adventures," "Beyond the Rockies," "Wild Cargo," "Lucky Devils," "The Crime Doctor," "One Man's Journey," "Lost Squadron," "Double Harness," "India Speaks," "The Silver Cord," "Morning Glory," "Ace of Aces," "After Tonight," "The Big Brain," "Cockeyed Cavaliers," "Conquerors," "Deluge," "Flaming Gold," "Goidie Gets Along," "Goodbye Love," "Half Naked Truth," "Headline Shooters," "King Kong," "Life of Vergie Winters," "Men of America," "Meanest Gal in Town," "No Marriage Ties," "Professional Sweetheart," "Rafter Romance," "Secrets of the French Police," "Sing and Like It," "Son of the Border," "Success at Any Price," "This Man is Mine," "Two Alone," "We're Rich Again," "Sport Parade," "Bird of Paradise," "Flying Devils," "Strange Justice," "Christopher Strong," "Scarlet River."
New pictures: "Last Days of Pompeii," "Hi Gaucho," "The Three Musketeers," "Freckles."

(*Shorts*)

Reissues: "Wrong Direction," "In the Devil's Doghouse," "In-Laws Are Out," "What Not to Do in Bridge," "Well Cured Ham," "Walking Back Home," "Trailing Along," "A Torch Tango," "Suits to Nuts," "So This is Harris," "Society Cheaters," "Quiet Please," "A Preferred List," "Old Maid's Mistake," "Three Knaves and a Queen," "Transatlantic Bridge Tricks," "Forced Response," "Flirting in the Park," "Rougnecking," "Snug in the Jug," "Strictly Fresh Yeggs," "Undie World," "Odor in the Court," "Beach Masters."
New films: "Tuned Out," "Aladdin from Manhattan."

UNITED ARTISTS

(*Features*)

Reissues: "Around the World in 80 Minutes," "Mr. Robinson Crusoe," "Rain," "Corsair," "Street Scene," "Secrets," "Samarang," "Hallelujah I'm a Bum," "Abraham Lincoln."
New films: "Dark Angel," "Barbary Coast," "Red Salute."

(*Shorts*)

Reissues: New: "Klondike Kid," "The Night Before Christmas."

UNIVERSAL

(*Features*)

"Fighting Youth," "King Solomon of Broadway," "Alone Together," "Stormy."

(*Shorts*)

"The Fox and the Rabbit," Episodes 2 and 3 "Tailspin Tommy" serial.

WARNERS

(*Features*)

"From This Dark Stairway," "Moonlight on the Prairie," "Doctor Socrates," "I Live for Love," "Living Up to Lizzie," "Shipmates Forever."

(*Shorts*)

"A Cartoonist's Nightmare," "Okay Jose," "The Little Dutch Plate."

"Steamboat" Leads Omaha with $8,200

OMAHA, Sept. 29.—"Steamboat 'Round the Bend," on a double bill with "The Gay Deception," was the big money-maker of the week, going to $8,200, up by $700, at the Orpheum.

"The Big Broadcast of 1936" and "The Man Who Reclaimed His Head" also did well at the Omaha. An automobile giveaway boosted business all along the line.

Total first run business was $19,900. Average is $16,500.

Estimated takings:

Week Ending Sept. 25:

"SHE MARRIED HER BOSS" (Col.)
"ATLANTIC ADVENTURE" (Col.)
BRANDEIS—(1,200), 25c-35c-40c, 7 days. **Gross:** $6,500. (Average, $4,000)

"BIG BROADCAST OF 1936" (Para.)
"MAN WHO RECLAIMED HIS HEAD" (Univ.)
OMAHA—(2,200), 25c-40c, 8 days. **Gross:** $5,200. (Average, $5,000)

Week Ending Sept. 26:

"STEAMBOAT 'ROUND THE BEND" (Fox)
"THE GAY DECEPTION" (Fox)
ORPHEUM — (3,000), 25c-40c, 7 days. **Gross:** $8,200. (Average, $7,500)

Operator Appeal Is Set

Argument on an appeal from a recent court decision awarding a former Local 306 operator at the Flatbush, Brooklyn, back salary of approximately $4,000 is scheduled to be heard today in the Appellate Court. Weisman, Quinn, Allen & Spett will represent the Flatbush.

"Angel" Huge Philadelphia Hit, $14,000

PHILADELPHIA, Sept. 29.—"The Dark Angel" took all the bows last week, doubling the Aldine's average with a take of $14,000. Business was brisk and only a reduction in number of shows daily because of the feature's length kept the gross from running higher.

The other bright spot was the second run engagement of "Top Hat" at the Karlton. It got $3,700, enough to hold it there for another week.

The rest of the town was off. The two stage show houses, Earle and Fox, are still in the midst of their musicians' tiff and thus their grosses were held down. The Earle got a fair break with $10,000 for "Special Agent," but the Fox found "Redheads on Parade" weak and yanked it after five days to a total take of $7,500.

Total first run business was $65,300. Average is $69,700.

Estimated takings for the week ending Sept. 26:

"CHINA SEAS" (M-G-M)
ARCADIA—(600), 25c-40c-50c, 8 days, 2nd run. **Gross:** $2,600. (Average, 6 days, $2,400)

"THE DARK ANGEL" (U. A.)
ALDINE—(1,200), 40c-55c-65c, 6 days. **Gross:** $14,000. (Average, $7,000)

"THE GOOSE AND THE GANDER" (F. N.)
BOYD—(2,400), 40c-55c, 6 days. **Gross:** $9,500. (Average, $12,000)

"SPECIAL AGENT" (W. B.)
EARLE—(2,000), 25c-40c-50c, 6 days. **Gross:** $10,000. (Average, $12,000)

"REDHEADS ON PARADE" (Fox)
FOX—(3,000), 40c-55c-65c, 5 days. **Gross:** $7,500. (Average, 6 days, $12,000)

"TOP HAT" (Radio)
KARLTON—(1,000), 25c-35c-40c, 6 days, 2nd run. **Gross:** $3,700. (Average, $3,500)

"SHE MARRIED HER BOSS" (Col.)
KEITH'S—(2,000), 30c-40c-50c, 6 days, 2nd run. **Gross:** $2,900. (Average, $4,000)

"ANNAPOLIS FAREWELL" (Para.)
STANLEY—(3,700), 40c-55c, 6 days. **Gross:** $10,000. (Average, $12,000)

"HARMONY LANE" (Mascot)
STANTON—(1,700), 30c-40c-50c, 6 days. **Gross:** $5,100. (Average, $6,000)

"Hat" Milwaukee's Best in 2nd Week

MILWAUKEE, Sept. 28.—Two days of near 90-degree weather and the Louis-Baer fight were this week's big headaches for exhibitors. Business the night of the fight was reported the worst in many moons. Despite these bugaboos, "Top Hat," in its second and final week at the Warner, was big stuff with an $8,800 take, "Broadway Melody of 1936" running it a close second with an $8,500 gross for eight days.

Estimated takings for the week ending Sept. 27:

"SHE MARRIED HER BOSS" (Col.)
PALACE—(2,800), 25c-40c, 7 days. **Gross:** $4,800. (Average, $5,000)

"PUBLIC OPINION" (Invincible)
RIVERSIDE—(2,300), 15c-20c-25c, 7 days. Stage: Continental Revue. **Gross:** $5,200. (Average, $5,000)

"THE VIRGINIAN" (Para.)
"IF I HAD A MILLION" (Para.)
STRAND—(1,400), 25c-35c, 7 days. **Gross:** $1,200. (Average, $1,250)

"TOP HAT" (Radio)
WARNER—(2,400), 25c-40c, 7 days. **Gross:** $8,800. (Average, $5,000)

"BROADWAY MELODY OF 1936" (M-G-M)
WISCONSIN—(3,200), 25c-35c-55c, 8 days. **Gross:** $8,500. (Average, $8,000)

"Hat" a Riot In Pittsburgh With $24,000

Pittsburgh, Sept. 29. — Repeating its sensational grosses elsewhere, "Top Hat" at the Penn came through with a record-breaking $24,000, almost triple the average take, to give that house its best business in more than a year. As a result, it has been held over for a full second week.

Otherwise, however, trade was mediocre, due to the return of hot weather and the broadcast of the Baer-Louis fight, which, showmen estimate, cost downtown Pittsburgh alone around $10,000.

At the Alvin, "The Farmer Takes A Wife" took $7,200 which was $1,700 above par. The Stanley slipped to its lowest level in more than two months, doing only $16,000 with "Special Agent" and a stage show, while the Warner couldn't collect more than $4,300 with "Jalna" and "Here Comes the Band."

On a roadshow engagement of one week at the Nixon, "The Crusades" never got started and wound up a lame engagement of 11 performances with barely $5,500.

Total first run grosses were $52,050. Average is $37,800.

Estimated takings for the week ending Sept. 29:

"FARMER TAKES A WIFE" (Fox)

ALVIN—(2,000), 25c-40c, 6 days. **Gross:** $7,200. (Average, $5,500)

"MY SONG FOR YOU" (G.B.)

ART CINEMA—(250), 30c-40c, 6 days. **Gross:** $550. (Average, $800)

"THE CRUSADES" (Para.)

NIXON—(2,100), 57c-$1.71, 11 showings. **Gross:** $5,500.

"TOP HAT" (Radio)

PENN—(3,300), 25c-40c, 6 days. **Gross:** $24,000. (Average, $10,000)

"SPECIAL AGENT" (W.B.)

STANLEY — (3,600), 25c-55c, 6 days. Stage: Dave Schooler, June Carr, Mae Questel, Six Lucky Boys, Three Samuels Brothers, Gypsy Nina. **Gross:** $16,000. (Average, $16,500)

"JALNA" (Radio)
"HERE COMES THE BAND" (M-G-M)

WARNER—(2,000), 25c-40c, 6 days. **Gross:** $4,300. (Average, $5,000)

"Karenina" High Draw in Seattle

Seattle, Sept. 29.— "Anna Karenina" was top draw of the week here on a take of $8,500 at the Fifth Avenue. This is $1,500 over normal for the house.

"Top Hat," in its second week at the Orpheum, held up to $7,150, over par by $1,150.

Total first run business was $34,800. Average is $30,000.

Estimated takings for the week ending Sept. 28:

"RETURN OF PETER GRIMM" (Radio)

BLUE MOUSE — (950), 25c-40c-55c, 7 days. **Gross:** $3,600. (Average, $4,000)

"ANNA KARENINA" (M-G-M)

FIFTH AVENUE—(2,500), 25c-40c-55c, 7 days. **Gross:** $8,500. (Average, $7,000)

"SHE MARRIED HER BOSS" (Col.)

LIBERTY—(1,800), 15c-25c-35c-50c, 7 days. **Gross:** $7,900. (Average, $4,000)

"THE GAY DECEPTION" (Fox)

MUSIC BOX—(950), 25c-40c-55c, 7 days. **Gross:** $3,550. (Average, $4,000)

"TOP HAT" (Radio)

ORPHEUM — (2,450), 25c-30c-40c-55c, 7 days, 2nd week. **Gross:** $7,150. (Average, first week, $6,000)

"HERE COMES COOKIE" (Para.)
"JALNA" (Radio)

PARAMOUNT — (3,050), 25c-30c-40c, 7 days. **Gross:** $4,100. (Average, $5,000)

Out Hollywood Way

Hollywood, Sept. 29. — Roy De Ruth to leave for Europe after completing "Thanks a Million," his fourth consecutive picture for M-G-M. . . . Margot Grahame to make her permanent home here. . . . Parents coming over in December. . . . Gertrude Michael, injured in motor accident at San Bernardino, moved to Cedars of Lebanon Hospital for six weeks more of convalescence.

Bing Crosby's next for Paramount to be "Rhythm of the Range," an original by Mervin J. Hauser. . . . Claire Trevor recovering from flu. . . . "Buccaneer" company shooting around her at Twentieth Century-Fox. . . . Harry Sherman engages "stand-in" to hold place for him in Paramount barber shop.

Walter Futter will send Hoot Gibson's company to Sequoia National Park for "Swifty" scenes. . . . Sam Coslow and Esther Muir file marriage intentions with Ventura county clerk. . . . Louise Henry gets new termer at M-G-M.

Bernard Bernbaum joins Mascot publicity department. . . . Eleanor Stewart, winner of M-G-M talent contest in Chicago, here for screen test. . . . Charles Boyer to sail Oct. 19 for Pathe-Natan picture abroad. . . . Kurt Laemmle off to Lowell, Ind., after vacation here. . . . Mrs. J. R. Grainger takes in San Diego fair and Pomono fair.

Elsie Wilkins, secretary of Screen Writers' Guild, leaves in November to visit parents in Australia.

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Casting—Raphael Storm goes into "Stars Over Broadway," Yola D'Avril to "Captain Blood" and Otis Harland to "Prairie Schooners" at Warners. . . . Five former child stars in M-G-M's "Ah, Wilderness"—"Baby" Peggy Montgomery, now 18; Mickey Bennett, Dick Winslow, Nancy Price and Buddy Messenger. . . . Simone Simon opposite Wallace Beery in "A Message from Garcia," Twentieth Century-Fox. . . . Georgia Coleman, Olympic swimmer, is a swimming coach in Paramount's "Collegiate."

William Duncan, former silent star, in "Nevada," Zane Grey story for Paramount. . . . Reginald Owen added to "The Great Ziegfeld," M-G-M. . . . Alan Hale and Tony Martin cast in "It Happened in Hollywood," Radio. . . . Eddie Gribbon, Robert Frazer and Frank Glendon signed for "Fighting Marines," Mascot.

✚

Directors—Sidney Lanfield replaces Irving Cummings as director of "King of Burlesque," Twentieth Century-Fox. . . . Cummings ill. . . . Charles Vidor to direct "Green Shadows," Radio.

✚

Writers — Curtis Kenyon and David Hempstead signed by Twentieth Century-Fox. . . . Working on stories for Kenneth McGowan. . . . Rollo Lloyd and Leigh Smith signed by Mascot for "Thrill of the Century" script. . . . Milton Krems to do "The Life of Beethoven" for Warners. . . . Richard McCauley checks in at Paramount for "Money from Home." . . . Sig Herzig completes job at Paramount. . . . Howard Estabrook on "Kim" at M-G-M.

✚

Title Changes—"Wings Over Ethiopia," instead of "Ethiopia Speaks," to be final title of Paramount feature. . . . "Navy Wife" picked as release title of Twentieth Century-Fox's "Beauty's Daughter."

✚

Story Buy—"Love on a Bet, an original by Kenneth Earl, bought by Radio for Gene Rarmond.

Jersey Allied Picks Newton for Meeting

Holding to the new schedule of monthly meetings at different New Jersey locations, the next Allied of New Jersey regular session will be held in Newton on Oct. 24. Newton is the stamping ground of Sidney Samuelson, president of both the local and national Allied organizations. He operates the Newton, Newton, and lives there.

Topics for this session will be set within a week or so, according to Samuelson, who during last week conferred briefly with several national leaders.

Duffy Buys "Autumn"

Hollywood, Sept. 29.—Henry Duffy Twentieth Century-Fox producer, has purchased stage and American stage and film rights to "Autumn," Margaret Kennedy play now rehearsing in London from Gregory Ratoff. He will produce it locally with Hollywood players and later take the troupe to New York for an engagement there.

Danubia Closes Deal

Danubia Pictures has been named eastern booking agent for Europa Film Co. of Cleveland.

Missouri Moves on For 10% Ticket Tax

St. Louis, Sept. 29.—Disturbing reports are in circulation here to the effect that merchants and business men generally are backing a movement for repeal of the sales tax and the substitution of a 10 per cent "luxury" tax. Among the so-called luxuries they are aiming at are theatre admissions.

The move, it is claimed, is to take the form of political pressure upon Gov. Guy B. Park to call a special session of the legislature.

Fred Wehrenberg, head of the M. P. T. O. unit, led a movement at the last session to defeat such a tax and is watching present developments.

Wehrenberg Protests

St. Louis, Sept. 29. — Two free shows aided by Local 143 of the operators' union at the Merry Widow in honor of the signing of a union pact after several years of controversy have drawn a protest from Fred Wehrenberg, head of the M. P. T. O. of St. Louis, eastern Missouri and southern Illinois.

Thompson to Canton

Canton, O., Sept. 29. — Larry Thompson has been made manager of Loew's here. He replaced Ken Reid.

"Broadcast" Sensational Denver Draw

Denver, Sept. 29. — "The Big Broadcast" got off to a terrific start at the Denham with a take of $9,000, which was $5,000 over par. It was held.

"Dark Angel" was still breezing along in a big way in its second week at the Aladdin, grossing $3,500, over a first week par by $1,500. It was held for a third week.

"The Irish in Us" was in the sensation class on a take of $8,000, above the line by $3,000, and it may get an extended run at the Broadway.

Total first run business was $28,700. Average is $19,500.

Estimated takings for the week ending Sept. 26:

"DARK ANGEL" (U.A.)

ALADDIN — (1,500), 25c-35c-50c-60c, 7 days, 2nd week. **Gross:** $3,500. (Average, $2,000)

"STEAMBOAT 'ROUND THE BEND" (Fox)

BROADWAY—(1,500), 25c-40c, 4 days, following a week at both the Denver and Broadway. Cut short because house being used for "Three Men on a Horse," legit roadshow. **Gross:** $1,200. (Average for week, $1,000)

"THE BIG BROADCAST" (Para.)

DENHAM—(1,500), 25c-35c-40c, 7 days. **Gross:** $9,000. (Average, $4,000)

"THE IRISH IN US" (F.N.)

DENVER—(2,500), 25c-35c-50c, 7 days. **Gross:** $8,000. (Average, $5,000)

"ANNA KARENINA" (M-G-M)

ORPHEUM—(2,600), 25c-35c-40c, 7 days, last part of 10 days. **Gross:** $5,000. (Average, $5,000)

"THUNDER IN THE NIGHT" (Fox)

PARAMOUNT—(2,000), 25c-40c, 7 days. **Gross:** $2,000. (Average, $2,500)

"Lights," "Shot" Lead Providence

Providence,. Sept. 29. — "Bright Lights" and "The Little Big Shot," on a dual at the Majestic, were the only attractions able to make a showing here last week. They went over par by a bare $100 on a take of $7,100.

Even "The Dark Angel," with vaudeville, at Loew's State failed to make the grade. "Two for Tonight" and "Make a Million" came within $100 of normal on a take of $6,900.

Total first run business was $38,550. Average is $40,500.

Estimated takings for the week ending Sept. 26:

"BRIGHT LIGHTS" (F.N.)
"THE LITTLE BIG SHOT" (F.N.)

MAJESTIC — (2,400), 15c-40c, 7 days. **Gross:** $7,100. (Average, $7,000)

"TWO FOR TONIGHT" (Para.)
"MAKE A MILLION" (Monogram)

STRAND—(2,300), 15c-40c, 7 days. **Gross:** $6,900. (Average, $7,000)

"RETURN OF PETER GRIMM" (Radio)
"STORM OVER THE ANDES" (Univ.)

RKO ALBEE—(2,300), 15c-40c, 7 days. **Gross:** $5,200. (Average, $7,000)

"THE GAY DECEPTION" (Univ.)

FAYS—(1,600), 15c-40c, 7 days. **Gross:** $6,900. (Average, $7,000)

"THE DARK ANGEL" (U.A.)

LOEW'S STATE — (3,800), 15c-40c, 7 days. Vaudeville. **Gross:** $11,700. (Average, $12,000)

"TRIUMPH OF SHERLOCK HOLMES" (G.B.)
"SMOKY SMITH" (Supreme)

RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $850. (Average ,$1,000)

Hunnia Opens Oct. 5

Hunnia Playhouse, 81st St. and Third Ave. will open Oct. 5 with Hungarian films. The first will be "Csunya Lany" (Plain Girl).

Changes Continuing Among N. E. Houses

Boston, Sept. 29. — New England theatre changes continue with no letup.

J. Rabinowitz has taken the Empire, West Springfield, formerly held by A. Porcheron; Walter Mills has closed the Majestic, Brownsville Jct., Me.; the Acme at Belgrade Lakes, Me., also has been closed, as has the Casino, Brackwood, Me.; J. Thayer has shuttered the Opera House, Hillsboro, N. H.

The Interstate Circuit has taken over the Star, St. Johnsbury, Vt. The Bates Block Ass'n has taken over the Bates at Attleboro, Mass., and has put Thomas Ware in charge.

Fisher Hall, in Fisherville, formerly run by M. A. Fisher, has been taken over and opened by M. Lerner. The Bijou in Uxbridge has been reopened by Mrs. L. J. Coriaty after nearly 10 weeks of darkness.

The Star, Waldoboro, Me., formerly operated by Robert Andrews, has been opened by C. A. Cray. Keith's, Portland, former RKO house, now a part of the F. E. Lieberman circuit, is again a first run. It is managed by Sam Richmond, formerly with the Hub Film Exchange here.

The Peary, a 700-seater on Presque Island, Me., has been opened by J. Bridham. The Pastime, Marlboro, formerly controlled by W. Preston, has been taken over by George Husson. Spitz and Romano are no longer operating the Empire at Block Island, R. I.

Abbott Hall in Forge Village is being operated by the Abbott Worsted Mills after a period of darkness. The Music Hall, Pawtucket, R. I., has been lighted by E. M. Loew. New film houses are in the wind for Watch Hill, R. I., and for Harrison, Me.

Omaha Time Reopened

Omaha, Sept. 29.—Morris Segal has opened the Time, known here many years as the Magic until it was closed late last spring. It is Omaha's only 10-cent downtown house, and has only one other second run competitor downtown, the Town, which has a 15-cent top. Segal has installed new sound and projection equipment and has dropped his former burlesque policy week-ends in favor of double features.

Three Install New Sound

Kansas City, Sept. 29.—The Columbia, operated by Mrs. Stella Kopulas; the Royal, operated by H. S. Moulton and Jack Christine at Sabetha, Kan., and the Osceola, operated by A. A. Lacey at Osceola, Mo., have installed new RCA high fidelity sound.

The Osceola has been dark some time. Lacey, who remodeled it before reopening, also operates the Community at Humansville, Mo.

To Remodel at Casey, Ill.

Casey, Ill., Sept. 29.—A contract to alterations and additions to the New Lyric here has been awarded to McGinness & Maxwell, local general contractors, and the work will get under way immediately. The theatre is owned by P. F. and M. O. Musser.

Atlanta Rialto Reopens

Atlanta, Sept. 29.—The Rialto has reopened after a thorough job of renovation which included a new lobby and installation of a modernistic decorative scheme.

Throttle Pushing

MOTION PICTURE DAILY

by H.E.N.

EN ROUTE TO N. W.

We made a little side trip over to Vale, Ore., and routed Tom ("Mac") McElroy out of bed. These Oregon exhibitors believe in sleeping late. Mac, who is a genial soul, came out to the trailer in his pajamas and dressing gown and we had a real visit along with Mrs. McElroy. New lamp houses and Wide Range sound will be installed at once in the Rex.

A $10,000 job is being rapidly completed on remodeling of the old Emma, Payette, Ida., owned by W. J. Hughes and under the management of young Raymond Hughes. This house will open soon under a new name and seating 400. The Ritz will continue as the A house. Howard Gordon, operating the Star, Weiser, Ida., has completed and made his theatre one of the most modern in Southwest Idaho. Skipper and the missus entertained us on a very hot afternoon in the cool garden at their home. The Star has one of the most up-to-date marquees we have seen, for a small town.

James E. Hancock has leased the Peoples, Council, Ida., from the Gordon interests of Boise and Weiser. He is also operating Iowa Hall, Midvale; Cambridge, Cambridge, and Lafays, New Meadows, and will remodel the Peoples this fall.

Fishermen who would like whitefish, may obtain some by making a trip at this time to Payette Lakes where John A. Howell, who operates the McCall at McCall, Ida., can show you how to get them. This popular summer resort is enjoying a great crop of tourists and the McCall is running six days a week. A permanent CCC Camp of 200 has been recently installed. Theatre business is good, according to Howell.

We completed our trip up Highway 95 through Western Idaho by crawling over Whitebird summit, via a five per cent grade, some 15 miles long, and dropped down into Cottonwood where we met Ben Lightfield who runs the Orpheum there. Ben is letting the Orpheum run itself these days as he is a large buyer of cattle, sheep and hogs. While the Orpheum only operates two days a week, they are enjoying a good patronage and things are looking up in the Camas Prairie section this year.

Open at Middletown

Middletown, O., Sept. 29.—Southio Theatres, Inc., operating the Paramount here, has reopened the Strand, idle for several months. The house, which has been redecorated, will operate evenings only, with full days on Saturdays and Sundays. Admission is 15 cents, with children 10 cents at all times. Stage shows will be played from time to time at increased admissions.

Milton H. Kress is manager.

Ottawa Imperial to Open

Toronto, Sept. 29.—Famous Players Canadian Corp. will soon reopen the Imperial with a first run policy, the house having been redecorated and improved throughout. Angelo Stevens, formerly with the company at Kingston, Ont., has been appointed manager. All theatres in Ottawa are once more in operation.

Leases Clinton Capitol

Terre Haute, Ind., Sept. 29. — Mrs. Christina Burnett, owner and manager of the Fountain, has leased the Capitol at Clinton and will open there soon. Mrs. Burnett has entered partnership with Carl Jefferies of Clinton.

The Capitol was vacated last week when the Scherer Brothers Theatres Co. lease expired.

Conditioning for French Lick

French Lick, Ind., Sept. 29.—The Dream here, operated by the French Lick and Scottsburg Amusement Co., has completed the installation of a new air conditioning system.

Newton to Get New House

Newton, N. C., Sept. 29.—G. G. Mitchell, manager of the Imperial, plans a modern theatre here. It will be of Spanish design to seat 600, and will have a stage.

Beloit to Get New House

Beloit, Wis., Sept. 29.—Work will be started within a week on a new $100,000 theatre to be operated jointly by T. M. Ellis, owner of the Majestic, and C. J. Goetz, owner of the Rex here. The new house will seat approximately 800 and will be ready about Feb. 1.

The Majestic and Rex will continue to operate under separate ownership, the partnership affecting only the new house.

Tri-States Adds Another

Des Moines, Sept. 29.—The new Uptown, built by Harry Wallace, has been taken over by Tri-States Theatres Corp. and will be operated as a suburban, second run opening Oct. 15. The building is now nearing completion. Henry Workman, assistant manager of the Des Moines, will manage the new house.

Open Capitol at Lowell

Lowell, Sept. 29.—The Capitol has been opened by Michael Daly, Conecticut exhibitor. The house, which contains about 1,000 seats, was formerly operated together with the Victory by the Frederick E. Lieberman circuit. The Victory remains dark. The Rialto, recently acquired by E. M. Loew, has new sound equipment.

Take Seneca Falls Spot

Rochester, Sept. 29.—The Strand at Seneca Falls has been acquired by the Schine interests of Gloversville from Harry Bernstein of Ithaca. Leon S. Shafer of Rochester has been named manager to succeed Elda Van Vost.

To Build at Kannapolis

Kannapolis, N. C., Sept. 29.—A new theatre will be constructed here in the near future by J. T. Fesperman. Plans are now in the hands of the architect and work will begin in time to have the building ready for Jan. 1.

Fox Rocky Mountain Acquires New Name

Wilmington, Sept. 29. — Inter-Mountain Theatres, Inc., new unit resulting from the reorganization of Fox Rocky Mountain Theatres, has been chartered at Dover by Samuel C. Wood, Brooklyn; Charles N. Caldwell, Jr., Nutley, N. J., and David H. Jackman, Jersey City.

Fox Inter-Mountain Theatres Corp., has changed its name to Fox Mid-Central Corp., New York.

Two to Open in Missouri

Kansas City, Sept. 29.—The Plaza, Homer Strowig's new house at Junction City, will open the first week in October.

The Beldorf, William Wagner's rebuilt house at Independence, Kan., is scheduled for early opening.

Ed Rowland, who operates a house at Texhoma, Okla., has taken over the Doric at Elkhart, Kan.

To Build at Saginaw

Detroit, Sept. 29.—W. A. Cassidy, operator of the Dreamland, Midland, will start work immediately upon the construction of a new 1,000-seat house on Genesee Ave., the main thoroughfare of Saginaw. It will be named the Dreamland and will be modern in every respect.

Schanberger Opens Hall

Baltimore, Sept. 29.—J. Lawrence Schanberger, manager of Keith's, has opened his Jardin de Dance atop the theatre. It is newly redecorated. Bill Allsbrook and his Carolina Club Orchestra will furnish the music this season.

Open Two in Midwest

Kansas City,. Sept. 29.—D. J. Spencer has reopened the Jayhawk at Lawrence, Kan., following redecoration and remodeling.

The Casino has been reopened at Excelsior Springs, Mo., by J. M. Beckett, formerly of Wichita.

Thalhimer to Build

Falls Church, Va., Sept. 29.—Morton G. Thalhimer, president of the Virginia M. P. T. O. unit, has plans for a new $50,000 theatre here. He hopes to have it completed by Christmas.

Missouri Firm Incorporated

St. Louis, Sept. 29.—The Silcut Amusement Co. has been incorporated with a $2,000 capital. The incorporators are Michael Cutter, Charles E. Downs and Morris Silbergeld.

Redecorate in Atlanta

Atlanta,. Sept. 29.—Redecoration is underway at the Rialto, with modernism supplanting the older motif. The lobby is being done over also.

Frisco Coliseum Opens

San Francisco, Sept. 29. — The Coliseum, which was closed by fire several months ago, has reopened. It has been remodeled at a cost of $30,000. Ben Levin is house manager.

Dover, O., Nugent Opens

Dover, O., Sept. 29.—The Nugent long dark, has been reopened on a double feature policy after renovation.

Carrolton, N. O., to Open

New Orleans, Sept. 29.—The Carrolton, owned by United Theatres, will open next week.

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